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## Language use in public administration in Ireland – public service, private choice

### Abstract

Pléann an páipéar seo staid reachtúil agus bhunreachtúil na Gaeilge in Éirinn, thuaidh agus theas agus cíorann sé fíorleibhéil úsáide na teanga i seachadadh seirbhísí poiblí agus roinnt de na tosaí a imríonn tionchar ar roghanna teanga. Déantar roinnt moltaí d'fhonn an leibhéal úsáide sa réimse seo a ardú.

This paper discusses the current legal and constitutional position of the Irish language in Ireland North and South, and examines the actual levels of use of Irish in public services and some of the factors influencing language choice. Some suggestions are made for increasing the level of usage in this sphere.

### 1. The legal and constitutional position

The Irish language is unusual among lesser-used languages in the high level of state protection it enjoys; in particular, the recognition afforded to Irish by the republic's constitution as “the first official language” (with English as the second official language) is notable. It also has a level of official status at European level.<sup>1</sup>

The Article in the Constitution which affords this status also contains the following paragraph:

Provision may, however, be made by law for the exclusive use of either of the said languages for any one or more official purposes, either throughout the State or in any part thereof.<sup>2</sup>

Two points should be made about this additional paragraph. Firstly, it can be seen to arise from another unusual feature of the status of the Irish language; namely, that at the foundation of the state, a decision was made not simply to attempt to protect the Irish language in the few small remaining Irish-speaking areas (the Gaeltacht), but to revive the language throughout the rest of the largely

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<sup>1</sup> For logistical reasons – primarily lack of capacity in the translation sector – when Irish initially was granted official status in 2007 it was granted a derogation from the Regulation determining the languages to be used, but the most recent Regulation (Council Regulation (EU, Euratom) 2015/2264 ) of the 3rd of December 2015 sets out a timetable for ending this derogation – see <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2264>.

<sup>2</sup> [https://www.constitution.ie/Documents/Bhunreacht\\_na\\_hEireann\\_web.pdf](https://www.constitution.ie/Documents/Bhunreacht_na_hEireann_web.pdf).

English-speaking jurisdiction. Suzanne Romaine points out that Ireland is unique in being the only European country that has attempted to restore the national language by “declaring Irish its national language in the hope of re-establishing it as the language of everyday life” (Romaine 2008, 17). One might therefore assume from the paragraph highlighted above that Irish alone might be used for official purposes within these Irish-speaking areas.

Secondly, while the preceding text would lead one to assume that outside the Gaeltacht it was proposed to provide services bilingually, this clause could also be used to deny the provision of certain services in Irish (outside the Gaeltacht, but also perhaps even within the Gaeltacht), were a particular administration so minded. All that would be required would be a piece of legislation. In practice, however, administrations have not availed themselves of this constitutional and legal loophole (such is the support for and goodwill towards the language among the public that this would be unacceptable), but the move away from the clear and unequivocal support for the language evinced in the Constitution to a legalistic, schematised inventory of detailed provisions has proved problematical, as we shall see.

This constitutional protection has, since the foundation of the State, underpinned all the other legislative provisions, policies and official statements reflecting official State views and aspirations on the use of the Irish language. Chief among such State interventions was the decision to include the Irish language as a core subject in the education system. This has had a quite dramatic effect on the numbers of people who report being able to speak Irish in the Irish Censuses – the percentage has more than doubled since the foundation of the State (see figure 1) to over 40%.

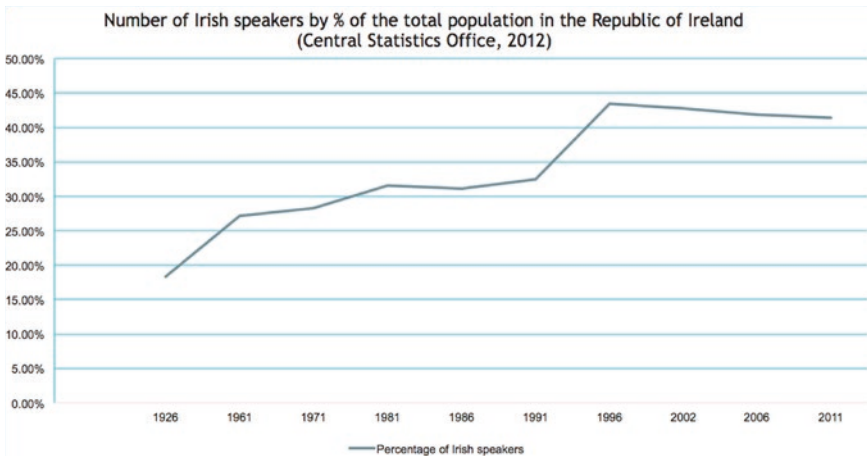


Fig. 1: Number of Irish speakers by % of the total population in the Republic of Ireland (Central Statistics Office 2012)

Apart from the statutory support for the language in the area of education, other legislation which has evolved over time concerns broadcasting and public services (such as access to the courts through Irish etc.). Many of these developments, such as the provision of an all-Irish radio station (1972) and subsequently an Irish-language television channel (1996) were the result of ‘civil rights’-type campaigning which took the Constitution at its word and insisted that deed follow that word. (Paradoxically, this type of campaigning – influenced by the African-American civil rights model and the subsequent civil rights movement in Northern Ireland – was the converse of the ‘top-down’ model cited by Romaine earlier.)

Not all the developments were favourable to the language, however. In 1966, the 50th year of the celebration of 1916, an organisation called the “Language Freedom Movement” railed against many aspects of the State’s support for the language. Subsequently one very germane, explicit support relating to public service provision was abolished: the statutory requirement for proficiency in Irish for employment in the Irish Civil Service was abandoned in 1974.<sup>3</sup>

Perhaps because of resistance to the State’s attempts at language governance, and perhaps because this is always the way, some parts of the public service were less inclined to provide services through Irish than others. Thus, in more recent times, discussions about how best to codify the types and level of public services which the public could expect through Irish, with the aim of gradually increasing them, culminated in *Acht na dTeangacha Oifigiúla*/the Official Language Act of 2003. Drawing on international best practice in bilingualism, this piece of legislation contained an extensive schedule of public bodies to whom it applied; a detailed arrangement involving the ratification by a Government Department of Language Schemes which these bodies were to prepare, setting out the level of service they offered; and the creation of an Office of a *Coimisinéir Teanga* or Language Commissioner (a borrowing from the Canadian experience) to oversee the operation of the Act. We shall report later in greater detail on the experience of the two Language Commissioners, but from *Foras na Gaeilge*’s own experience one consequence of the Act was our withdrawal of match-funding (50/50%) for Irish-language officers within a number of local authorities in the Republic, as these were now regarded as having an explicit statutory obligation (rather than an implicit constitutional one) to provide services through Irish. Since the mid-1990s this funding had been provided in the South by *Foras*’ forerunner, *Bord na Gaeilge*, in an attempt to increase service provision through Irish in local authorities. However the part-funding of such officers in Northern Ireland commenced in 2006 and continues to the present day, as the legislation (*The Official Languages Act, 2003*) does not of course pertain there.

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<sup>3</sup> Circular 43/1975: <http://circulars.gov.ie/pdf/circular/finance/1975/43.pdf>.

Since 2003, the most significant development regarding the status of Irish was the announcement by the Government of a *20-Year Strategy for the Irish Language 2010-2030*, which had as one of its main aims “to increase the number of people who use State services through Irish and who can access television, radio and print media through Irish”.

In Northern Ireland, ability levels in the Irish language are much lower than in the Republic, mainly due to the fact that it is not a core subject in the education system. The 2011 Census reported that some 11% of the population had some knowledge of Irish; the comparable figure for the South was 41%. Neither does the Irish language in Northern Ireland enjoy the same level of protection as in the South – but since the Good Friday Agreement of 1998, in particular, the language has been afforded a greater level of official recognition than heretofore.

In March 2015, responding to the reorganisation of local authorities in Northern Ireland (from 26 to 11), Foras na Gaeilge developed a *Treoircháipéis/Guidance Document* on the provision of Irish language services. Considerable emphasis was placed on the grounds for requiring the provision of such services, citing:

**The Good Friday/Belfast Agreement (1998);**

**The British-Irish Agreement Act (1999);**

**The European Charter for Regional or Minority Languages;**

**The St. Andrews Agreement Act (2006);**

**The Programme for Government 2011-2015** of the Northern Ireland Executive; and (in particular) provisions within

**The Local Government (Northern Ireland) 2014;** which pertain to the international obligations cited above.

As previously mentioned, Foras na Gaeilge provides match-funding to a number of Irish language Officers (currently 3), and there are four and a half (one part-time post) other such officers also working in local authorities in Northern Ireland.

## **2. Actual levels of usage in public service and factors affecting these**

Given the foregoing, it could reasonably be expected that there would be a moderately to fairly high level of usage of public services through Irish, particularly in the Republic. The reality, however, is quite different.

An overarching consideration when discussing the question of the low levels of use of public services through Irish is the issue of the low levels of usage of the Irish language *itself*, despite comparatively high levels of ability. For example, while 41% of those over 3 years of age in the Republic were reported in the 2011 Census as having ability in the language (almost 1.8 million people), only 77,000

of those spoke Irish on a daily basis outside of an educational context. The figure for those speaking Irish weekly is only marginally higher at 110,000. For a city such as Dublin, this equates to about only 1.5% of the population using Irish on a daily basis.<sup>4</sup>

As an example of a widely-used public service we selected the Revenue Commissioners in the Republic, and sought information from them on the level of usage of their Irish language services. Of their 2.4 million clients, only 4,000 of them chose to deal with their affairs fully through Irish – less than 0.2% of its client-base.

## **2.1 Language choice**

We have elected to try to explore these contradictions by considering the interaction of the citizen with the state within the framework of a language event, to examine the factors affecting the citizen's language choice. While there have been subsequent refinements (Grosjean 1982; Blom/Gumperz 1972), Fishman's trinity of **group, situation** and **topic** (Fishman 2000) is a useful framework.

The question of **group** or interlocutor brings to the fore primarily the level of ability, not only of the citizen her- or himself, but also that of the person on the other side of the desk. We have already mentioned ability levels among the general public in both the Republic and Northern Ireland, but Irish-language competence among the Civil Services – and the public perception of this – will be crucial in language choice. This is where serious difficulties arise.

If we examine firstly the level of competence on the 'official' side of an interaction relating to public services, we find a challenging situation. While a requirement for proficiency in Irish was abolished in 1974, a countervailing procedure was subsequently introduced to ensure that Irish-speaking staff would be available at all grades in the Civil Service by awarding bonus marks in internal promotion competitions for ability in both languages. However, the Language Commissioner's Annual Report for 2011 found that this procedure was not in fact being operated. In a particular case relating to the Department of Social Protection, which was investigated by the Commissioner's office, the Commissioner noted the failure and added:

That in itself is a matter of concern but the situation is made worse by the knowledge that the practice of failing to award bonus marks correctly is common throughout the Civil Service.

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<sup>4</sup> [www.cso.ie/en/media/csoie/census/documents/census2011profile9/Profile,9,What,we,know,full,doc,for,web.pdf](http://www.cso.ie/en/media/csoie/census/documents/census2011profile9/Profile,9,What,we,know,full,doc,for,web.pdf).

The Annual Reports of the Language Commissioner have not become more hopeful in recent years. In fact, the first Language Commissioner retired before his term of office was completed and, in what was effectively his resignation speech, stated:

Despite the enormous goodwill of the vast majority of the people of this country, the language continues to drift further to the margins of society including within much of the public sector; bringing it back to the mainstream is no simple procedure. (Former Language Commissioner Seán Ó Cuirreáin in the office's Annual Report for 2013)

Ó Cuirreáin's swansong, shortly before stepping down from the Commissioner's role, was an appearance on 22 January 2014 before a Government Committee in which he was roundly critical of the operation of the Official Languages Act, 2003; the (then) recently enacted Gaeltacht Act (2012); and the Government's commitment to the Irish language generally. The parliamentary record shows that no representative from the Government parties attended the Committee meeting.<sup>5</sup> Among the many salient facts and figures quoted by Ó Cuirreáin, one in particular stands out. Of the staff in the Department of Education – a department of strategic importance in terms of language governance in Ireland – just 1.5% of them claimed competence in Irish. Ó Cuirreáin also noted that new, recent Government proposals to increase competence in the public service would actually take 28 years to double this within the Department to just 3%.

There is little need to labour further the point being made about the 'official' side of the desk, but a final thing to note is that Irish language speakers have reported difficulties even using the Irish form of their name when dealing with public bodies (Coimisinéir Teanga 2011, 13).

The customer side, however, is not without complexity either. Recent research commissioned by Foras na Gaeilge<sup>6</sup> shows a very high level of support for the language among the general population, with a marked increase since the previous such survey in 2001.

For clarity's sake the information is presented here in a three-point scale with **In Favour** (of the language) on the left, **No Opinion** in the centre and **Oppose** on the right:

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<sup>5</sup> [www.irishtimes.com/news/ireland/irish-news/irish-language-being-driven-to-margins-of-society-1.1665540](http://www.irishtimes.com/news/ireland/irish-news/irish-language-being-driven-to-margins-of-society-1.1665540).

<sup>6</sup> The survey was commissioned by Foras na Gaeilge with advice from Prof. Pádraig Ó Riagáin, the surveying done by Amárach Research and the analysis of the results by the Economic and Social Research Institute. The analysis has been published on the ESRI and Foras na Gaeilge websites.

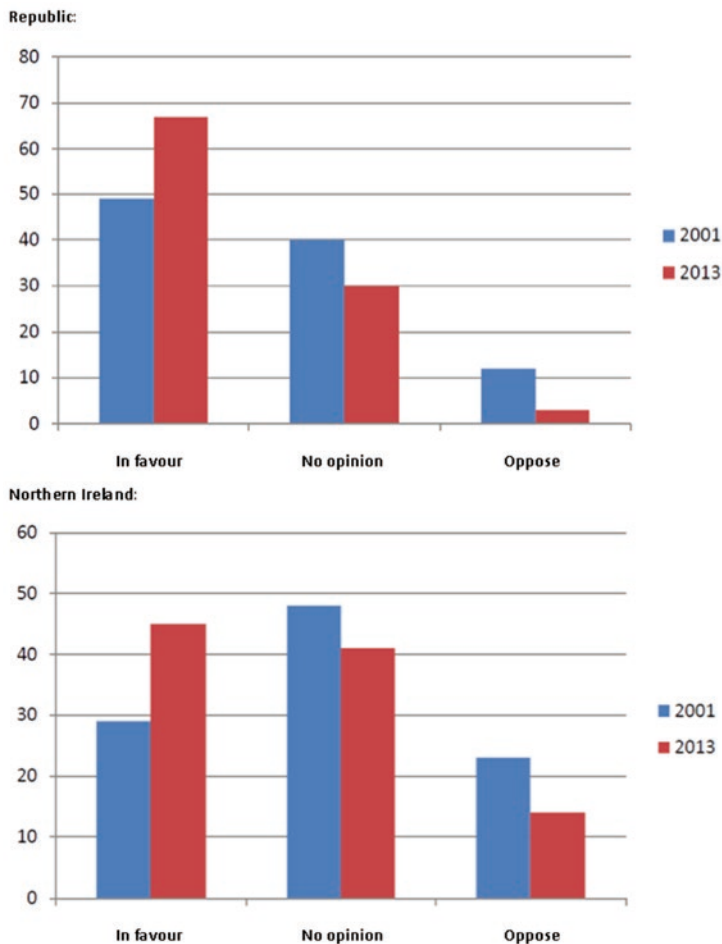


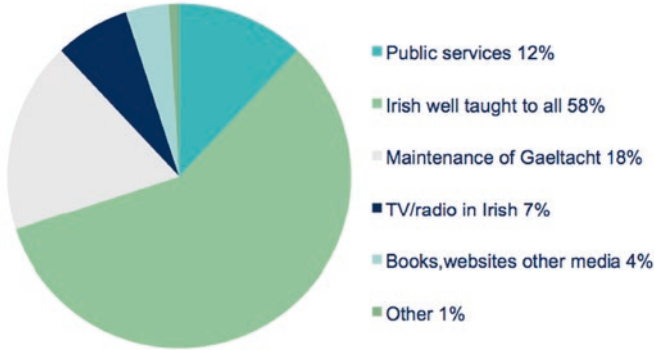
Fig. 2: Level of support for the language among the general population

The survey also provided a more nuanced description of language ability than that in the Irish Census of population, indicating 57% with knowledge of the language in the South as opposed to 41% in the Census returns for the Republic. Very high levels of attainment were reported among about 11% of the population, and near native-speaker ability in about 3% in the South. The respective figures in the North are, as one might expect, lower, at 2% and 0.5%.

Considering this, however, it is not surprising to find that 37% of those in the Republic stated that the Government was not doing enough to promote the language. The figure in Northern Ireland was 29% and both of these figures represent an increase in dissatisfaction since the previous survey.

When respondents' view were sought on the single most important Government intervention which would support the language, access to public services was not of primary importance.

**Republic:**



**Northern Ireland:**

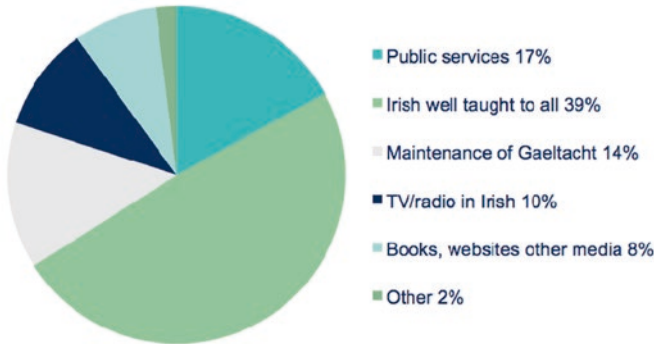


Fig. 3: Respondents' view on the single most important Government intervention which would support the language

The overwhelming concern in both jurisdictions is that the language be taught well to all children. There is a slightly higher level of demand for public services through Irish in Northern Ireland than in the Republic. Public Services are the second most desired item in Northern Ireland (though not a close second), while they are the third in the Republic (behind support for maintenance of the Gaeltacht).<sup>7</sup>

<sup>7</sup> It should be noted that the “none” (i.e. do NONE of these to support the language) figure was significantly higher in Northern Ireland, reflecting a minority but still significant opposition to such initiatives. The figure for “none” was 1.5% in the Republic, while it was 22.8% in Northern Ireland.



This may well lead us back to the other two elements Fishman mentioned as influencing language choice: **situation** and **topic**. Accessing public services is of its nature a formal activity, usually involving (possibly imposing) public buildings; a higher level of formality regarding time and modes of address; a greater likelihood of written rather than verbal communication; a certain register; and with quite possibly a specific vocabulary relating to the matter in hand (building regulations, discussion of an illness, parking fines and suchlike) etc. These are considerations which are likely to lessen the probability that all but the most accomplished speaker will seek to conduct the transaction through Irish. And there is also – as we have seen – the matter of the customer’s perception as to the level of ability of the person on the other side of the desk before whom one is, let us not forget, effectively presenting oneself as a supplicant in these situations.

An additional point concerning **topic** might be an association – common in post-colonial countries – between English and bureaucracy. As an aside, and because every presentation should contain at least a little poetry, the 20th century poet Michael Hartnett – who wrote in both Irish and English – had an interesting if jaundiced view of language choice for particular functions, believing that the Irish language was ideal for poetry while English was – and I quote – “the perfect language to sell pigs in”. It is, as I say, an amusing aside, but there are persistent prejudices about the appropriate functions for certain languages, and these are worthy of consideration.

### 3. Suggestions for improvement

The operation of The Official Languages Act, 2003 is under an official review which commenced in 2011. As this is the main vehicle for improving the provision of public services through Irish in the Republic, it is timely to examine possibilities for change. The new (second) Language Commissioner, Rónán Ó Domhnaill, has commented<sup>8</sup> on the review and has expressed a desire to move from the complex arrangement of separate ‘Language Schemes’ for each individual organisation (of which there are some six hundred) to a universal set of services, or bands of levels of service, with the aim of organisations improving their performance over time. At the moment, a citizen might need to consult the Language Scheme for a particular organisation to ascertain what level of service through Irish she or he might expect – an unwelcome complexity.

The Commissioner has also stressed as an absolute necessity an insistence on the requirement of competence in the Irish language when recruiting staff. Obviously, this would need to be an accelerated recruitment programme to bring change about throughout the public service even in the medium term.

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<sup>8</sup> Annual Report of the Language Commissioner for 2014, 4-5.

For our own part, given the human resources constraints in the short term, we would suggest that the incorporation of an Irish language option in the development of the growing number of public services offered electronically would be a way to make a positive contribution.

Were the measures above taken in the Republic, an awareness campaign aimed at the general public about language rights, to encourage people to seek and use services through Irish would then be timely; it is perhaps not a priority at the moment.

In Northern Ireland, a *Strategy to Enhance and Protect the Development of the Irish Language 2015-2035* touched on many of the issues raised in this paper and resulted in a consultation on draft legislation for the Irish language (in Northern Ireland) being held from February to May 2015; the matter remains under consideration. The draft contained elements common to the provisions in the South, such as **official status**, a **Language Commissioner**, obligations for **Public Bodies** and a set of **Language Schemes**. There are certainly lessons to be learnt from the experience in the South.

## References

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