

OFFICIAL STATUS FOR GAELIC: PROSPECTS AND PROBLEMS

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As part of the Gaelic renaissance of recent years, there have been increasing demands to provide the Gaelic language with some form of official status to recognise and further its rôle in Scottish national life. At present, Gaelic enjoys no such status, and its rôle in law and government is minimal, as it has been for centuries. Today, however, the growing influence of Gaelic organisations, along with the relative good-will of government, suggest that Gaelic may shortly come to achieve some measure of official status within Scotland.

This article reviews the background and present limitations of Gaelic's formal status, and consider the prospects and problems relating to possible reform. Particular emphasis is placed upon the complexities and difficulties accompanying a possible expansion of the rôle of Gaelic within the Scottish legal system.

Responding to increased concern within the Gaelic community about the vulnerability of governmental provision for Gaelic in the prevailing climate of austerity, the Gaelic development authority Comunn na Gàidhlig (CnaG) has recently proposed that Gaelic be given 'secure status', a position of 'equal validity' to that of Welsh, which has enjoyed statutory recognition since 1967. The details of this proposed status would be developed by a quasi-official body akin to the Welsh Language Board established by the Welsh Language Act 1993, and that Act would serve as a model for Gaelic legislation (**Securing the Future for Gaelic** (1997), pp.1-3).

The new Labour government appears broadly supportive of the principle of official status for Gaelic, and has taken the important step of appointing the

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first-ever Minister for Gaelic, Brian Wilson. Crucial details remain to be resolved, however, and in the broader context Gaelic is probably not seen as an especially high priority. Other Scottish parties maintain a similar attitude of supportive indifference: the Scottish National Party has long been committed to granting Gaelic equal status with English 'so that either [language] could be used in dealing with the State and its public services anywhere in Scotland', while the Scottish Liberal Democrats would ensure that Gaelic and English are 'treated on a basis of equality, so far as is both appropriate and practicable'. In contrast, the Tories have resolutely opposed proposals of this kind, in government and in opposition.

Although the time appears propitious for Gaelic in many ways, the contemporary position of the language cannot be separated from its history. As Charles Withers warned in his landmark history of the geographical decline of Gaelic in Scotland, 'Gaelic's minor role in public life is the result of a longstanding separation between the language and "authority" - political control, cultural prestige, [and] social status', and 'the restoration of Gaelic to a respected position as one of Scotland's languages must contend with centuries of alienation in education and public life, linguistic retreat, economic decline and lack of social status' (Withers 1984, pp.241, 251).

THE SIGNIFICANCE OF OFFICIAL STATUS

'Official status' represents a general rather than a specific concept: a language may be recognised by a government in many different ways, with some of those ways being much less meaningful and significant than others. Granting official status may impose concrete obligations upon government and private actors, and give rise to major changes in the language's public rôle; or it may involve nothing more than a mere verbal declaration by government, unaccompanied by any binding financial or legal commitments. Such non-binding declarations, in turn, may be a useful stepping-stone to more important changes or simply a 'cruel hoax played out by government agents for crassly utilitarian reasons' (Ruiz 1990, p.16). Needless to say, substituting the neologistic term 'secure status' for the more familiar 'official status' does nothing to obviate these difficulties.

In the Gaelic context, discussion and debate about official status are only beginning to move beyond generalities. Official status tends to be presented as some sort of magic wand rather than a specific political proposal that requires both short-term tactics and a long-term strategy. Hard, political choices remain to be made about what kind of official status would be

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realistic, appropriate and useful for Gaelic, and those choices need to be translated into concrete and highly detailed proposals. At the same time, there is a real risk that poorly thought out or ill focused efforts might fail, or merely produce a token or unhelpful reform.

One authoritative definition of 'official language' is given in the United Nations' 1981 **Study of the Problem of Discrimination Against Indigenous Populations**: 'a language used in the business of government (legislative, executive, administrative and judicial) and in the performance of the various other functions of the state' (Zall and Stein 1990, p.262). This definition emphasises the use of the language by government itself, as a working medium for its internal operation; the right of citizens to use the language in dealings with government might also be taken into account.

The most important, yet most intangible, aspect of granting official status to a language is its rôle in increasing the stature and prestige of that language, and in 'creat[ing] a culture of bilingualism within society and the state structures' (Morgan interview 1996). Other formerly marginalised languages that have now achieved official status are like Gaelic in having been traditionally excluded from corridors of power, with the language and its speakers denigrated in various ways, so that their new status in relation to the state represents a powerful declaration of changed fortunes and new-found respect.

In Wales, where the Welsh language has achieved equal validity with English by virtue of the Welsh Language Acts of 1967 (1967 c.66) and 1993 (1993 c.38), the use of Welsh in legislation and regulations, on a wide variety of official forms, licences and certificates, and in the nation's courtrooms, has been an important 'image-builder' for the language. 'The mere fact of being seen to be used in contexts where it was previously excluded [can] increase the esteem in which [a] language is held' (Bentahali and Davies 1993, pp.355-74, 367).

Additionally, granting official status to a previously excluded minority language often has the political dimension of granting recognition to a previously excluded minority group. Dòmhnall Iain MacLeòid has argued along these lines:

nam biodh cùirtean, polasmain agus gach meur de'n Riaghaltas a'
cleachdadh na Gàidhlig, bhiodh Gàidheil na bu deiseile gabhail riutha
chan ann mar rud coimheach a bha air a sparradh orra o muigh ach mar
rud a bhuineadh dhaibh.

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[if courts, policemen and every branch of government used Gaelic, Gaels would be more ready to take to them not as something alien thrust upon them from outside but as something that belonged to them.]

(MacLeòid 1976, pp.12-27, 14)

Although this argument is not entirely lacking in force, this aspect is more significant in other linguistic contexts where, unlike Gaelic in Scotland, there remains a significant population of minority-language monoglots, or there is a clear ethnic distinction between the minority-language and majority-language populations.

At a more practical level, a grant of official status may also provide legal guarantees and preclude hostile government action against the use of the language. In the Gaelic context, legislation could impose meaningful constraints on government policy toward Gaelic, for example in the realm of education, where Gaelic provision is often incomplete and unsteady. Providing concrete legal guarantees of Gaelic's position would correct the situation described by Aonghas Pàdraig Caimbeul:

On nach eil stàtus laghail aig ar cànan, tha sin a' ciallachadh gu bheil gach sgillinn taic a tha sinn a' faighinn bhon riaghaltas fo sgiath rùn, no mi-rùn, mòr nan Gall. Ma tha an sporan làn, 's ma tha iad a' faireachdainn bàigheil dhuinn, bheir iad dhuinn sgillin[n] no dhà; ma tha an sporan a' fàs gann, 's ma tha iad a' faireachdainn ann an droch shùnd, thèid gach taic a ghearradh air ais.

[Since our language does not have legal status, that means that every penny of support that we get from the government depends on the great goodwill, or ill-will, of the non-Gaels. If the purse is full, and they feel kindly toward us, they'll give us a penny or two; if the purse is getting empty, and they feel in a bad humour, all the support will be cut back.]
(Caimbeul 1996, p.1)

As discussed below, however, Gaelic could very well be granted a form of 'official status' that did not actually constrain the discretionary power of government, and seeking a more binding form of recognition would give rise to a number of difficult problems.

Unquestionably, there are dangers in placing excessive emphasis on Gaelic's rôle in law and government rather than the day-to-day life of Gaelic-speaking communities, and it is arguable that the question of official status for Gaelic has been attracting disproportionate attention and energy of late. Prominent

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linguist Joshua Fishman has criticised the Gaelic movement in Scotland for its 'well nigh complete reliance on the school and other higher order "props" - mechanisms that do not focus directly on 'the re-establishment of young families of child-bearing age in which [Gaelic] is the normal medium ... of communication and/or other culturally appropriate home, family, neighborhood and community intergenerational vernacular activity' (Fishman 1991, pp.380, 91). Any campaign seeking official status for Gaelic must keep this fundamental goal in mind.

BACKGROUND: THE CURRENT POSITION OF GAELIC

At present Gaelic enjoys no official status in the United Kingdom or even within Scotland. There is no Act of Parliament conveying such status to the language, as with Welsh; nor, given Britain's lack of a written constitution, is there any kind of constitutional protection, such as Irish enjoys in the Irish Republic. Today the universal language of law and government in Scotland is Standard English, which slowly won dominance over Scots, which had itself supplanted Gaelic, French and Latin during the Middle Ages.

Significantly, the dominant position of English is the result of long-standing custom rather than official provision; no language in Scotland (or indeed in any part of the U.K. other than Wales) enjoys official recognition at this time. Because the position is dictated by custom rather than express provision, the Government is accurate, if disingenuous, in its long-standing position that '[t]here are in fact no explicit statutory limitations on the use in official or legal matters of the Gaelic language which already enjoys equal validity with English' (MacKinnon 1991, p.113).

Gaelic is recognized as a language only in an obscure provision of immigration law and in two specialised statutes pertaining directly to the Gaidhealtachd. Schedule 1 to the British Nationality Act 1981 (1981 c.61, Schedule 1, s.1-(1)(c)) enumerates among the requirements for naturalisation as a British citizen that the applicant 'has a sufficient knowledge of the English, Welsh or Scottish Gaelic language'. The practical significance of this provision is now very limited in that there are few, if any, non-U.K. nationals able to speak Gaelic but unable to speak English.

The landmark Crofters Holdings (Scotland) Act 1886 (49 and 50 Vict. c.29.), enacted as part of a reformist strategy to quell land unrest in the Highlands and Islands, required that at least one of the four members of the Crofters Commission should be a Gaelic speaker, a provision that remains in effect in the present successor statute, the Crofters (Scotland) Act 1993 (1993 c.44,

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s.3(3)). To similar effect is the Scottish Land Court Act 1993 (1993 c.45, s.1(5)), requiring a Gaelic-speaking member on the seven-member Land Court, which deals with crofting land disputes in the Highlands and Islands as part of its national remit.

Gaelic being nearly universal in the crofting communities at the time of the 1886 Act, this membership provision was intended to make the Crofters Commission seem more accessible and legitimate. The legislation did not specify that Gaelic could be used by litigants, although this was '[t]he clear implication' (Evans 1982, p.286), or in the actual operation of the commission. 'Originally many cases were conducted entirely in Gaelic' (**Stair Memorial Encyclopedia** 1988: Vol. VI, p.454) but because of the drastic decline in the number of Gaelic speakers over the last century, Gaelic now has almost no rôle even though its use is still permitted. Similarly, the Land Court does not 'use ... or encourage the use of the language in normal communication' (**Cor na Gàidhlig** 1982, p.27).

The general position of Gaelic in the law courts of Scotland is considerably less favourable. Under existing law, set forth in the 1982 decision in *Taylor v. Haughney*, litigants in Scottish courts have no right to testify or present their case in Gaelic unless they are unable to use English. This rule accords Gaelic no special position based upon its past and present rôle in Scottish life; Gaelic is simply treated in the same manner as other 'foreign' languages.

Taylor arose from the prosecution of Iain Taylor, then director of the Gaelic college Sabhal Mòr Ostaig, for defacing English-only road signs on Skye. At his trial in Portree Sheriff Court, Taylor moved the court to have the trial conducted in Gaelic, but the request was denied in light of his ability to use English. Taylor then took an appeal to the Court of Justiciary, which rejected his position, relying on that court's 1841 Alexander McRae decision, which had held it improper to allow a witness to testify in Gaelic, through an interpreter, when the witness could speak English 'with perfect distinctness'.

Although Taylor's terms were unambiguous and harsh, the decision simply ratified existing practice in the Highlands and Islands, whereby permission to testify in Gaelic was essentially a matter for individual judges' discretion. This discretion has sometimes been used to disallow Gaelic testimony; and the courts' often unwelcoming attitude has discouraged requests to use Gaelic, even from people who would probably be better served using the language of their choice (MacLeòid 1976, p.18).

In contrast, a limited degree of official status does exist at local government level. Comhairle nan Eilean, the Western Isles Council, initiated a bilingual

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policy in 1975 (still in effect following local government reorganisation), which provides 'that the Western Isles should be a fundamentally bilingual community in which Gaelic and English are used concurrently as the languages of communication so that the people of the area can have the choice of language in as many situations as possible'. Consequently, many Comhairle meetings are conducted in Gaelic, with simultaneous translation facilities available, although at most lower levels of Comhairle operation English remains the predominant working language and bilingualism is not asserted with particular vigour (Galloway 1995, pp.194-95).

THE STEWART BILL

Sporadic efforts to improve the official position of Gaelic have been made throughout this century, but the issue has only reached Parliament once, on 13 February 1981, when the House of Commons considered the Gaelic (Miscellaneous Provisions) Bill, a private member's bill introduced by the late Donald Stewart, then SNP MP for the Western Isles. This bill, which would have, among other things, authorised the use of Gaelic in legal proceedings and the provision of official forms in Gaelic, died an early death as a result of delaying tactics by Conservative MPs who used the debate to preclude an unrelated measure from coming to a vote (MacKinnon 1991, p.111). There have been no subsequent attempts to introduce legislation in this area. The fate of the Stewart bill deserves close scrutiny not only because of its importance in the unfortunately short history of Gaelic's legal status, but also because the debate revealed major barriers that continue to stand in the way of an improved legal position for Gaelic.

Three strands of argument dominated the brief but acrimonious parliamentary debate, which was marred by an extraordinary series of hostile attacks and offensive, patronising remarks. First, there were declarations of raw prejudice against Gaelic and Gaelic speakers, like that of Martin J. O'Neill, Labour member for Clackmannan and East Stirlingshire, who mused about possible difficulties from 'a drunken Highlander appearing in court on a Monday morning claiming the right to give evidence in Gaelic'.

Second, there were sceptical, utilitarian queries about the need to expand Gaelic's rôle given its weak demographic position, and stereotypical comments presenting Gaelic as a language unsuited to the practicalities of the modern world, a living fossil to be reserved for songs, poetry, and other forms of 'cultural' expression. Ian Sproat (Conservative, Aberdeen South) suggested that once Gaelic achieved official status the government would be

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required to print 'income tax forms for Cornwall . . . in bilingual Cornish [sic]', while Labour's George Robertson (MP for Hamilton and now Minister for Defence), though voting for the bill, argued that a knowledge of Esperanto would be more useful than a knowledge of Gaelic.

This problem of demographics continues to resonate at a broader U.K. level. It provides a source of amusement for those to whom Gaelic is distant and irrelevant, like London MP Harry Greenway, who proposed in a 1993 debate on Gaelic broadcasting that the Government should establish 'a separate television channel for cockneys' given that there were 'several million cockney speakers', far more than the depleted Gaels. Although Greenway evidently did not intend his proposal to be taken seriously, the larger question of minority language provision is a matter of significant concern in Westminster, confronted with increasing concentrations of linguistic minority communities (principally Asian) in the larger English cities, populations whose linguistic rights and needs the Government has so far not been generous in recognising.

Third, and perhaps most important, there were challenges to Gaelic's past and future significance in the life of Scotland as a whole, rather than merely the Gaidhealtachd. Alexander Fletcher (Conservative, Edinburgh Central) adapted the 'West Lothian Question' on devolution and posed the 'East Lothian Question' (so named because at the 1981 census East Lothian had the lowest proportion of Gaelic speakers in its population): 'how far we should go in providing a formal position for Gaelic in those areas where there is no [sic] indigenous Gaelic linguistic or cultural tradition'. In raising this issue, Fletcher and others went so far as to warn of Gaelic cultural irredentism. Fletcher argued, for example, that it would 'build up resentment' if a provision making Gaelic court interpreters available were to be applied throughout Scotland, while Ian Sproat declared that the bill was 'a first step towards the foisting of Gaelic on people in Scotland who do not want it foisted upon them'.

THE HIGHLAND LINE AND THE QUESTION OF SCOTS

The East Lothian Question remains a critical problem for proponents of official status for Gaelic, who must wrestle with the nature of Gaelic's rôle in Scotland - whether it is the true national language, whether it is a *national* language at all. Official status, or different forms thereof, could be granted throughout Scotland (now only 1.35% Gaelic-speaking according to the 1991 census), only in the historic Gaidhealtachd (much, indeed most, of it now

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under 5% Gaelic-speaking), or only in the present-day 'Gaelic-speaking areas', whose delineation would be difficult. A critical problem with limiting official status for Gaelic to Highland or Island areas, however, is the extent of the Gaelic diaspora. According to the 1991 census 'under half of all Gaelic speakers (45.7%) lived in the residual Gaelic area of the Hebrides and Highland West Coast parishes' (MacKinnon 1995, p.3), and indeed most of this non-heartland majority resided in the Central Belt. Thus, a form of official status that failed to extend throughout Scotland would exclude the majority of Gaelic speakers.

This problem has dogged proponents of official status for some time. For example, the SNP during the 1970s shifted from proposing an expansion of Gaelic's rôle in 'Gaelic areas' to a broader policy covering the whole of Scotland (Thomson 1990, p.16), but in 1976 Dòmhnall Iain MacLeòid proposed dividing Scotland into a South Region and a North Region (itself to be sub-divided into a 'làn [full]-Ghaidhealtachd' in the Outer Hebrides and a 'leth [half]-Ghaidhealtachd' in Argyll and the former Highland Region), with different degrees of official Gaelic use in the different areas (MacLeòid 1976, p.14). Presumably Gaelic's rôle in any South Region, which would probably contain upwards of 90% of Scotland's population, would be minimal.

Although attitudes have softened over time, and Gaelic has been increasingly viewed as an important element of Scottish national identity, there remains a degree of alienation from, if not outright hostility to, Gaelic in Scotland, both Lowland and Highland. Certainly, as John Galloway warns, 'the notion that Gaelic/English bilingualism might have a place in the mainstream domains of Scottish public life has yet to gain full acceptance' (Galloway 1995, p.16). It would be safe to predict very real opposition to efforts to provide official status to Gaelic, especially if such status were to have a visible impact on Lowland areas. According to Derick Thomson, Gaelic 'is treated with respect by a significant proportion of Scottish people, although there is another section of the population that prefers to offer jibes' (Thomson 1994, p.229). John MacInnes has noted that 'there is still a deep reluctance in certain quarters ... to acknowledge that Gaelic has any historical connection with Scotland south of the Highland Line' (MacInnes 1982, p.128).

In contrast to Ireland, and especially to Wales, where the indigenous Celtic languages have been linchpins of national identity, Gaelic has not played an important rôle in Scottish nationalist politics. As Máire Ní Annracháin points out, this is 'because Scots, and not Gaelic, has come to be so widely accepted as the Scottish national alternative to English' (Ní Annracháin 1991, p.44).

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Gaelic has been at the fringe of political life, and Gaelic groups have tended to devote their energies to matters other than politics.

An additional, highly delicate problem in this area involves the relationship of an expanded rôle for Gaelic in the Scottish legal system with a similar expansion for the Scots 'language', a proposal with a large and vigorous constituency. Lowland Scots tend to have much stronger feelings about Scots, which is perceived as something of their own, than about Gaelic, which is often perceived as being somehow alien, belonging exclusively to the Gaidhealtachd.

Thus, as in long-standing SNP policy, proposals to provide official status for Gaelic are often accompanied by calls for similar status for Scots. This would be problematic in several respects, most simply because it muddies the waters, making the issue more complex in political and practical terms, and tending to make Gaelic's prospects more shaky. Scots - even if classified as a language in its own right rather than a mere 'dialect' of English - is unquestionably closely related to English; in Heinz Kloss' useful terminology, Scots is an *Ausbau* language vis-à-vis English, forming part of a dialect continuum of closely related languages, while Gaelic, linguistically very distant from English and thus clearly 'different', is an *Abstand* language (Kloss 1967). The *Ausbau* process of 'building away' Scots from English, deliberately emphasising its points of divergence, would be particularly difficult with respect to the high-register usages required for official purposes, where Scots is not well developed. The problem for Gaelic is that its fate often tends to be tied to that of Scots, and the peculiar problems of Scots would tend to stand in the way of progress for Gaelic even if those special problems had no relevance to Gaelic.

PRACTICAL ISSUES CONCERNING AN EXPANDED USE OF GAELIC WITHIN THE SCOTTISH LEGAL SYSTEM

The position of Gaelic is fundamentally different from that of most languages whose rôle in legal systems has sparked controversy. In contrast to, for example, French in Canada or Belgium, most of whose speakers are monolingual, all or almost all Gaelic speakers are fully capable of understanding and using the majority language. Given this reality of bilingualism, the fundamental legal issues concerning language rights - issues of natural justice relating to the right to understand the legal charges and proceedings with which one is involved, as guaranteed by international human rights conventions (Ó Máille 1990, pp.26, 31) - do not really arise

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with Gaelic. In the sociolinguistic context of Gaelic, then, the Taylor decision essentially operates to preclude the use of Gaelic in Scottish courtrooms.

The problem of Gaelic as a language of the law is further complicated by the fact that because of its historically impoverished rôle in educational and institutional life very few Gaelic speakers would feel comfortable using Gaelic rather than English in complex legal settings even if they were given a free choice (see Thomson 1994, p.231). While many Gaelic speakers might feel as comfortable, or more comfortable, using Gaelic to communicate day-to-day matters that might arise in legal contexts, for example to describe what they observed as witness to a road accident or a crime, it is likely that few would feel fully competent to analyse detailed business transactions in Gaelic, let alone make a complex legal argument to a judge when a client's assets or liberty were at stake.

Recognising the tremendous symbolic and political importance of the legal system, supporters of legal status for Gaelic often - indeed perhaps too often, with unwarranted emphasis and attention - propose granting the right to use Gaelic in legal proceedings. The contours of this proposed 'right' have not been mapped out with precision. In fact, such a right could have a number of different manifestations, and proponents of reform should make clear what they want and why, lest they end up with something irrelevant or unworkable. Following is an outline of some different possibilities:

1. Gaelic could be used by parties or witnesses providing oral testimony only when they are incapable of testifying in English. Under Taylor, this is essentially the present position in Scottish courts. It is also the position of Cantonese, Punjabi, and other minority languages in Scotland - many of whose speakers are not competent in English - and simply reflects basic principles of natural justice and international human rights law.
2. Gaelic could be used by parties or witnesses to provide testimony whenever they wish, irrespective of their ability to use English. This position, enjoyed by Welsh in Wales and Irish in the Irish Republic, is probably as far as any Scottish political party would take the matter.
3. Gaelic could be used by parties, witnesses, or lawyers, whenever they wish, at any stage of the proceedings, and irrespective of their ability to use English. This is the position of Maori in New Zealand under the Maori Language Act 1987 (Bates 1991).

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4. Gaelic could be used by parties, witnesses, or lawyers, with a right to insist that all other proceedings (testimony of English-speaking witnesses, comments from the judge etc.) be translated from English into Gaelic.
5. Gaelic would be used throughout the proceeding, and translated into English only upon demand of a party. This position - which applies in parts of Wales, as discussed below - seems far beyond the sociolinguistic reach of Gaelic for the foreseeable future.
6. Gaelic to be used and not translated into English even upon the demand of a party. Although seemingly absurd, this was the posture of the 1936 Irish decision in *The State (Buchan) v. Coyne*, wherein the defendant did not understand Irish yet a police sergeant provided the crucial prosecution testimony in Irish and the judge both refused an interpreter and delivered his judgement in Irish. Unsurprisingly, the High Court quashed this decision, ruling that such an approach flouted 'fundamental principles of the administration of criminal justice'. Today, such a procedure would be a transparent violation of international law, and is out of the question for Scotland for any number of reasons.

The position of Welsh makes for an interesting comparison with Gaelic, not only because it is a sister tongue contending with the same dominant language and the same central government, but because it fits in at different points on this spectrum. The Welsh Language Act 1967 grants a blanket entitlement to use Welsh in providing testimony (point 2 on the scale above), but some lower-level courts in the more strongly Welsh-speaking districts proceed entirely through Welsh, especially in the Blaenau Ffestiniog county court, which has adopted a policy of conducting all proceedings in Welsh unless otherwise requested by a party. Even so, more than a third of cases in Blaenau Ffestiniog are conducted in English because one of the parties demands it. In the higher-level High Court and Crown Court, where Welsh may be used but must then be translated in English, Welsh is in fact almost never used: in 1991, only in one of 1,280 Crown Court cases and in no High Court cases at all (Andrews and Henshaw 1994, pp.49, 67, 51).

Gaelic is in a greatly weaker position than Welsh in a number of respects. There are far fewer speakers (some 65,000 compared to slightly over 500,000 at the last census), and those speakers are much more thinly scattered in pertinent professional positions (e.g. among lawyers and judicial officers). Further, because Welsh has long held a stronger sociolinguistic and

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legal position, the development of a formal legal register and vocabulary is considerably more advanced.

Given these liabilities, it would seem impractical to move Gaelic beyond point 2, and even that extension perhaps only in 'Gaelic-speaking areas' (however defined). Even following such a change, it might be anticipated that relatively few parties and witnesses would actually avail themselves of the opportunity to use Gaelic, except perhaps in certain 'political' cases directly pertaining to the language. Such a reform, then, would probably be largely symbolic - but symbolism in this arena, where some of society's most important business is conducted, in an atmosphere of formality and decorum reflecting that importance, is something to be taken seriously.

Whether Gaelic could move to point 2, either throughout Scotland or only within the Highlands and/or Islands, depends on the extent of the Scottish electorate's willingness to be 'impractical' regarding Gaelic's rôle in the legal system and, perhaps more to the point, to spend money indulging that 'impracticality'. As suggested above, this gets into complex questions about Scottish national identity and Gaelic's rôle therein.

SUBSTANTIVE LEGAL RIGHTS RELATING TO GAELIC

At present, because Gaelic has essentially no rôle in the Scottish government or legal system, there are no enforceable legal rights concerning the language. Even for the Crofters Commission and Land Court, the only concrete guarantee is that one member of the Commission and Court speak Gaelic - so that a litigant could presumably protest successfully if confronted by a panel composed entirely of English monoglots, but could not be heard to complain if a panel containing the requisite Gaelic speaker refused to hear testimony in Gaelic from witnesses also competent in English.

As such, instituting some kind of official status for Gaelic could - but, it must be emphasised, need not necessarily - include a substantive component imposing enforceable obligations upon government or granting enforceable rights to citizens. Proponents of reform should therefore determine whether and to what extent official status should actually provide enforceable guarantees, what form those guarantees should take, and in what areas they should apply. All too often, proponents of official status appear to have a vague and sketchy conception, viewing official status as a panacea of sorts, and do not recognise that nothing will bind government unless it is spelled out clearly and unmistakably in operative legislation. At the same time, the more teeth that are put in place with a grant of official status, the more

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difficult it would be for such reform to be politically successful, given fears of Gaelic irredentism and other kinds of hostility. Moreover, no one will benefit if enforceable rights are created that cannot be properly delivered. These complexities mean that proposals for official status must be sensitive and subtle, based on careful political decisions and tactics.

For example, legislation could create a basis for aggrieved persons to file suit to demand the provision of (some or all) government documents and services through Gaelic, such as bilingual road signs, government forms and certificates, court rules, and official notices. Alternatively, legislation could impose concrete obligations upon government, such as the responsibility to make all forms available in Gaelic, so that a government failing in any of these obligations would be susceptible to an application for judicial review, on the ground that such action (or inaction) was *ultra vires*.

A more complex issue, involving serious questions of public finance, would be the question of education; legislation could establish a right for children to receive education in or through Gaelic. (Those are two discrete issues, with the provision of a few hours' instruction 'in' basic Gaelic grammar to English monoglots being much easier to arrange.) Indeed, the Education (Scotland) Act 1980 (1980 c.44) already imposes some obligations on education authorities with respect to Gaelic: every education authority is required to provide 'adequate and efficient ... school education', with the term 'school education' defined to include 'the teaching of Gaelic in Gaelic-speaking areas'. These burdens are not 'sufficiently defined to ensure any effective implementation', and have not been tested in court (MacKinnon 1994, p.3). The phrase 'teaching of Gaelic' could readily be interpreted to mean nothing more than an hour or two's instruction per week in Gaelic as a 'foreign' language, and the phrase 'Gaelic-speaking areas' to mean only those island districts with Gaelic-speaking majorities, all of which have voluntarily instituted much more generous Gaelic programmes. Nevertheless, the current legislation does preclude wholesale retrenchment in this area, and could be used by 'creative advocates ... in support of a wide application of this statutory duty' (Dunbar 1997, p.7); it could also serve as the building-block for a more solid guarantee.

Above and beyond the problem of governmental foot-dragging, however, there is a serious underlying issue in the inadequate supply of qualified Gaelic teachers, a problem that cannot be rectified by ordinary court orders. The short-term position would not be greatly improved if underqualified, overstretched teachers were rushed into schools under the cloud of litigation; and given the overall problems of education expenditure and public finance

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more generally, it is most difficult to foresee government acquiescing to confinement in such a legal straitjacket.

Many reform proponents seem inclined to take a middle course in this area, presenting vague principles and postponing the necessary choices. For example, SNP policy suggests that Gaelic-medium education would only be provided 'where reasonable demand was expressed'. Critical questions remain unanswered. What would be considered 'reasonable'? How and when would that demand have to be 'expressed'? Who would make the decision as to what was 'reasonable'? In contrast, Brian Wilson proposed while in Opposition that 'every child in Scotland should have the right to be educated through the medium of Gaelic', with the clear implication that such a right would be binding and enforceable (**The Scotsman**, 11 March 1996, p.4). Although the new Labour government has given encouraging indications concerning the expansion of Gaelic-medium education in both the primary and secondary sectors, the precise details remain unclear, as does the extent to which such provision would be underpinned with legally enforceable guarantees.

The question of enforceable guarantees places reform proponents on the horns of a dilemma. 'Official status' that amounts to little more than fine words would be easier to achieve than legal recognition that would require real action by government, but a substantive form of official status might well give rise to both political crises and false hopes. In any event, reform proponents need a clear strategy and a clear vision.

PRIVATE OFFSHOOTS

Official status for Gaelic might also lead to an increased rôle for the language in the private sector, particularly among voluntary organisations and within recently denationalised industries. Although a shift in government policy would not make such changes mandatory - unless they were specifically legislated - the expansion of the rôle and visibility of Welsh in the private sector following legal recognition suggests that some benefit for Gaelic would ensue through voluntary action. Official status would tend to create a climate wherein bilingualism was viewed with increasing favour, so that companies might find advantages in terms of marketing and public relations by adopting Gaelic policies and using Gaelic in tangible ways (Morgan interview 1996). Such changes would expand the use and visibility of Gaelic in new spheres, further buttressing the public position of the language.

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For example, British Telecom (BT) has refused to make recorded Gaelic instructions available from pay telephones, as it does with Welsh. BT has emphasised the official status of Welsh in justification of its position, even though that status extends only to Wales, telephones throughout the U.K. have Welsh instructions available, and there are far more Gaelic speakers than Welsh speakers in Scotland. Similarly, the utility company Manweb, whose territory extends into north Wales, has instituted a bilingual scheme, while its parent company, Scottish Power, has done nothing comparable with respect to Gaelic (Morgan interview 1996). Official status for Gaelic would tend to induce more favourable responses from entities of this kind, as well as voluntary bodies concerned about their public image.

OFFICIAL STATUS AND THE ELABORATION OF GAELIC

A different, and perhaps more immediately significant aspect of a possible amplified rôle for Gaelic in the legal system would be the use of the language in official documents - from statutes and regulations at the most formal level, through government reports and policy documents, to mundane items like television licences and council tax bills. Providing Gaelic versions of these documents would spread the use of the language in new domains, increasing its prominence and visibility, and, perhaps more important, aid in the development of Gaelic as a sophisticated medium for intellectual discourse and upper-register usage. On the other hand, from the standpoint of working toward Gaelic's future as a spoken community language, such efforts are probably of little value.

It would not be particularly difficult, or even particularly expensive, to issue Gaelic versions of Scottish legislation and regulations. The preparation of Gaelic forms would be more burdensome, given the vast range of forms produced by the different arms of government at its different levels, and the necessity of frequent amendment and change. Any such burden could be minimised, however, by staggering production so that papers most commonly used by ordinary citizens (benefit applications, television licence forms, driver's licence applications, and so on) would appear long before specialised Internal Revenue and Customs forms of interest only to large-scale businesses.

At the same time, there is little benefit in translating a huge volume of material into Gaelic for its own sake; some degree of balance has to be struck. Overinvestment in Gaelic translation of questionable practical value

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might produce a backlash among those ill-disposed to the language, who could be relied upon to complain about the foolishness of the enterprise.

Such a policy of bilingualism would require a corps of paid translators, sufficient in number to allow adequate time and care for the work. High standards would be essential. Proper training both in the law and in sophisticated English-Gaelic translation, and a carefully controlled, centralised translation authority would be necessary to ensure an appropriate degree of discipline for 'Official Gaelic'.

Given the present level of development, an expansion of Gaelic's official rôle would be of real assistance in what Fishman has called the process of elaboration - 'whereby a language is extended and adapted for use in new domains' (Ruiz 1990, p.15; Fishman 1974). Putting Gaelic to use for official purposes would facilitate the development of a legal lexicon and register that would allow the full use of Gaelic in official settings. Such a development would be of very substantial benefit to the general position of the language.

At present, Gaelic not only lacks an impersonal official register but is impoverished in all upper-level registers; as Donald Macaulay comments, because Gaelic 'lacks the rich controlling agency of a daily newspaper and a technical and semi-technical press in which new terms become established through frequent and consistent usage', 'usage is irregular and inconsistent and there is strong evidence of poor control of technical vocabulary' (Macaulay 1986, p.123). For generations the Gaelic Bible served as the touchstone of high-register Gaelic, but today many younger Gaelic speakers can no longer understand this 'high church' register and 'a whole range of grammatical and syntactical and idiomatic usages' are lost to them (Thomson 1994, p.230). Younger speakers in particular 'often have an impoverished range of vocabulary, showing a lack of synonyms and [of] an ability to change to appropriate levels of the upper register' (Meek 1990, p.11). Gaelic urgently requires a modern source of formal expository excellence.

Although the tradition of Gaelic legal writing goes back many centuries further than that of English, to the Irish law tracts of the eighth century, it has been dormant for some centuries and reconstruction must begin almost from scratch. The creation of Gaelic equivalents for English legal terms is an essentially uncomplicated task, though it would require painstaking work by authoritative translators. Indeed, Gaelic speakers might well end up finding the language of the law more accessible than do English speakers, for Scots law is burdened with a number of obscure terms, impenetrable to the lay person, that reach far back into the medieval period.

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Legal usage differs from ordinary language in important respects: its use of highly specialized terms and phrasings and a formal style designed to convey seriousness of purpose and eliminate ambiguity. In English, legal language's purpose of conveying seriousness and eliminating ambiguity is sometimes successful, producing extremely clear, carefully phrased, highly formal prose, and sometimes not, yielding repetitive, obscurantist gibberish. Because Gaelic is something of a blank slate, unburdened by the historical detritus of the Anglo-Scottish legal vocabulary, there is a great opportunity to develop, in Derick Thomson's words, 'a spare, clear, elegant Gaelic for official purposes' (Thomson 1979, p.21).

As part of a policy of 'extend[ing] the frontiers' of Gaelic's rôle with modest intensity and at modest cost, the Government in recent years has issued various documents bearing on Gaelic issued in bilingual form (**Poilisidh Nàiseanta airson na Gàidhlig**, p.9). To date, however, the Gaelic prose in such documents has tended to be infelicitous, imprecise, and insufficiently attentive to register. These documents are evidently written in English first and then translated into an unnuanced, colloquial Gaelic that, if re-translated literally, would be seen as manifestly unsuitable. In the worst cases this bureaucratic 'Gaelic' consists of 'a kind of jargon which uses Gaelic vocabulary most of the time, but with a semi-understood syntax' (Thomson 1994, p.233).

The Welsh experience is instructive. There is a recognised distinction between classical literary Welsh and Cymraeg Byw ('Living Welsh'), and some proposed, following the 1967 Act, that government documents should be issued in Cymraeg Byw so that they 'would be more easily understood by the average person'. However, the prevailing view was that '[a] Government report in English which contained forms such as 'won't', 'shouldn't', and 'shan't' would rightly be looked at askance' and '[a] legal document full of weighty phrases and subordinate clauses, qualifications and restrictions could hardly be translated using the forms of Cymraeg Byw, unless the English document was first subject to thorough simplification'. Additionally, 'classical' Welsh has been moulded to suit the 20th century, with its boundaries 'gradually but persistently extended ... by combining an investigation into issues and subjects where Welsh had not hitherto ventured and an exploitation of all the resources classical Welsh had to offer' (Prys Jones 1988, pp.177-78).

THE EUROPEAN DIMENSION

European Community law is also relevant, for an expansion of Gaelic's official status would increase its stature in European terms, and might serve as a spur to the U.K. government to provide more support for the language. Pertinent here is the European Court of Justice's landmark 1989 decision in *Groener v. Minister of Education*, which held that because of the constitutionally guaranteed official status of the Irish language in the Irish Republic, a Dublin college could lawfully impose an Irish-language requirement for an art lecturing post, even though knowledge of Irish was not actually required to perform the job and European law is founded on the principle of free movement of workers between member states.

Commentators have argued that the *Groener* rule would probably not apply if such a job requirement were imposed for a minority language without official status (De Witte 1991, p.170). (This must of course be distinguished from the imposition of minority-language requirements for posts in which use of that language is in fact necessary to the work, requirements that are perfectly valid.) Similarly, it is open to question whether the principle would hold with respect to posts less culturally sensitive than that of a teacher (Ó Máille 1990, p.39).

The European Charter for Regional or Minority Languages, which was introduced in 1992 and guarantees various forms of institutional support for certain linguistic minorities, is an important if limited step forward. Despite the modesty of the Charter's scope - easily satisfied by the current provision for Gaelic - the UK has refused to become a signatory despite the presence in Britain of several substantial indigenous and immigrant language communities (Dunbar, forthcoming). The new Labour government has, however, indicated that the matter is under review.

Although Brussels may seem more favourably inclined toward minority languages than Westminster, its attitude reflects not so much solicitude for linguistic minorities as the need to preserve the balance of the major member states. 'It is precisely the great import[an]ce the European states attach to their national languages which motivates their backing of linguistic pluralism in the Community context. ... A strong commitment to monolingualism, if multiplied, necessarily results in support for multilingualism'. As such, 'Community organs have been careful to lend support to an ethos of multilingualism without being too specific as to the policy measures that such an ethos requires if it is to be more than lip service' (Coulmas 1991, pp.14-15).

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The Community has chosen not to adopt measures with real teeth. For example, the European Parliament adopted a resolution in 1977 recognising 'the right of Community citizens to use their mother tongue ... in court actions', but this resolution was never put into effect with implementing legislation (De Witte 1991, pp.171). Had such legislation been put in place, the sweeping Taylor rule could not stand.

OFFICIAL STATUS AND MINORITY LANGUAGES: SOME INTERNATIONAL PARALLELS

Welsh in Wales

In contrast to Gaelic in Scotland, the Welsh language has long been the primary badge of Welsh national identity. As a result of this special position, and the demographic strength of the language, Welsh has come to achieve significant official status.

Unlike Gaelic, which never suffered any explicit legal proscription, Welsh was officially banned from the courts in Wales by the Act of Union of 1536 (Law of Wales 1535-36, 27 Hen. 8 c.26, s.17). This proscription was lifted with the Welsh Courts Act 1942, which allowed the use of Welsh 'in any court in Wales by any party or witness who considers that he would otherwise be at a disadvantage by reason of his natural language being Welsh' (5 and 6 Geo. 6 c.40, s.1), a provision hardly more generous than the Taylor rule in Scotland. This was superseded by the more sweeping Welsh Language Act 1967, which provided that '[i]n any legal proceedings in Wales the Welsh language may be spoken by any party, witness or other person who desires to use it' (1967 c.38, s.3). The currently operative statute is the Welsh Language Act 1993 (1993 c.38), which retains the 1967 Act's provision concerning the use of Welsh in legal proceedings (s.22(1)), but also, among other things, requires all public bodies in Wales to institute bilingual schemes based on 'the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality' (s.5(2)). The 1993 Act, however, was a profound disappointment to many in Wales who had sought more fundamental guarantees for the language (Dunbar 1997, p.7).

One legal commentator suggested in the wake of the Taylor decision in 1982 that the different treatment accorded Gaelic and Welsh could be challenged as a violation of Article 14 of the European Convention on Human Rights, which prohibits discrimination with respect to the enjoyment of the rights

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and freedoms contained in the Convention, in that Welsh speakers are permitted to use Welsh in legal proceedings irrespective of their command of English, while Gaelic speakers enjoy no such latitude (Evans 1982, p.279). This argument, however, has not been put to the test.

Irish in Ireland

The Irish language commands high official status in the Irish Republic. Article 8 of the Constitution of 1937 (**Bunreacht na hÉireann**) enshrines Irish as 'the first official language', with English recognised as 'a second official language'. **Bunreacht na hÉireann** is written in both languages, with the Irish version deemed to prevail in the event of a dispute in the interpretation of the two texts. Today, however, statutes in the Republic are almost invariably enacted in English, with the legally mandated Irish versions only issued years after the fact (Ó Máille 1990, pp.17-18).

Despite this valuable constitutional position for the language, it is significant that 'the constitutional provision regarding Irish is not phrased in the form of a right' but merely 'cast in the form of a declaration', which is an enormous distinction in legal terms since the latter does not typically provide enforceable guarantees (Ó Máille 1990, pp.26, 31). The Irish government has never enacted appropriate implementing legislation to give full force to the constitutional provision, or indeed to explain what the unique and elusive terms 'the first official language' and 'a second official language' mean. In light of these gaps, activists continue to press for legislation that 'would copper-fasten the rights of citizens to use either Irish or English in all domains of life and ... guarantee that the state ... make available, with equal facility and access, all public services in both official languages' (Ó Riagáin 1993, p.6). The position of Irish is nevertheless much more favourable than that of Gaelic; among other things, some substantive rights have been inferred from the constitutional provision and it has been repeatedly held, in contrast to the Taylor rule in Scotland, that '[a] person who wishes to conduct proceedings through Irish before any court or tribunal has a constitutional right to do so, irrespective of whether he/she could do so equally well (or even better) in English' (Ó Máille 1990, p.17).

Irish also enjoys a degree of official status within the European Community, where it is designated as an 'official', though not a 'working', language. Nevertheless, even with this secondary status Community treaties must be translated into Irish, and 'the ease with which the language coped with that special idiom is itself a mark of the success which has attended the [Irish

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government's] efforts to reintellectualize Irish and restore its use to a full range of public functions' (Ó Murchú 1982, p.49).

Romansch in Switzerland

Romansch is the fourth language of Switzerland, a Romance language spoken by some 40,000 people (some 2% of the national population) in a handful of isolated mountain valleys in eastern Switzerland. Almost all Romansch speakers are bilingual, usually with German (Watts 1991, p.84).

Under the Swiss Constitution of 1938, Romansch was designated, along with German, French, and Italian, as one of four 'national' languages, but not one of the three 'official' languages. As a result of Switzerland's federal structure of government and tolerant attitude toward multilingualism, even this secondary status allowed Romansch-speaking cantons to use Romansch in administration, the legal system, and the school system (Watts 1991, p.84). Romansch is used for the first four years of primary school, but side by side with intensive German, and all secondary education is German-medium. A nationwide referendum in March 1996 produced a three-to-one vote in favour of a constitutional amendment granting full official status to Romansch along with the more powerful languages (**The Scotsman**, 11 March 1996, p.7).

As with other minority languages that have not benefited from a centralised standard, and to a degree even greater than Gaelic, the use of Romansch for official purposes is hindered by dialectical fragmentation, but diligent efforts are under way to develop a uniform standard (*Romansch Grischun*) (Galloway 1995, p.96). This process is likely to intensify given its newly won full official status.

CONCLUSION

Official status for Gaelic, an idea being advanced by a number of influential organisations and individuals, would be an important development in a number of respects. Institutionalising Gaelic in law and government would increase the stature and visibility of the language in several important domains, adding significantly to its increasing rôle in Scottish life. At the same time, there are indications that the issue of official status may be receiving undue stress, with such reforms viewed as some sort of magical panacea for the many difficulties that ail Gaelic. Granting official status can be little more than a token gesture, and even the significance of a more substantive reform may be limited in terms of its impact on Gaelic's

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demographic future. Any campaign for official status needs to keep matters in perspective and to allocate resources appropriately.

REFERENCES

- Andrews, John and Lesley Henshaw (1994). Welsh Language in the Courts, 1981-1991. **Cambrian Law Journal**, vol. 25, 47-59.
- Bates, D.L. (1991). Maori Language: Some observations upon its use in criminal proceedings. **New Zealand Law Journal**, vol. 1991, 55-59.
- Bentahali, Abdelâli and Eirlys E. Davies (1993). Language Revival: Restoration or Transformation? **Journal of Multilingual and Multicultural Development**, vol. 14, 355-74.
- Caimbeul, Aonghas Pàdraig (1996). Gàidhlig agus heroin. **An Canan** (The Arts Supplement of the West Highland Free Press), no. 64, 1.
- Celebrating Cultural Diversity: Scottish Labour Party policy on the Gaelic language** (1996).
- Cor na Gàidhlig: Language, Community and Development: The Gaelic Situation** (1982). Inverness: Highlands and Islands Development Board.
- Coulmas, Florian (1991). European integration and the idea of a national language. **A Language Policy for the European Community: Prospects and Quandaries**, ed. F. Coulmas, 1-43. Berlin and New York: Mouton de Gruyter.
- De Witte, Bruno (1991). The impact of European Community rules on linguistic policies of the Member States. **A Language Policy for the European Community: Prospects and Quandaries**, ed. F. Coulmas, 163-77. Berlin and New York: Mouton de Gruyter.
- Dunbar, Robert D. (forthcoming). The European Charter for Regional or Minority Languages: Some Reflections from a Scottish Gaelic Perspective. **Minority Group Rights Towards the New Millennium**, eds B. Bowring and D. Fottrell. The Hague: Kluwer Law International.
- Dunbar, Robert D. (1997). East Kilbride wake-up call for Gaelic activists. **West Highland Free Press**, 28 February 1997, p. 7.
- Evans, A.C. (1982). Use of Gaelic in Court Proceedings. **Scots Law Times**, vol. 1982, 286-87.
- Fishman, Joshua A. (1974). Language planning and language planning research: The state of the art. **Advances in Language Planning**, ed. J.A. Fishman, 15-33. The Hague: Mouton.
- Fishman, Joshua A. (1991). **Reversing Language Shift: Theoretical and Empirical Foundations of Assistance to Threatened Languages**. Clevedon, Avon: Multilingual Matters.

Scottish Affairs

- A Gaelic Policy for the 21st Century: Scottish Liberal Democrat Proposals** (1996).
- Galloway, John M.K. (1995). **The Role of Employment in Gaelic Language Maintenance and Development**. Unpublished Ph.D. thesis, University of Edinburgh.
- Government slammed over failure on minority languages charter. **West Highland Free Press**, 12 April 1996, p.13.
- Groener v. Minister of Education (1989) Case 379/87, [1989] 2 European Court Reports 3967.
- Interview between Comann an Luchd-Ionnsachaidh (CLI) Stiùiriche Peadar Morgan and the author, August 30, 1996.
- Kloss, Heinz (1967). "Abstand languages" and "Ausbau languages". **Anthropological Linguistics**, vol. 9, no. 7, 29-41.
- MacInnes, John (1982). The Scottish Gaelic Language. **The Celtic Connection**, ed. Glanville Price, 101-30. Gerrards Cross: Colin Smythe.
- MacKinnon, Kenneth (1991). **Gaelic: A Past and Future Prospect**. Edinburgh: Saltire Society.
- MacKinnon, Kenneth (1994). **Gaelic in 1994: Report to E.U. Euromosaic Project**.
- MacKinnon, Kenneth (1995). The Dynamics of Scottish Gaelic (paper presented to the Language Policy and Planning in the European Union Conference, Institute of Irish Studies, University of Liverpool, 28-29 April 1995).
- MacLeòid, Dòmhnall Iain (1976). A'Ghàidhlig am Beatha Fhollaiseach an t-Sluaigh. **Gàidhlig ann an Albainn/Gaelic in Scotland**, ed. Derick Thomson, 12-27. Glasgow: Gairm.
- Meek, Donald E. (1990). Language and Style in the Scottish Gaelic Bible, 1767-1807. **Scottish Language**, vol. 9, 1-16.
- Ní Annracháin, Máire (1991). The Highland Connection: Scottish Reverberations in Irish Literary Identity. **Irish University Review**, vol. 21, 35-50.
- Ó Máille, Tomás (1990). **Stádas na Gaeilge: Dearcadh Dlíthiúil**. Dublin: Bord na Gaeilge, 1990.
- Ó Murchú, Máirtín (1982). The Irish Language. **The Celtic Connection**, ed. Glanville Price, 30-64. Gerrards Cross: Colin Smythe.
- Ó Riagáin, Dónall (1993). A wonderful celebration in ten years time. **Fortnight**, no. 318, supplement pp. 6-8.
- Poilisidh Nàiseanta airson na Gàidhlig/Towards a National Policy for Gaelic** (1985). Inverness: Comunn na Gàidhlig.
- Prys Jones, Berwyn (1988). Official Welsh. **The Use of Welsh: A Contribution to Sociolinguistics**, ed. Martin J. Ball, 172-81. Clevedon, Avon: Multilingual Matters.

Official Status for Gaelic: Prospects and Problems

- R. v. Alexander McRae (1841) Court of Justiciary, Edinburgh, January 8, 1841.
- Romansh wins hearts of Swiss. **The Scotsman**, 11 March 1996, 7.
- Ruiz, Richard (1990). Official Languages and Language Planning. **Perspectives on Official English: The Campaign for English as the Official Language of the USA**, eds. Karen L. Adams and Daniel T. Brink, 11-24. Berlin and New York: Mouton de Gruyter.
- Scottish children should have 'right to be taught in Gaelic'. **The Scotsman**, 11 March 1996, 4.
- Scottish Conservative and Unionist Party Policy on Gaelic Language and Culture** (1996).
- Scottish National Party Gaelic Policy - an overview** (1996).
- Securing the Future for Gaelic** (1997). Inverness: Comunn na Gàidhlig.
- Stair Memorial Encyclopedia, The Laws of Scotland** (1988). Edinburgh: Law Society of Scotland/Butterworths.
- The State (Buchan) v. Coyne (1936) 70 **Irish Law Times Reports** 185.
- Taylor v. Haughney (1982) 1982 **Scottish Criminal Case Reports** 360.
- Thomson, Derick (1979). Gaelic: its range of uses. **Languages of Scotland**, eds. A.J. Aitken and Tom McArthur, 14-25. Edinburgh: W and R Chambers Ltd.
- Thomson, Derick (1990). Gaelic in Scotland: Assessment and Prognosis. **Minority Languages Today**, eds. Einar Haugen, J. Derrick McClure and Derick Thomson, 10-20. Edinburgh: Edinburgh University Press (paperback ed.).
- Thomson, Derick (1994). Attitudes to linguistic change in Gaelic Scotland. **The Changing Voices of Europe**, eds. M.M. Parry, W.V. Davies and R.A.M. Temple, 227-35. Cardiff: University of Wales Press/Modern Humanities Research Ass'n.
- Watts, Richard J. Linguistic minorities and language conflict in Europe: Learning from the Swiss experience. **A Language Policy for the European Community: Prospects and Quandaries**, ed. F. Coulmas, 75-101. Berlin and New York: Mouton de Gruyter.
- Withers, Charles W.J. (1984). **Gaelic in Scotland 1698-1981: The Geographical History of a Language**. Edinburgh: John Donald.
- Zall, Barnaby W. and Sharon McCloe Stein. Legal Background and History of the English Language Movement. **Perspectives on Official English: The Campaign for English as the Official Language of the USA**, eds. Karen L. Adams and Daniel T. Brink, 11-24. Berlin and New York: Mouton de Gruyter.

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