

*Huw Evans**

THE WELSH LANGUAGE - A CASE STUDY

1 Introduction

Wales is one of the constituent nations of the United Kingdom and according to the 2021 official census for England and Wales¹ has a population of 3,107,500,² out of whom 538,000 aged 3 or above speak the Welsh language (17.8% of the population).³ Although the first census was undertaken in 1801, it was not until 1891 that questions were asked concerning the Welsh language, and in that census the number of Welsh speakers aged 2 or above⁴ was recorded as 920,389 speakers (54.4% of the population).⁵ Despite population growth in the period 1891 to 2021, the number of Welsh speakers fell by 372,389, with a related proportionate decline of 36.6%. By any standard, this is significant and in 2010 UNESCO stated:

“Welsh, with a strong speaker base and much institutional support..., is nevertheless regarded as vulnerable,⁶ similar to almost all other minority languages, which can indeed be

* Legal academic at Cardiff Metropolitan University, hdevans@cardiffmet.ac.uk

¹ The current legislation governing censuses in England and Wales is the Census Act 1920. There are separate arrangements for censuses in Scotland and Northern Ireland. Censuses have been undertaken every ten years since 1801, except for 1941 because of World War II.

² Office for National Statistics 2022a.

³ Office for National Statistics 2022b.

⁴ Census questions concerning the Welsh language which related to people aged 3 or over were first asked in 1901. See: Davies 2014, 87.

⁵ *Ibid.*, 82 & 87.

⁶ UNESCO has developed the following classification in relation to the vitality of a language: safe; stable but threatened; vulnerable; definitely endangered; severely endangered; critically endangered; and extinct. See: UNESCO 2010, 11-12.

justified on the basis of continuing English domination in practically all fields of life”.⁷

Yet, seemingly, there is room for some optimism about the Welsh language. As UNESCO acknowledges, there is a strong speaker base and institutional support. Welsh has official status in Wales which includes the requirement for the Welsh language to be treated no less favourably than the English language. There is a Welsh Language Commissioner whose role is to promote the language and ensure that public bodies meet specific standards in the use of Welsh when carrying out their business. The business of the *Senedd* (the Welsh Parliament)⁸ is undertaken bilingually in Welsh and English, and the legislation it passes is bilingual. Welsh medium education is expanding, as are the numbers of adults learning Welsh.⁹ There is a Welsh Government Welsh language strategy (WLS) which aims to have a million Welsh speakers by 2050¹⁰ and to double the daily use of Welsh during that time by “work[ing] to provide the conditions to facilitate an increase in the [use of the language]”.¹¹

That cause for cautious optimism has not just accidentally happened. It is the result of directed effort over recent times to promote and sustain the Welsh language. This paper explores the story of the Welsh language from 1535 until today, having regard to the surrounding societal influences on its vitality. From this, matters are identified which are potentially applicable in other contexts where there are concerns about the vitality of a language. First, however, the paper places the issue of multilingualism in a human rights framework. As well as identifying specific rights, the point of the exercise is to explore the ideas justifying the inclusion of multilingualism in that framework.

⁷ *Ibid.*, 38.

⁸ Its official titles are, in Welsh, *Senedd Cymru* and, in English, the Welsh Parliament. In practice, it is called the *Senedd*.

⁹ See: National Centre for Learning Welsh 2022.

¹⁰ Welsh Government 2017.

¹¹ *Ibid.*, 2.

2 Language and Human Rights

Amartya Sen defines human rights as:

“Really strong ethical pronouncements as to what should be done. They demand acknowledgement of imperatives and indicate that something needs to be done for the realization of these recognized freedoms that are identified through these rights”.¹²

These rights have normative value and there is a distinction between such rights and the measures that give effect to their realisation. The Preamble to the United Nations Universal Declaration of Human Rights¹³ (UDHR) supports this analysis as it asserts that human rights should be protected by the rule of law. But human rights can be protected by things other than the rule of law: for example, by activism or societal consent. These three things all have a place in the Welsh experience.

Does multilingualism have a place in this normative ethics framework? The search for that placement starts with the UDHR which Sen describes as an “articulated recognition of human rights’ and a ‘template for new laws... to legalize those human rights across the world”.¹⁴ Article 2 proclaims that everyone is entitled to the rights and freedoms set out in the UDHR “without distinction of any kind such as... language”. When read in conjunction with, for example, article 19 (freedom of opinion and expression) or Article 20 (freedom of peaceful assembly and association), enjoyment of those rights should be protected without distinction on a basis such as language. Article 2 can be similarly construed in conjunction with other articles such as Article 10 (right to a fair hearing) or Article 12 (no arbitrary interference in private and family life). There are other examples. That template has been taken forward in global and regional instruments such as the United Nations International Covenant on

¹² Sen 2010, 357-358.

¹³ The Universal Declaration of Human Rights 1948 was adopted on 10 December 1948.

¹⁴ Sen *op. cit.*, 359.

Civil and Political Rights¹⁵ (ICCPR), the United Nations International Covenant on Economic, Social and Cultural Rights¹⁶ (ICESCR), the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms¹⁷ (ECHR).

While the UDHR, ICCPR, ICESCR and ECHR do not contain anything expressly concerning multilingualism, their reference to everyone being entitled to the rights and freedoms contained in those instruments without distinction based on such things as language, provide the basis for claiming that multilingualism is contemplated.

Moreover, for languages, there is the Council of Europe Charter for Regional or Minority Languages¹⁸ (ECRML) which proclaims that:

“the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the [ICCPR], and according to the spirit of the [ECHR]”.¹⁹

There is also the related Council of Europe Framework Convention for the Protection of National Minorities²⁰ (FCNM) where language will often be part of the set of rights in relation to a minority group.

¹⁵ The International Covenant on Civil and Political Rights 1966 was adopted on 16 December 1966 and entered into force on 23 March 1976.

¹⁶ The International Covenant on Economic, Social and Cultural Rights 1966 was adopted on 16 December 1966 and entered into force on 1 January 1976.

¹⁷ The Convention for the Protection of Human Rights and Fundamental Freedoms 1950 was adopted on 4 November 1950 and entered into force on 3 September 1953. The Convention is otherwise known as the European Convention on Human Rights.

¹⁸ The European Charter for Regional or Minority Languages 1992 was adopted on 25 June 1992 and entered into force on 1 March 1998.

¹⁹ See Preamble to the ECRML. In the case of *Cadoret and Le Bihan v France* (Communication No. 323/1988: France. 11/04/91. CCPR/C/41/D/323/1988), the United Nations Human Rights Committee held that there was no right to use the Breton language in court proceedings in France; as such, there was no breach of article 26 of the ICCPR and there was no discrimination on the ground of language. But this case predates the ECRML, and the decision is inconsistent with the preamble to the ECRML.

²⁰ The Framework Convention for the Protection of National Minorities 1995 was adopted on 1 February 1995 and entered into force on 1 February 1998.

Language, and the protection of language diversity, as given effect by multilingualism, form part of the ethical tapestry encompassing human rights and fundamental freedoms, which should be protected by the rule of law, as well as in other ways.

As to why that is the case, two distinct but interrelated imperatives are identified: the societal imperative and the instrumental imperative.

Societal imperative: The Preambles to the UDHR, the ICCPR and the ICESCR link upholding the protected rights to the inherent dignity and... equal and inalienable rights of all members of the human family. The ECRML links the protection of historical regional or minority languages of Europe as a contribution to the maintenance and development of Europe's cultural wealth and traditions and stresses the value of interculturalism and multilingualism.²¹

The FCNM articulates this approach in greater detail in declaring that not only should the “ethnic, cultural, linguistic and religious identity of a person belonging to a national minority” be respected but also “appropriate conditions” should be created “enabling those people to express, preserve and develop this identity”; and “cultural diversity should be a source and a factor, not of division, but of enrichment for society”.²²

In overall terms, therefore, the societal imperative links upholding of the protected rights and freedoms (including language rights and freedoms) to the improved well-being of the human condition.

Instrumental imperative: The instrumental imperative refers to the capacity of a language to meet the communication needs of those who use it. The core function of language (or a specific language) is to facilitate the communication and exchange of information, opinions, ideas, and other things, and to enable people to make a range of societal arrangements (there is thus a linkage with the societal imperative). If a person, say, is only able to use a language in her or his private life (for whatever reason), the vitality of that language is more likely to be at risk than one which can be used in both private and public spheres.

²¹ See Preamble to ECRML.

²² See Preamble to FCNM.

There is further linkage with the societal imperative. Each language has an associated cultural connection, and there is likely to be a direct correlation between how effective a language is as a medium for the exchange described above and the vitality of the cultural identity with which it is associated.

If a cultural group has a sustainable existence (and assuming there is an associated living language), a person is more likely to be able to function in both private and public spheres through the medium of that language. The sustainability of that cultural group can strengthen the basis for that language's resilience and continuity.

Reference in human rights instruments to the instrumental imperative is mainly implicit. But perhaps its most obvious place concerns freedom of expression (together with the associated rights of freedom of association and assembly). The right to freedom of expression includes the right to seek, receive and impart information and ideas; and the means to that, self-evidently, is through the use of language. And as those human rights instruments prohibit the enjoyment of rights through distinction (or discrimination) based on language, conditions should, therefore, be in place to allow freedom of expression through the language of choice.

The United States President Franklin D Roosevelt set out four freedoms from which the UDHR was derived (freedom of expression, freedom to worship, freedom from want, and freedom from fear).²³ It is noteworthy, that freedom of expression²⁴ was the first mentioned, and signifies the importance attached to it in human rights thinking.

The importance of language as a tool for communication has also featured significantly in philosophy as evidenced, for example, in the writing of Ludwig Wittgenstein. He saw language in an instrumental context and, although his view of language changed between his two major published works,²⁵ his overall view of its key role did not change. His analysis related to the nature of that role.

²³ See: Roosevelt 1941.

²⁴ Roosevelt also referred to freedom of speech. 'Expression' is wider than 'speech' and includes the written word as well as other means of communication.

²⁵ See: Wittgenstein 1922, and Wittgenstein 1953.

Two points can be asserted: first, in fulfilling that key role, a language is likely to be more effective if a speaker uses her or his preferred language; second, to continue to fulfil that role, a language needs to develop and be supported so that it reflects the current needs of its speakers in the private and public spheres.

Placing the case for multilingualism (and the need to protect and promote it) in a human rights framework provides a counterweight to the cultural, economic, political, and other influences associated with a dominant language that adversely affect the sustainability of minority languages. The paper next considers the case of Wales and the Welsh language.

3 Population and Welsh-speakers: The Present and the Past

As previously mentioned, the 2021 census reported that out of a population of 3,107,500, 538,000 aged 3 or above spoke Welsh. To give some historical context, Appendix 1 sets out the number of Welsh speakers in Wales for the 100 years preceding the 2021 census.

The figures do not take account of population change but nevertheless are indicative of trends. Appendix 1 shows that there were around 900,000 Welsh speakers in 1921 and there has been a marked decline since that time. However, the decline until the 1970s was particularly significant, and if it had continued the current number of Welsh speakers might be lower than 100,000. But that decline was arrested in the 1970s and there was an increase in Welsh speakers from 1981 until 2001, with the reappearance of a decline (although not to the same extent as the first decline). There is a discussion concerning the reasons for these trends below. First, though, the position before 1921 is considered.

Until the mid-17th century Wales was mainly rural and most economic activity related to agriculture. But there was a change because of industrialization from around 1770 when it is estimated that the population of Wales was around 489,000.²⁶ The first official census was

²⁶ Davies 2014, 55.

held in 1801 and the recorded population had risen to 587,000.²⁷ By 1851 it had almost doubled to 1,163,000 and by 1914 there was a further increase to 2,523,000.²⁸ As mentioned, the current population is 3,107,500 according to the 2021 census.

Although official statistics about the number of people who spoke Welsh are not available until the census of 1891, in 1801 it is estimated that around 80% of the population spoke Welsh (470,000 speakers),²⁹ with 70% of the population being monolingual Welsh speakers.³⁰ In 1851 it is estimated that 69% of the population spoke Welsh (800,000 speakers)³¹ and “Welsh monoglots were in a majority”.³² While the number of Welsh speakers had significantly increased, the 1851 figures represent an 11% proportionate decline in the number of Welsh speakers, given the overall increase in the population of Wales.

The census of 1891 showed that 54.4% of the population in Wales aged 2 or over spoke Welsh (910,389 speakers).³³ And of that number 56% were recorded as speaking Welsh only (508,036 speakers).³⁴ The 1901 and 1911 censuses differed to the extent that their returns related to the linguistic ability of people aged 3 or over, rather than 2. The number of Welsh speakers in Wales recorded for 1901 is 929,824 and 977,366 in 1911 but this represented a decrease in the proportion of the population claiming to speak the language (49.9% in 1901, 43.5% in 1911 – contrasted with 54.4% in 1891).³⁵ That decline continued from 1921, as shown in Appendix 1.

There was also a significant decline in the number of monolingual Welsh speakers recorded in the 1901 and 1911 censuses: 22.5% (208,905 speakers) for 1901 and 19.5% (190,292 speakers) for 1911, contrasted

²⁷ *Ibid.*

²⁸ Davies 2007, 387.

²⁹ Davies, *op. cit.*, 56-57.

³⁰ *Ibid.*, 82.

³¹ *Ibid.*

³² Brooks 2017, 2.

³³ Davies 2014, 81.

³⁴ *Ibid.*

³⁵ *Ibid.*

with 56% in 1891.³⁶ The accuracy of the census returns for 1891, 1901 and 1911 concerning the number of monolingual Welsh speakers has been questioned (for example, that the 1891 figures are an exaggeration).³⁷ That said, the figures accurately report that there was a decline in monolingual Welsh speakers, which continued into the 20th century to the point where the monolingual Welsh speaker does not now exist.³⁸ Welsh and English bilingualism has replaced Welsh monolingualism. While the influence of English has impacted on the number of Welsh speakers, it has also eradicated Welsh monolingualism.

The 2021 census shows a fall in Welsh speakers since 2011 (538,300 of the population aged 3 or over in 2021 (17.8%), 552,000 in 2011 (19%)).³⁹ That decrease is mainly driven by a fall in children who reported being able to speak Welsh. Children aged 5 to 15 saw a 6.0% decrease, with a similar decrease seen for children aged 3 to 4. Conversely, there were small increases for people aged 16 to 19, and 20 to 44, with decreases for people over 44.⁴⁰ It has been suggested that the effects of the pandemic might have contributed to that decrease for the very young,⁴¹ in which case it should not have continuing effect. But despite the arrest in the significant decline before the 1970s, as shown in Appendix 1, the position of the Welsh language in the future remains far from secure.

Before considering the narrative that has influenced Welsh language speaking in Wales, another statistical source must be mentioned, which suggests that the number of Welsh speakers is higher than the census shows. Supplemental to the census, which happens every

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ The 1991 census was the first not to include a question concerning knowledge of English. See: *Ibid.*, 699.

³⁹ Welsh Government 2022.

⁴⁰ *Ibid.*

⁴¹ “Census 2021 was held during the coronavirus (COVID-19) pandemic... This affected the population in a variety of ways. For example, children had been learning remotely, and many early childcare facilities, including Welsh-medium childcare facilities were closed for extended periods of time... It is not known how the pandemic may have had an impact on people’s reported Welsh language ability, or on their perception of the Welsh language ability of others.” *Ibid.*, 11

10 years, there is an annual UK-wide survey, the Annual Population Survey (APS),⁴² which in Wales includes materially the same census questions on the Welsh language. Appendix 2 shows the number of Welsh speakers in Wales aged 3 or above as reported between 2001 and June 2022.

The survey in Wales involves around 35,000 people.⁴³ In June 2022, 899,500 people aged 3 or above were reported to be Welsh speakers.⁴⁴ The comparable figures for the 2021 census published in December 2022 was 538,300, as mentioned, a significant difference between the two. As seen from Appendix 2, the difference between the respective sets of comparative data has consistently appeared, and overall, has increased since 2001.

Possible reasons for this discrepancy have been suggested⁴⁵ but there has been no direct research explaining the difference. Given the disparity, research on the point is clearly needed. Also, if the state of the language is better than the census indicates (and possibly significantly so), that is a matter of concern. The Welsh Government has stated that in calculating the number of Welsh speakers for the purposes of the WLS, census outcomes are the determinant,⁴⁶ and not the APS.

4 1535 to 2023: The Welsh-speaking narrative

The previous statistics show changes in the Welsh-speaking population since the mid-17th century. Starting with 1535, the next part considers various influences on those historical positions concerning Welsh-speaking up until the present. The review cannot potentially cover

⁴² Office for National Statistics 2012.

⁴³ Williams *et. al.* 2019.

⁴⁴ Welsh Government 2022c.

⁴⁵ Williams *op. cit.*

⁴⁶ "We consider the census to be the authoritative source on the number of Welsh speakers in Wales and it is the basis for our aspiration of a million Welsh speakers". Welsh Government 2017, 22.

everything. What it does do is establish a narrative and reference significant events and issues.

4.1 English Administration and a Welsh Bible

Wales was annexed to England by the Laws in Wales Act 1535 (the 1535 Act) and the Laws in Wales Act 1542.⁴⁷ Under section 17 of the 1535 Act, the English language was made the only language of law courts in Wales and appointment to public office in Wales was limited to English language speakers.⁴⁸ Section 17 was not changed until over 400 years later, when it was repealed by the Welsh Courts Act 1942 (see below).

It has been suggested that the intention of the legislation was not necessarily about seeking the demise of the Welsh language but about uniform administration of England and Wales in the English language.⁴⁹ But the effect over the succeeding centuries was that public administration was Anglicised and that implicit in the legislation “was the necessity for the creation of a Welsh ruling class fluent in English”.⁵⁰ Because of the privileges that would be enjoyed by English speakers, when compared with the monolingual Welsh speaker, this “would give rise to attitudes to Welsh which would threaten the existence of the language”.⁵¹

However, in contrast to the 1535 Act, in 1563 an act was passed by Parliament requiring the Bible to be translated into Welsh (the 1563 Act).⁵² This was achieved in 1588 through the endeavours of William Morgan which “rendered the Protestant faith intelligible to the people

⁴⁷ In broad terms, the Laws in Wales Act 1535 brought about annexation and the Laws in Wales Act 1542 made supplementary and correctional provision. At the time the legislation was made it was not the practice to give statutes names but the two Acts were subsequently named by the Statute Law Revision Act 1948.

⁴⁸ Laws in Wales Act 1535, s 17.

⁴⁹ Davies 2007, 229.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Lewis *et al* 2022, 195. Also, unlike the 1535 Act and the Laws in Wales Act 1542, the 1563 Act has not subsequently been given a name.

of Wales in an idiom and style which was genuinely their own”.⁵³ As most of the population in Wales was monolingual Welsh-speaking, the difference in approach between the 1535 and the 1563 Acts has been explained as the state believing “religious uniformity to be more important than linguistic uniformity”.⁵⁴

The Welsh Bible helped sustain the Welsh language because it was central to religious practise. It also helped ensure that Welsh was not just spoken.⁵⁵ Between 1546 and 1660, 100 books were published in Welsh, a small number when compared to publications in English and French, but Welsh was not a language of any state. By way of comparison with other non-state languages, in the same period, eleven books were published in Irish, as were four in Scottish Gaelic.⁵⁶ Publication of the Welsh Bible continued the trend of Welsh language publication.

The 1535 and 1563 Acts significantly contributed to the fate of the Welsh language and in contrasting ways. The 1535 Act made English the language of public administration and of the ruling elite in Wales. The 1563 Act materially contributed to the continued relevance of Welsh to the everyday lives of monolingual Welsh speakers and to the development of published literature in the Welsh language.

4.2 *Welsh Bible and Literacy*

As mentioned, the publication of the Welsh Bible provided the base for the development of published literature in the Welsh language. It also provided for the growth in literacy. A primary influence was Griffith Jones who began establishing schools in 1731 to teach children and adults to read the Bible and learn the catechism. When this was done, the schools moved on (they were known as circulating schools). Jones established 3,325 schools overall attended by a suggested 250,000

⁵³ *Ibid.*, 198.

⁵⁴ Davies 2007, 236.

⁵⁵ *Ibid.*, 238.

⁵⁶ *Ibid.*, 233.

students when the population in the mid-18th century was estimated to be around 480,000. This newfound literacy stimulated the publication of over 2,500 books in the Welsh language in the 18th century.⁵⁷

4.3 Economic Revolution and Cultural Change

The 19th century was a period of industrial birth and development in Wales. As already noted, the population increased from an estimated 489,000 in 1770 to 2,523,000 in 1914. The population growth was fuelled by the inward migration of English speakers from outside Wales. There was therefore the influence of a language from a dominant (and an imperial) culture making inroads into the use of Welsh either alongside it (with Welsh-English bilingualism) or replacing it (with English monolingualism). The “sheer mass of the immigration could no longer be assimilated”.⁵⁸ Improvements in infrastructure also had an influence through the development of a railway network and the improvement of roads which allowed for increased penetration of Welsh-monolingual areas. The growth of tourism was a feature of this development.⁵⁹

It has also been argued that 19th-century liberalism in the UK contributed to the demise of the language. Liberalism at that time extolled the value and freedom of the individual but ignored the collective rights associated with the people or a community. Maximising that freedom meant accepting English as the language of the world because of the emancipating effect and opportunity offered through living life through that language: “Liberalism explains the success of the British in assimilating the Welsh, and it explains too the strange demise of the Welsh language”.⁶⁰

A broader point to make is that the decline at that time was not through autocratic diktat but that Welsh people themselves were

⁵⁷ Davies 2014, 48.

⁵⁸ Williams 1991, 245.

⁵⁹ Davies 2014, 69.

⁶⁰ Brooks 2017, 75.

complicit by embracing that greater opportunity perceived to be offered by the English language. As such there was “an understandable decision by the Welsh themselves to abandon their language”.⁶¹

Whether rooted in liberalism or otherwise, the manifestation of that attitude towards the Welsh language has been described as the practice of “cultural genocide”⁶² by schoolteachers who promoted the teaching of English combined with the active denigration of Welsh. The practice of the *Welsh Not* was typical of this approach, whereby a child caught speaking Welsh had to wear (generally) a piece of wood attached to a string around their neck as a punishment. The practice “enormously reinforced the image of Welsh as an inferior and gutter tongue”.⁶³

Perhaps the most significant other contributor to that image (or its reinforcement) was the 1847 *Reports of the Commissioners of Inquiry into the State of Education in Wales*.⁶⁴ Despite the title, the commissioners’ remit included enquiring: “especially into the means afforded to the labouring classes of acquiring a knowledge of the English language”.⁶⁵

The three commissioners, who were monolingual English speakers, concluded that the state of education in Wales was inadequate, and a significant contributor was the lack of teaching of English, compounded by insufficient English-speaking teachers and textbooks in English. In consequence, the view was taken that:

“[t]he Welsh language is a vast drawback to Wales and a manifest barrier to the moral progress and commercial prosperity of its people. It is not easy to overestimate its evil effects”.⁶⁶

⁶¹ *Ibid.*, 80.

⁶² Williams 1991, 246.

⁶³ *Ibid.*

⁶⁴ Commissioners of Inquiry into the State of Education in Wales 1847. There were three reports, and they were (and still are) referred to as the “Blue Books” after the colour of their covers. Digitalised copies of the reports are accessible at: The Blue Books of 1847 - National Library of Wales.

⁶⁵ *Ibid.*, Reports 1-3, 1.

⁶⁶ *Ibid.*, Report 2, 66.

The reports were deeply divisive and came to be known as *Brad y Llyfrau Gleision* (or, in English, *Treachery of the Blue Books*). A more detached view is that the reports do not stand in isolation. The reports are representative of an approach to the Welsh language, to which a significant number of Welsh people subscribed.

Financial incentives also contributed towards reduced teaching of Welsh in the education system. In 1861 government funding for schools changed when capitation payments were introduced, up to two-thirds of which could be withheld if a school's pupils did not meet required standards in writing or reading English. The incentive to teach Welsh therefore was directly challenged.⁶⁷

One legacy identified from the language provisions in the 1535 Act was that the privileges enjoyed by English speakers would give rise to an attitude which would threaten the existence of Welsh. That attitude is reflected by the 19th-century “cultural genocide”, yet it was also fuelled by the economic, cultural and political influences of the English-speaking world.

But it has been argued that an opportunity was missed to save the language. If Welsh language medium education had been introduced at that time, the children of English-speaking migrants to Wales in the 1890s and 1900s could have been successfully integrated into the Welsh medium world. That assertion is based on comparative analysis with languages of other small nations such as Estonia and Finland which were able to establish education in the medium of that nation's language and resist the influence of a more dominant tongue.⁶⁸

4.4 Welsh Comes Out Fighting

But there was some 19th-century hope. A movement developed⁶⁹ which advanced that Welsh could be used to assist in the learning of English

⁶⁷ Davies 2014, 75.

⁶⁸ Brooks 2017, 2-3.

⁶⁹ The Society for the Utilisation of the Welsh Language was formed to advance the cause.

for monolingual Welsh students (“for the better teaching of English”, as it became termed). Behind this movement was Dan Isaac Davies, a school inspector who believed in bilingualism and in the future of the Welsh language. He published a book, the English translation of which was titled, *Three Million Bilingual Welsh People in a Hundred Years*.⁷⁰ As a result of his campaign, in 1890 capitation payments were made available to schools that taught in Welsh. These payments were permissive, a school was not required to teach Welsh,⁷¹ but a precedent was established for Welsh teaching, and which could be developed. That achievement has been credited with being the springboard for advances subsequently made concerning the use of Welsh in schools⁷² and being crucial to the survival of the language. Comparison has been made with the fate of the Breton language in the 20th century which failed to get a similar toehold in the education system.⁷³ However, the position adopted by Davies represented a fundamental shift because it accepted that the English language was to be a permanent language in Wales and that future efforts must be towards achieving Welsh and English bilingualism.

Despite negative attitudes towards Welsh and its teaching, it still had its own literature. The Welsh language press developed in the 19th century; this was often associated with a religious denomination.⁷⁴ The first proper Welsh language newspaper *Yr Amserau* (*The Times*) was published in 1843.⁷⁵ In 1866 the Welsh periodical press had a combined circulation of around 120,000.⁷⁶

Alongside the development of Welsh language publications was an associated cultural life of Welsh speakers. There was a revival of cultural traditions such as the *eisteddfod* (a festival involving competitions

⁷⁰ Davies 1885.

⁷¹ Davies 2007, 443.

⁷² Davies 2014, 77.

⁷³ Davies 2007, 442.

⁷⁴ E.g., *Yr Eurgrawn Wesleyaidd*, for the Welsh Wesleyan Methodists was published from 1809 to 1983. See: *Ibid.*, 62.

⁷⁵ *Ibid.*, 62.

⁷⁶ *Ibid.*, 72.

concerning music, poetry, and the arts). The first National Eisteddfod for Wales was held in Aberdare in 1861,⁷⁷ and since then it has been held almost every year. It has become a “central element in the lives of devotees of the Welsh language”.⁷⁸ It attracts over 6000 competitors with around 150,000 visitors.⁷⁹ That national manifestation of a cultural phenomenon did not exist in isolation. By the late 19th century there were few small Welsh-speaking communities that did not have their own *eisteddfod*.⁸⁰

4.5 Embryonic Nationalism and Protest

The growth in awareness of and interest in Welsh was mirrored by the development of nascent nationalism, in civic or cultural form. Against the background of Irish nationalism, *Cymru Fydd* was formed in 1886.⁸¹ It argued for self-government for Wales but the movement fragmented and came to an end in 1896. David Lloyd George, future UK Prime Minister, was its leader for a time.⁸² Manifestations of cultural nationalism included: Wales playing its first international football game in 1876;⁸³ the founding of the University of Wales in 1893;⁸⁴ and the establishment of the National Library of Wales and the National Museum of Wales in 1907.⁸⁵ Yet despite the nationalism:

“there was little sign that the Welsh language would now be taken seriously. Indeed, English was promoted far more

⁷⁷ *Ibid.*, 405.

⁷⁸ *Ibid.*

⁷⁹ See: <https://eisteddfod.wales/national-eisteddfod-wales>, accessed: 14.06.2023.

⁸⁰ Davies 2014, 60.

⁸¹ It can be translated into English as “The Wales to Be”.

⁸² Davies 2007, 441-442, 452-453.

⁸³ Against Scotland. See: Stead 2022, 9-13.

⁸⁴ Davies *op. cit.*, 449-450.

⁸⁵ *Ibid.*, 482

effectively than ever before because it was the Welsh themselves who were doing the promoting”.⁸⁶

That nationalistic focus became more pronounced in the early 20th century, and this became more linked with campaigning for the Welsh language. The main nationalist political party in Wales, *Plaid Cymru* (Party of Wales), was formed in 1925, although originally called *Plaid Genedlaethol Cymru* (National Party of Wales). Promoting the use of the Welsh language was central to its *raison d'être*.⁸⁷ It was also during this period that direct action emerged as a form of protest to further the nationalist cause, establishing a “tradition” that was to be used, especially from the 1960s, as a means of campaigning for the Welsh language. Characteristic features of this protest included an activist (A) breaching the law (such as causing damage to property, refusing to pay something lawfully due, obstructing the highway) but where A was not violent or threatening towards any person and A was accountable (ie, A did not disguise A’s responsibility for the action and A submitted to legal consequences).

4.6 1920s and 1930s Recession

Between 1925 and 1939, around 390,000 people left Wales for reasons fuelled by economic depression to places (often in England) where the depression had less effect. This had a significant demographic impact on the age structure of the population. In some areas, this materially impacted directly on the Welsh-language as members of the younger generations exited or the incentive to teach Welsh to children that remained was removed, if for economic reasons that child was unlikely to remain in Wales.⁸⁸

⁸⁶ Brooks 2017, 85.

⁸⁷ Ross 2014, 234.

⁸⁸ Davies 2007, 562-564.

4.7 *Protest and an Outcome*

One significant example of the above-mentioned protest, which entered Welsh nationalist folklore, was *Tân yn Llŷn* (Fire in Llŷn). Penyberrth was a farmhouse on the Llŷn Peninsula in Northwest Wales which was destroyed by the UK Government in 1936 and replaced by an RAF training camp and airfield. The farmhouse had long-established Welsh cultural connections. This was in a Welsh-speaking heartland and there was resentment at the imposition of the development in the face of significant opposition. Saunders Lewis, then *Plaid Cymru* leader, wrote that the UK Government intended to turn one of the “essential homes of Welsh culture, idiom and literature into a place for promoting a barbaric method of warfare”.⁸⁹ On 8 September 1936, after ensuring no one would be harmed, three *Plaid Cymru* members (including Lewis)⁹⁰ set fire to the airfield as a “national and pacifist gesture”.⁹¹ They gave themselves up to the police afterwards and subsequently received prison sentences.

Lewis and the other two had not been allowed to address the court in Welsh. There was a reaction. During the 1938 National Eisteddfod in Cardiff, a petition, demanding equal status for the Welsh language with the English language, was launched. It gained over 250,000 signatures and directly influenced the crafting of legislation, the Welsh Courts Act 1942, the legislation that, after over 400 years, repealed section 17 of the 1535 Act.⁹² The Welsh Courts Act 1942 permitted the limited use of the Welsh language in the law courts of Wales:

“[I]t is hereby enacted that the Welsh language may be used in any court in Wales by any party or witness who considers that

⁸⁹ *Ibid.*, 592.

⁹⁰ The other two were Lewis Valentine and DJ Williams.

⁹¹ Williams 1991, 283.

⁹² Davies 2014, 98-99.

[she or] he would otherwise be at any disadvantage by reason of [her or] his natural language of communication being Welsh”.⁹³

In terms of getting official recognition for the Welsh language, this was a chink of light, but that light did not brighten for a further 25 years, and then only after more direct action.

4.8 Things Get Busy in the 1960s

In 1962 Saunders Lewis in a BBC radio broadcast lecture, *Tynged yr Iaith* (The Fate of the Language),⁹⁴ suggested that unless action was taken the Welsh language would face extinction early in the 21st century: “It will be nothing less than a revolution to restore the Welsh language in Wales. Success is only possible through revolutionary methods”.⁹⁵

The prognosis of the language as perceived at that time has been described as terminal⁹⁶ (see Appendix 1 concerning the rate of decline in Welsh speakers till the 1960s). But the lecture contributed to a reaction which arrested that decline (see Appendix 1, again). The lecture led directly to the foundation of *Cymdeithas yr Iaith Gymraeg*⁹⁷ (CIG). CIG’s first action was in 1963.

Its members:

“went on to campaign for Welsh in the Post Office, on car licences, on birth certificates and on signposts, activities which led to a host of court cases and to experience of imprisonment becoming

⁹³ Welsh Courts Act 1942, s 1.

⁹⁴ Saunders Lewis: “*Tynged yr Iaith*”. BBC Radio. 1962.

⁹⁵ From the translation into English by G Aled Williams: Fate of the Language by Saunders Lewis, available at: <https://morris.cymru/testun/saunders-lewis-fate-of-the-language.html>, accessed: 14.06.2023.

⁹⁶ Williams 1991, 292.

⁹⁷ Welsh Language Society. CIG still exists: What is Cymdeithas yr Iaith? | Cymdeithas yr Iaith Gymraeg. Available at: <https://cymdeithas.cymru/what-is-cymdeithas-yr-iaith>, accessed: 14.06.2023.

commonplace among the younger generation of Welsh language activists”.⁹⁸

One of the drivers for action was the issue of water supply from Wales to England riding roughshod over the rights of the communities and individuals affected. In 1965 the Liverpool Corporation dammed the Afon Tryweryn⁹⁹ in north-west Wales and, in consequence, flooded and displaced the Welsh speaking community of Capel Celyn.¹⁰⁰ The purpose was to create a reservoir to supply water to the people of Liverpool in north-west England and had been authorised by private Acts of Parliament.¹⁰¹ This was despite opposition in Parliament with no member from Wales voting in favour,¹⁰² and vociferous protest from the local and wider community.¹⁰³ It became a *cause célèbre*, the response to which was a clarion call for action to defend Welsh culture and, especially, the Welsh language, epitomised by the slogan “Cofiwch Dreuweryn”.¹⁰⁴

But against the backdrop of Treweryn, there was some progress. The UK Government created the position of Secretary of State for Wales (SSW) in 1964, the holder of which became a member of the UK Government and headed the Welsh Office, the accompanying newly created civil service department. This was an act of administrative devolution which allowed policy to be tailored to meet Welsh needs to some extent, albeit within overall UK Government policy.¹⁰⁵ Also, in

⁹⁸ Davies 2007, 626.

⁹⁹ River Treweryn.

¹⁰⁰ An earlier example of this type was the damming of the Afon Elan and the Afon Claerwen in mid-Wales for the supply of water to Birmingham and surrounding areas in central England. The Birmingham Corporation Water Act 1892, a private Act of Parliament, was obtained to authorise the works. See: Brown 2019.

¹⁰¹ The Liverpool Corporation Act 1957 and the Liverpool Corporation Act 1962.

¹⁰² Davies 2007, 640.

¹⁰³ Williams 1991, 291.

¹⁰⁴ Remember Treweryn. Note because of Welsh grammar mutation rules, “T” changes to “D”.

¹⁰⁵ See: Deacon 2002.

consequence, it enabled a “system of Welsh administration [to] strik[e] roots”.¹⁰⁶

Plaid Cymru made a breakthrough when its leader, Gwynfor Evans, was elected to the UK Parliament as the party’s first member in 1966 as MP for Carmarthen. It was a “watershed moment that marked the beginning of separatist nationalism as a serious political force in Wales”.¹⁰⁷

Specifically concerning language, the Welsh Language Act 1967 was passed. It went further than the Welsh Courts Act 1942 and gave the right of people to use Welsh in legal proceedings in Wales, provided a person who wished to do so notified the court in advance. The Act also allowed government ministers to provide for Welsh forms of words in public or official documents.

The impact of CIG and the creation of the SSW can also be seen. For example, one of CIG’s campaigns concerned getting monolingual English road signs replaced by bilingual road signs; the campaign involved direct action (e.g., painting over or removal of monolingual signs). In response to the issue, the SSW commissioned a report which was published in 1972 and which recommended that bilingual road signs should be introduced throughout Wales.¹⁰⁸ That policy was implemented, and bilingual road signage is a fact of Welsh life in 2023. Without CIG, it is difficult to see how the issue would have secured the prominence it did at that time. Without the SSW, it is difficult to envisage who else might have commissioned the report.

The Welsh Language Act 1993 took things further and established the Welsh Language Board and provided that certain public bodies should give effect, where possible, to the principle that the Welsh and English languages should be treated equally in the conduct of public business in Wales.¹⁰⁹ In furtherance of this aim, the Welsh Language Board was given power to require bodies which provided services to

¹⁰⁶ Davies, *op. cit.*, 642.

¹⁰⁷ Johnes 2019, 156.

¹⁰⁸ Welsh Office 1972.

¹⁰⁹ Welsh Language Act 1993, s 5(2).

the public in Wales to prepare schemes setting out the steps about the use of Welsh when providing those services.¹¹⁰

4.9 School education from 1945

By the mid-1940s Welsh became the main medium of education in primary schools where Welsh was most widely spoken. But Welsh, apart from rudimentary Welsh, was then little taught to monolingual English-speaking children. In the 1950s two areas (Flintshire and Glamorgan) made a concerted effort to ensure that Welsh was more readily available in primary education. One consequence was that a high proportion of children educated came from monolingual English-speaking backgrounds, a position arrived at through an exercise in parental choice. By 1962 there were thirty-six Welsh medium primary schools. By 2012 there were over 52,000 children attending Welsh medium primary schools and an additional 16,500 attending schools that offered a degree of bilingual education. In Cardiff there was only one Welsh medium primary school in 1949; there were nine by 1998, and fifteen by 2012. This expansion was supported by the complementary development of nursery schools. In 1971 there were sixty-eight nursery schools; by 2012 there were over 500.¹¹¹

In the 1940s Welsh was taught as a subject in most secondary schools. But teaching through the medium of Welsh was generally restricted to teaching Welsh as a subject. A somewhat bizarre situation arose when subjects would be taught through the medium of English when Welsh was both teachers' and students' first language. The position did change gradually. A secondary school that delivered its education mainly through the medium of Welsh was established in 1956, and a second one followed in 1962. By the mid-1980s there were fifteen such schools and by 2012 there were thirty-two. Other schools in Welsh-

¹¹⁰ *Ibid.*, Part 2.

¹¹¹ Davies 2007, 624-626; Davies 2014, 124-126.

speaking areas increasingly offered teaching of some subjects through the medium of Welsh by the 1980s.¹¹²

There followed a boost to the teaching of Welsh from a surprising source. The Education Reform Act 1988 was legislation promoted by the UK Government for England and Wales, yet it made separate provisions for England and Wales concerning the establishment of a national school curriculum for each country. In Wales, it provided that Welsh was to be a core subject in the curriculum and that the teaching of Welsh was to be compulsory in English medium schools up to the age of 16.¹¹³

4.10 Broadcasting in Welsh

By the 1960s there were two television broadcasters (the BBC and ITV, a commercial channel). There were around 11½ hours per week of Welsh language content but, as most of the population was not Welsh-speaking, Welsh language content tended to be off-peak. The position was resented by elements in both the Welsh-speaking and English-speaking communities; the Welsh-speaking because it was not receiving adequate service in its first language, the English-speaking because service was disrupted by content which was not understood. An answer to both grievances was the establishment of a separate Welsh-language television channel in November 1982. Before that, there had been a campaign of civil disobedience for over a decade; CIG had stepped to the fore again. In 1979 it looked as if things had been settled when both the Conservative Party and the Labour Party supported the establishment of a Welsh-language channel in the general election held that year. However, on winning the election, the incoming Conservative administration changed its mind. Further civil disobedience followed, including people refusing to pay their television licence fee. This culminated in *Plaid Cymru* leader, Gwynfor Evans,

¹¹² Davies 2014, 130.

¹¹³ Education Reform Act 1988, Part 1.

announcing that he would fast to the death unless the government kept to its original commitment. Eventually, the government relented, Gwynfor Evans did not fast to his death, and *Sianel Pedwar Cymru* (S4C) was established.¹¹⁴ A dedicated Welsh language radio station, *BBC Radio Cymru*, was also established in 1977.¹¹⁵

4.11 1999 and Devolution Cometh

Wales had never had its own legislature or government until *Cynulliad Cenedlaethol Cymru* (in Welsh) or the National Assembly for Wales (in English) (CCC) was established in 1999,¹¹⁶ thanks to the devolution to Wales of some UK Government functions. In broad terms, the functions that were previously the responsibility of the SSW were devolved,¹¹⁷ and this included education and the Welsh language. CCC was subsequently renamed as *Senedd Cymru* or the Welsh Parliament (the *Senedd*).¹¹⁸

Welsh acquired status as an official language in Wales. Indicative of this was that the *Senedd* has an official name in both Welsh and English. The Government of Wales Act 2006¹¹⁹ expressly sets out that Welsh and English are the official languages of the *Senedd*,¹²⁰ and that those

¹¹⁴ Davies 2014, 150-151.; Davies 2007, 656.

¹¹⁵ Davies 2007, 642.

¹¹⁶ The first elections to the CCC were held in May 1999. The Government of Wales Act 1998 established the CCC.

¹¹⁷ The SSW continued to be a member of the UK Government but with a radically changed remit. Two obvious roles justifying that continuation were: to act as the interface between UK and Welsh Governments; and to represent Wales in non-devolved matters within the UK Government. The UK Government department for the SSW was renamed the Wales Office (Office of the Secretary of State for Wales).

¹¹⁸ As it was a devolved matter, to make the change the *Senedd* was able to pass its own legislation, the Senedd and Elections (Wales) Act 2020. Its title in Welsh is *Deddf Senedd ac Etholiadau (Cymru) 2020*.

¹¹⁹ The Government of Wales Act 2006 replaced the Government of Wales Act 1998 as the UK Parliamentary Act under which the *Senedd* is established.

¹²⁰ s 35(1).

languages must be treated on a basis of equality in *Senedd* proceedings.¹²¹ A person has the right to use either language when participating in *Senedd* proceedings.¹²² A record of *Senedd* proceedings must also be maintained in Welsh and English.¹²³ The Welsh Government must adopt a Welsh language strategy setting out how it will promote and facilitate the use of the Welsh language.¹²⁴ Legislation made by the *Senedd* is also bilingual.

There have been two key pieces of *Senedd* legislation concerning the Welsh language: the Welsh Language (Wales) Measure 2011 (WLM)¹²⁵ and the Well-being of Future Generations (Wales) Act 2015 (WFGA).¹²⁶

The WLM developed the legal framework regarding the use of the Welsh language in public services. The WLM extended the official status of the Welsh language so it has official status in Wales, and not just in *Senedd* proceedings.¹²⁷ Under the WLM the Welsh Language Board was replaced by the Welsh Language Commissioner (WLC).¹²⁸ The WLC's main aim is to promote and facilitate the use of the Welsh language; this includes working towards ensuring that the Welsh language is treated no less favourably than the English language and that people in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.¹²⁹ The WLM provides for standards of conduct concerning the Welsh language, these replaced Welsh language schemes under the Welsh Language Act 1993. The standards a body must comply with are set out in an

¹²¹ s 35(1A).

¹²² s 35(1B).

¹²³ s 35(1D).

¹²⁴ s 78.

¹²⁵ The Welsh Language (Wales) Measure 2011. Its title in Welsh is *Mesur y Gymraeg (Cymru) 2011*.

¹²⁶ The Well-being of Future Generations (Wales) Act 2015. Its title in Welsh is *Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015*.

¹²⁷ s 1.

¹²⁸ s 2: Welsh Language Commissioner, see: <https://www.welshlanguagecommissioner.wales/>, accessed: 14.06.2023.

¹²⁹ s 3.

individual notice that the body receives from the WLC. The WLC has powers of investigation and enforcement where a breach of standards is established.¹³⁰

The WFGA imposes a well-being duty on public bodies such as local authorities to carry out “sustainable development”, which is defined as “the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle... aimed at achieving the well-being goals”.¹³¹ The sustainable development principle means that public bodies for which the *Senedd* is responsible “must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”.¹³² There are seven well-being goals,¹³³ one of which is a vibrant culture and a thriving Welsh language. Another well-being goal is for attractive, viable, safe and well-connected communities, and can be directly linked to having a thriving Welsh language given that communities will often be predominantly Welsh-speaking.

The Welsh language strategy (WLS)¹³⁴ is an ambitious statement of policy intent to realise a million Welsh speakers in Wales by 2050 and encompasses furtherance of both the WLM and WFGA. It represents a significant departure from previous policy in terms of its ambition, its holistic approach and its timeframe. The intent is for language policy implementation within a coordinated and overarching framework, which attempts to secure the societal conditions that support and sustain the Welsh language. Three themes are identified in the WLS: increasing the number of Welsh speakers; increasing the usage of Welsh; and creation of favourable conditions in terms of infrastructure and context.

¹³⁰ Parts 4 & 5.

¹³¹ s 2.

¹³² s 5.

¹³³ s 4.

¹³⁴ Welsh Government 2017.

At a theoretical level, the starting point for the WLS is Strubell's Catherine wheel model¹³⁵ which asserts that a language's vitality depends on interaction between interdependent elements that generate growth.¹³⁶ According to that analysis, to have an impact on the elements that produce the growth means having control (or at least influence) over levers which have an impact on those elements. The Welsh Government has control over, for example, education and planning but Wales is not an independent nation-state, and other influential functions remain with the UK Government, such as those relating to fiscal, economic, monetary and competition policy. Defending a language from dominating economic counterforces is difficult. If an English-speaking person from outside a predominantly Welsh-speaking area can pay more for a property than a Welsh-speaking resident, then *prima facie* there is only one likely winner. The WLS stresses the importance of the economy for sustaining a Welsh-speaking community,¹³⁷ but that position can be undermined (potentially fatally so) by the alternative economic reality if unchecked. But what checks can be put in place?

A report commissioned by the Welsh Government concerning the effects of second home purchases¹³⁸ in communities in Wales¹³⁹ (the Brooks report) concluded that no single policy would meet the challenge but that, in particular, tax and planning policies were important. The problem of a second homeowner displacing the local resident is not, of course, confined to Welsh-speaking communities but it is an issue that does especially affect them. In response to the Brooks report, the Welsh Government announced measures focusing on three fronts.¹⁴⁰

¹³⁵ *Ibid.*, 14.

¹³⁶ Strubell 2001, 280.

¹³⁷ Welsh Government *op. cit.*, 61.

¹³⁸ Second home purchasing is one aspect of the issue, but it has a particularly high profile in Wales.

¹³⁹ Brooks 2021.

¹⁴⁰ 1. Support (addressing affordability and availability of housing); 2. Regulatory framework and system (covering planning law and the introduction of a statutory registration scheme for holiday accommodation); 3. A fairer contribution (using national and local taxation systems to ensure second homeowners make a fair

Subsequent action has included an increase in the maximum level of local taxation for second homes as well as new local tax rules for holiday lettings.¹⁴¹ Furthermore, the Welsh Government has published a Welsh Language Communities Plan¹⁴² to tackle the challenges facing Welsh-speaking communities with the high concentration of second homes. Under the plan projected initiatives include the development of a social enterprise and community led cooperatives to support economic and social infrastructure together with promoting cooperative and community led housing so that accommodation can be affordable for the local person.

There are two further things to note arising from the Brooks report. The first concerns its emphasis on the need for broad, multi-layered, and differential responses (for example, that different actions may be appropriate to different geographical areas). And while the context of the Brooks report is about the defence of communities, in another context policy is the opposite and geared towards the creation of Welsh-language communities in which the Welsh language can flourish, a practical illustration of differential responding.

The second thing to note concerns how the Brooks report identifies social inequality between the residents of the traditional community and the newly arrived, and that intervention is in pursuit of social justice, especially where the Welsh language is involved. This can, also, be linked to the human rights framework mentioned earlier. Albeit indirect, this linkage with human rights is unusual in the context of Welsh language furtherance.

It is too early to judge the effects of the WLS (especially given the disruption of the pandemic) but the commissioning of the Brooks report and the specific policy responses emerging illustrate the multifaceted nature of overall policy towards nurturing the Welsh language. It is also worth noting that there are no current recommendations for

and effective contribution to the communities in which they buy). Source: Welsh Government 2021.

¹⁴¹ Welsh Government 2022a.

¹⁴² Welsh Government 2022b.

immediate action under the ECRML in respect of the Welsh language, while there are recommendations for Cornish, Irish, Scottish Gaelic, Scots and Ulster Scots as the other UK languages monitored under the ECRML.¹⁴³

5 Summary

At the turn of the 18th century, most of Wales's population was monolingual. By the 1960s Welsh monolingualism had disappeared. At the time there was a real danger that it would have been replaced with English monolingualism by the early 20th century. It is also clear that had the Welsh language has been the medium for the public education system in Wales that developed from the mid-19th century, it would have been in a stronger position to counter the effect of Anglicisation. That said, even if that had occurred, it is difficult to see how Welsh monolingualism would have survived given the cultural, economic, political, and geographical influences of the English-speaking world. Also, Wales is not an independent nation-state; it is part of a much larger unitary state in which English is the official language. But it is credible to argue that genuine Welsh-English bilingualism could have emerged had Welsh been central to the public education system established in the 19th century.

The policy challenge is to create a genuine Welsh-English bilingual population. The decline in the number of Welsh speakers was arrested from the 1970s but the position of the language is still fragile as the 2021 census demonstrates. The position is not hopeless as it might have become, but it is also clear that the policy for that fightback needs to be multifaceted, adaptable, and coordinated.

The impact of the law on the use of the Welsh language has been a constant theme starting with the 1535 and 1563 Acts, leading to specific language legislation of the later 20th century. Behind that legislation

¹⁴³ See: Committee of Experts of the European Charter for Regional or Minority Languages 2021.

has been the influence of social, cultural, and political movements, together with the role of individuals.

6 Some reflections

There are themes or issues that can be identified in the Welsh language narrative, which are potentially applicable in other contexts. The following discussion does not claim to be exhaustive but does relate to what are matters of significance.

Causes of marginalisation of a language can be in consequence of conscious effort, as was the case with the 1535 Act. But it can also be through an unintended effect, where circumstances arise which facilitate that outcome. English is a world language and is dominant in a multitude of areas, such as popular culture and trade. The ability to speak English gives a whole set of advantages over the ability to speak Welsh. “Why then speak Welsh?” might be a logical response for some. Other Celtic languages such as Cornish and Manx have become extinct and replaced by English monolingualism (although there are efforts to revive them).

Specifically, in relation to unintended marginalisation, economic influences are inevitably present. Economic conditions continue to threaten the integrity of Welsh language communities because the local Welsh-speaking resident cannot afford to live there or there is a lack of economic opportunity which causes that person to move away. He or she then becomes assimilated into English-speaking communities outside of Wales, and the Welsh language is not then passed to the next generation. Conversely, the English-speaking incomer can afford to buy property. Furthermore, often it is a purchase of property as a second home or for leisure hire, which means that any potential prospect of assimilation of the property user into the Welsh-speaking community is minimal or non-existent.

Trying to challenge those counter-economic forces is problematic, especially as not all potential levers of influence are in the hands of Welsh law and policymakers. Policy initiatives to protect traditional

Welsh-speaking communities can be seen by others as restricting other people's freedom of movement within the UK. Direct intervention in the marketplace concerning housing or planning policy to protect the Welsh speaker can bring with it a range of objections rooted in legal, moral, principled, and not-so-principled ground.

What the Welsh experience shows is that things can change if there is a response to the challenges to the vitality of a language. Activism, especially, has achieved some notable gains. Although there have been exceptions, activism has not gone down the path of violence against the person to further the language cause. Because of the way it was conducted, activism gained respect for the Welsh-language cause, and it gained some legitimacy. The passing of the Welsh Courts Act 1942, the Welsh Language Act 1967, the use of bilingual road signs, and the establishment of the Welsh language television channel S4C in 1982 can all be linked to activism. Of course, there was other campaigning through more mainstream means associated with the democratic process, but this was alongside activism.

Activism contributed to raising the profile of the Welsh language and helped place it as a key policy item in the governance of Wales. This worked in a UK context, but the UK is a liberal democracy and there was a response to arguments and democratic pressures to make change to accommodate the Welsh language. This response in another, perhaps less liberal, context might not be the same.

As to the role and influence of law, in a Welsh context, this has been fundamental. The influence of law can be seen in both a positive and negative light on the Welsh language arising from the 1535 and 1563 Acts. The effect of the 1535 Act was not ameliorated until the Welsh Courts Act 1942. And there followed a gradual step-change with legislation that strengthened the position of the Welsh language. Devolution facilitated further progress, including making English and Welsh the official languages of Wales. Legislation is bilingual, and official and public business is conducted in both languages. This has economic and social consequences because it can provide material incentives for people to learn Welsh and for Welsh speakers to stay in Wales.

But law does not exist in isolation. In a liberal democracy, there must be support for such legal change, and the role of individuals and social movements in building the conditions that are favourable to that change is central to the process. For example, the Welsh Language Act 1967 was passed against the background of Saunders Lewis radio lecture *Tynged yr Iaith* (The Fate of the Language) in 1962, the establishment of CIG in 1962, the establishment of the Secretary of State for Wales (and as a member of the UK Government) in 1964, and the election of Gwynfor Evans as the first *Plaid Cymru* member of the UK Parliament in 1966. The arrest in the decline of Welsh language speakers that then followed in the 1970s was not unconnected with what happened from the early 1960s onwards.

Education policy, self-evidently, has an important part to play in meeting Welsh language needs. The growth in state Welsh medium education has been significant and attendance of children from English-speaking households at Welsh medium schools is a common feature. Learning of Welsh by adults is also in demand. This is supported by the Welsh Government's WLS which aims for a million Welsh speakers by 2050. However, from an historical perspective, there was an opportunity missed in the 19th century to place the Welsh language at the core of the public education system that was created at that time. Had that opportunity been taken, as it was with other non-state languages on the European continent, it is likely Welsh would now be in a far better position.

But while the decline of the Welsh language can be linked to the domination of the English-language world, and its Anglicising effect, (some) Welsh people have accepted this position because it reflects an inevitable reality, as they see it. Efforts to support and nurture the language must be intelligent, sensitive and appropriate to context; an approach that is appropriate when attempting to protect a traditional predominantly Welsh-speaking community, will not necessarily be appropriate in a predominantly English-speaking community where the goal is to build a Welsh language community. There is a marked resistance by some monolingual-English speakers to that effort, who regard it as an imposition.

One very practical, but essential, issue concerns the quality of data. Policy about how to support and nurture language should be informed by data in which there is confidence concerning its integrity and completeness. The Welsh case highlighted a discrepancy between data from the ten-yearly census and the ALS. The ALS has suggested significantly more Welsh speakers than the census. The reason for the difference is unclear and research is needed to find an explanation. There has been no serious suggestion that the census data is over-reporting the position. While the position concerning data on Welsh speakers is not satisfactory, it has not been regarded as fatally flawed. But in another context, the data may be fatally flawed, or there might be little or no data to inform policy.

In human rights terms, the establishment of genuine Welsh-English bilingualism furthers the social and instrumental imperatives of the Welsh people. Having reduced numbers of Welsh speakers means the decreased ability to lead life through the medium of Welsh. The policy in Wales is for greater Welsh-English bilingualism. Making Welsh and English the official languages in the conduct of public and official business in matters devolved to Wales is a starting point but that is not the whole picture. There is the public and official business of those matters that affect Wales but are not devolved to Wales and are retained at a UK level such as, in the case of those having everyday impact, policing, justice and social security. The challenge is to avoid *de-facto* discrimination because languages are not treated on a basis of equality, which takes us back to human rights and that there should not be discrimination in the enjoyment of rights based on things such as language. With such discrimination, the societal and instrumental imperatives for the Welsh speaker cannot be fully realised. But genuine Welsh-English bilingualism also means that the societal and instrumental imperatives of the bilingual speaker are met in both languages, enriched by the fusion of the two and their related cultural heritages.

Language has been placed in this article in a human rights framework but, noticeably, in the movement in Wales to further the

Welsh language, it has not been expressly placed in that framework.¹⁴⁴ Express articulation would have strengthened the argument for furthering the Welsh language as it would have provided general justification independent of arguments related to a particular language (i.e., Welsh in this case). Referring back to Amartya Sen’s definition of human rights, those rights bring a “strong ethical pronouncement[s] as to what should be done... for the realization of... recognized freedoms”.¹⁴⁵ In the case of a particular language, the language facilitates the full enjoyment of human rights (which gives effect to those freedoms) and that is why there must not be discrimination in the enjoyment of rights based on criteria such as language. Better articulation about the use of a language (whatever language that may be) and the linkage to the enjoyment of human rights and fundamental freedoms adds substance to the cause for its furtherance.

Finally, the response to the language challenge is not straightforward. A response will depend on context, and context may vary even with the same language between different parts of the same geographical area (for example, within Wales, between protecting existing and creating new Welsh language communities). While context-specific, a response must be multifaceted, utilising as many policy levers as are available. And all responses need to be consistent with an overarching policy framework and direction.

¹⁴⁴ As noted above, the Brooks 2021 report made an indirect reference.

¹⁴⁵ Sen *op. cit.*, 577 – 578.

Bibliography

- Birmingham Corporation Water Act 1892.
- Brooks, Simon: *Why Wales Never Was: The Failure of Welsh Nationalism*. University of Wales Press. 2017.
- Brooks, Simon: *Second Homes: Developing New Policies in Wales*. Cardiff: Welsh government. 2021.
- Brown, David Lewis: *The Elan Valley Clearance: The Fate of the People and Places Affected by the 1892 Elan Valley Reservoir Scheme*. Logaston Press. 2019.
- Cadoret and Le Bihan v France. *United Nations Human Rights Committee, Communication No. 323/1988*: France. 11/04/91. CCPR/C/41/D/323/1988.
- Census Act 1920.
- Commissioners of Inquiry into the State of Education in Wales: *Reports of the Commissioners of Inquiry into the State of Education in Wales*. London: Her Majesty's Stationery Office. 1847.
- Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe. 1950.
- Committee of Experts of the European Charter for Regional or Minority Languages: *Evaluation by the Committee of Experts of the Implementation of the Recommendations for Immediate Action Contained in The Committee of Experts' Fifth Evaluation Report on the United Kingdom and Isle of Man, submitted: 22 March 2021*.
- Davies, Dan Isaac: *Tair Miliwn o Gymry Dwy-leithawg Ymhen Mewn Can Mlynedd*. Dinbych. 1885. Available at: <http://hdl.handle.net/10107/4799333>, accessed: 22.05.2023.
- Davies, John: *A History of Wales* (revised edition). Penguin Books. 2007.
- Davies, Janet: *The Welsh Language: A History*. University of Wales Press. 2014.
- Deacon, Russel: *The Governance of Wales: The Welsh Office and the Policy Process 1964-99*. Welsh Academic Press. 2002.
- Education Reform Act 1988.
- European Charter for Regional or Minority Languages. Council of Europe. 1992.
- Framework Convention for the Protection of National Minorities. Council of Europe. 1995.
- Government of Wales Act 1998.
- Government of Wales Act 2006.

- International Covenant on Civil and Political Rights. General Assembly of the United Nations. 1966.
- International Covenant on Economic, Social and Cultural Rights. General Assembly of the United Nations. 1966.
- Johnes, Martin: *Wales: England's Colony? The Conquest, Assimilation and Re-Creation of Wales*. Parthian Books. 2019.
- Laws in Wales Act 1535.
- Laws in Wales Act 1542.
- Lewis, Barry J. - Gray, Madeleine - Jones, David Ceri & Morgan, D Denis: *A History of Christianity in Wales*. Cardiff: University of Wales Press. 2022.
- Lewis, Saunders: *Tynged yr Iaith*. BBC radio. 1962.
- Liverpool Corporation Act 1957.
- Liverpool Corporation Act 1962.
- National Centre for Learning Welsh: *Learn Welsh Data, 2020-2021*. 2022. Available at: <https://learnwelsh.cymru/statistics-2020-21/>, accessed: 22.05.2023.
- Office for National Statistics: Annual Population Survey Quality and Methodological Information. 2012. Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/methodologies/annual-populationsurveyapsqmi>, accessed: 22.05.2023.
- Office for National Statistics: *Population and Household Estimates, Wales: Census 2021*. 2022a. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationandhouseholdestimateswales/census2021>, accessed: 22.05.2023.
- Office for National Statistics: *Welsh Language, Wales: Census 2021*. 2022b. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/language/bulletins/welshlanguagewales/census2021>, accessed: 22.05.2023.
- Roosevelt Franklin Delano: *Annual Message to Congress, 6 January 1941*. Available at: <https://www.archives.gov/milestone-documents/president-franklin-roosevelts-annual-message-to-congress>, accessed: 22.05.2023.
- Ross, David: *Wales: History of a Nation*. Waverley. 2014.
- Sen, Amartya: *The Idea of Justice* (1st edition). Penguin. 2010.
- Senedd and Elections (Wales) Act 2020 (Deddf Senedd ac Etholiadau (Cymru) 2020).
- Statute Law Revision Act 1948.
- Stead, Phil: *Red Dragons: The Story of Welsh Football (revised edition)*. Y Lolfa. 2022.

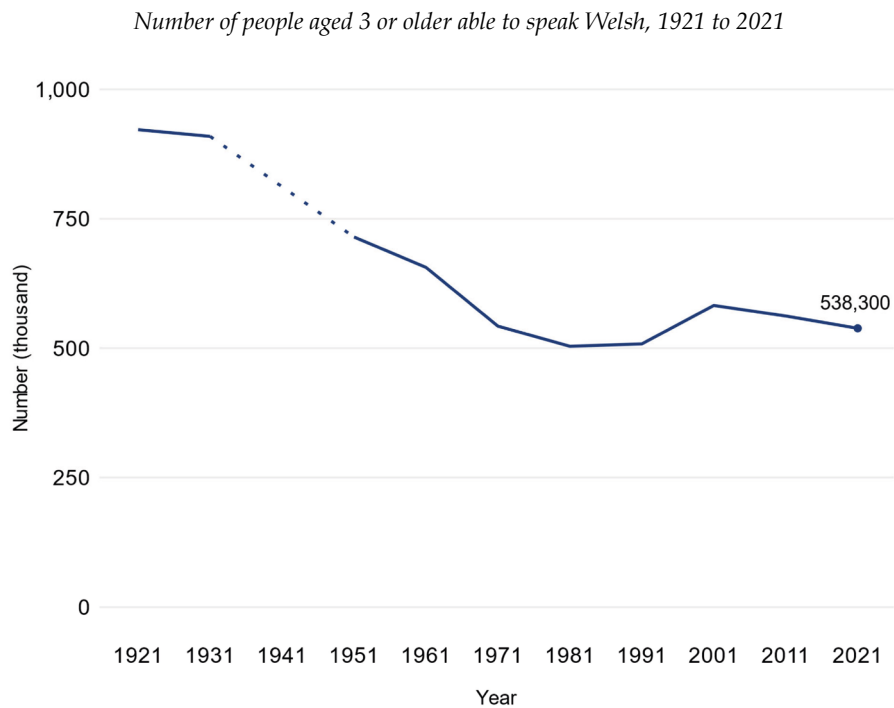
- Strubell, Miquel: Catalan a Decade Later. In: Fishman, Joshua A. (ed.): *Can Threatened Languages be Saved?: Reversing Language Shift, Revisited : A 21st Century Perspective*. Multilingual Matters. 2001.
- United Nations Educational, Scientific and Cultural Organisation: *Atlas of the World's Languages in Danger (3rd edition)*. UNESCO. 2010.
- Universal Declaration of Human Rights. General Assembly of the United Nations. 1948.
- Well-being of Future Generations (Wales) Act 2015 (Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015).
- Welsh Courts Act 1942.
- Welsh Government: *Cymraeg 2050: A Million Welsh Speakers*. Cardiff: Welsh government. 2017. Available at: <https://www.gov.wales/cymraeg-2050-welsh-language-strategy>, accessed: 22.05.2023.
- Welsh Government: *Welsh Government Announces Three-Pronged Approach to Address "Second Homes Crisis" (July 2021)*. Available at: <https://www.gov.wales/welsh-government-announces-three-pronged-approach-address-second-homes-crisis>, accessed: 22.05.2023.
- Welsh Government: *New Tax Rules for Second Homes (1 March 2022)*. 2022a. Available at: <https://www.gov.wales/new-tax-rules-second-homes>, accessed: 22.05.2023.
- Welsh Government: *Welsh Language Communities Housing Plan (11 October 2022)*. 2022b. Available at: <https://www.gov.wales/welsh-language-communities-housing-plan.html>, accessed: 22.05.2023.
- Welsh Government: *Welsh Language Data from the Annual Population Survey: July 2021 to June 2022*. 2022c. Available at: <https://www.gov.wales/welsh-language-data-annual-population-survey-july-2021-june-2022>, accessed: 22.05.2023.
- Welsh Government: *Welsh Language in Wales (Census 2021)*. 2022d. Available at: <https://www.gov.wales/welsh-language-wales-census-2021-html>, accessed: 22.05.2023.
- Welsh Language Act 1967.
- Welsh Language Act 1993.
- Welsh Language (Wales) Measure 2011 (Mesur y Gymraeg (Cymru) 2011).
- Welsh Office: *Bilingual Traffic Signs = Arwyddion Ffyrdd Dwyieithog: Report of the Committee of Inquiry under the Chairmanship of Roderic Bowen*. H.M. Stationery Office. 1972 (Cmnd 5110).
- Williams, Gwyn A.: *When Was Wales?* (reprint) Penguin. 1991.

Williams, Jac - Walters, Lisa & Welsh Government: *Welsh Language Results: Annual Population Survey, 2001-2018*. 2019. Available at: <https://www.gov.wales/sites/default/files/statistics-and-research/2019-05/welsh-language-results-annual-population-survey-2001-to-2018.pdf>, accessed: 22.05.2023.

Wittgenstein, Ludwig: *Tractatus Logico-Philosophicus* (1st English edition). Kegan Paul, Trench and Trübner. 1922.

Wittgenstein, Ludwig: *Philosophical Investigations* (1st English edition). Basil Blackwell. 1953.

Appendix 1¹⁴⁶



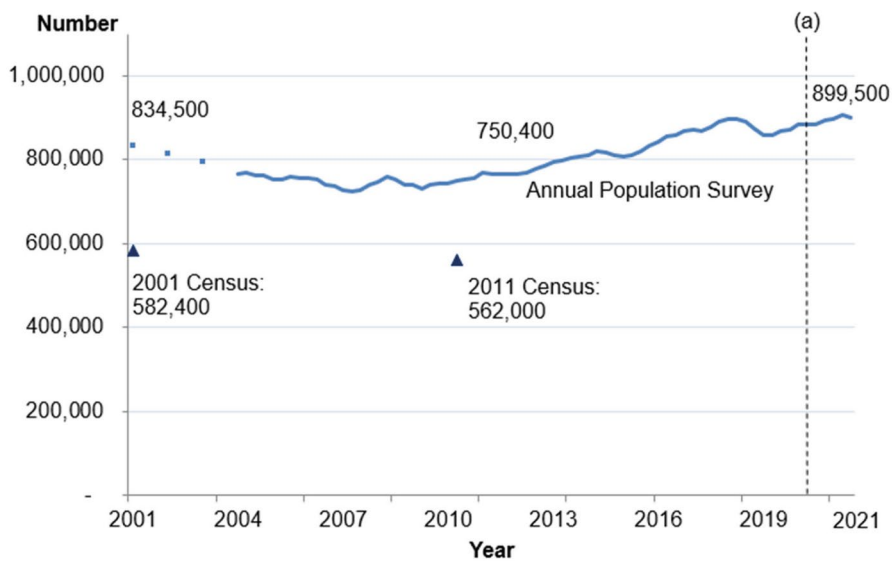
Source: Welsh Government¹⁴⁷

¹⁴⁶ There was no census in 1941 due to World War II.

¹⁴⁷ Welsh Government 2022d.

Appendix 2¹⁴⁸

Number of people aged 3 or older able to speak Welsh, 2001 to June 2022



Source: Annual Population Survey and population census (a) Changed to phone interviews only

¹⁴⁸ Welsh Government 2022c.