

POSTPRINT

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Recent language legislation at the margins of the Nordic world: Why is Frisian policy in Schleswig-Holstein so moderate?

1. Introduction

In the context of a Nordic Conference on Bilingualism, it can be a rewarding task to look at issues such as language planning, policy and legislation from a perspective of the southern neighbours of the Nordic world. This paper therefore intends to point attention towards a case of societal multilingualism at the periphery of the Nordic world by dealing with recent developments in language policy and legislation with regard to the North Frisian speech community in the German Land of Schleswig-Holstein. As I will show, it is striking to what degree there are considerable differences in the discourse on minority protection and language legislation between the Nordic countries and a cultural area which may arguably be considered to be part of the Nordic fringe – and which itself occasionally takes Scandinavia as a reference point, e.g. in the recent adoption of a pan-Frisian flag modelled on the Nordic cross (Falkena 2006).

The main focus of the paper will be on the Frisian Act which was passed in the Parliament of Schleswig-Holstein in late 2004. It provides a certain legal basis for some political activities with regard to Frisian, but falls short of creating a true spirit of minority language protection and/or revitalisation. In contrast to the traditions of the German and Danish minorities along the German-Danish border and to minority protection in Northern Scandinavia (in particular to Sámi language rights), the approach chosen in the Frisian Act is extremely weak and has no connotation of long-term oriented language-planning, let alone a rights-based perspective.

The paper will then look at policy developments in the time since the Act was passed, e.g. in the Schleswig-Holstein election campaign in 2005, and on latest perceptions of the Frisian language situation in the discourse on North Frisian Policy in Schleswig-Holstein majority society. In the final part of the paper, I will discuss reasons for the differences in minority language policy discourse between Germany and the Nordic countries, and try to provide an outlook on how Frisian could benefit from its geographic proximity to the Nordic world.

2. North Frisian: Status and Ecological Context

As North Frisian, based for instance on the presence of Frisian research at conferences, does not feature as prominently in the European family of small languages as many other languages, I would like to start with a short reminder of some basic facts about the language. North Frisian is one branch of the Frisian language, alongside West Frisian in the Netherlands and Sater Frisian in the German Land of Lower Saxony, not far from the Dutch border. It is important to keep in mind that this paper deals exclusively with North Frisian. The situation

of West Frisian in the Dutch province of Fryslân, in terms of both demography and institutional support, is far better, whereas the situation of Sater Frisian is even more precarious. North Frisian is spoken on both the mainland and the North Frisian islands on the West coast of Schleswig-Holstein, stretching south from the German-Danish border. Speaker numbers of North Frisian today amount to an estimated 6,000. The speakers are relatively equally distributed between the North Frisian islands and their opposing mainland. There are ten dialects of North Frisian, which are not always mutually intelligible. Two of these are the major living dialects, on the islands of Amrum and Föhr (labelled A and F respectively on the map taken from the Nordfriisk Instituut's web site, the scientific institute for research on North Frisian) and in the Niebüll area on the mainland (in the area labelled B on the map), both with approximately 2000 speakers. There is no standard orthography for all dialects, but given their relatively high linguistic distance, this is not the aim of language development and such aims are considered to be counterproductive to language maintenance.

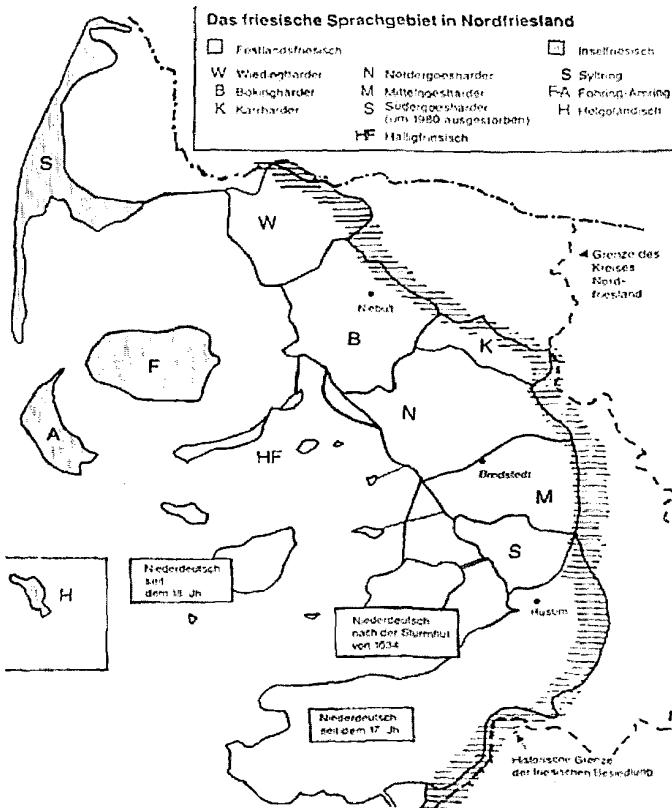


Figure 1. The Frisian Language Area in Nordfriesland.
(<http://www.nordfriiskinstituut.de/karte.html>)

The ecolinguistic context of North Frisian has been one of long contact with varieties of both *German and Danish*. Traditionally, the strongest language contact was with Low German, but when Low German in turn started to come under strong pressure from High German, the main contact language for North Frisian also changed. Since the beginning of the 20th century, North Frisian has therefore been in regular contact with High German as the strongest killer language of the region today. In addition to High and Low German, there has also been a traditional presence of Danish at the margins of the Frisian-speaking area, both in its Standard variety and in the regional variety of Sønderjysk. In contrast to North Frisian, however, Danish in Germany and German in Denmark have for a long time enjoyed legal guarantees and institutionalised support, in particular since the 1955 Bonn-Copenhagen Declaration.

Regarding its societal status, North Frisian today must therefore be regarded as a minority language with a high degree of endangerment. Frisian speech communities have been under pressure for a long time, and similar to many other small languages in Europe, this pressure experienced a strong increase throughout the 20th century, caused by changed patterns of communication, an improvement of transport technologies, an increase in migration, and, more recently, also tourism. Today, except for a few small communities, North Frisian has therefore mostly ceased to exist as a community language and needs to be classified at the lowest levels of evaluative schemes such as Fishman's GIDS, where a classification between Level 6 (intergenerational transmission in the homes and neighbourhoods) and Level 7 (no natural transmission any longer; most speakers are above usual reproduction age) seems to be justified, with some nuances according to community and dialect. Most of the remaining speakers today use North Frisian in a diglossic, or even triglossic, situation with Frisian as the L and High German as the H variety, in which Low German as a regional, yet also threatened, language takes an intermediate position.

Dinkelaker (2002) reports that in the 1990s this process reached the last communities where the language was still used on a regular basis. Language shift towards Low and High German in intergenerational transmission therefore seems to be concluded – with the exception of one small island community. Frisian today is alive only in homes and some village communities. The last domains where it was present in more official contexts were lost in the late 20th century, partly in even more prestigious domains such as community councils, where the typical situation occurred in that individual outsiders without sufficient (if any) linguistic competence caused a complete change of linguistic practices. There are some institutions of language support, on both academic and political levels – but even in these, the language does not stand as strong as in, for instance, corresponding Sámi institutions. There have been some community-based efforts of language maintenance, for instance in kindergarten, adult education, reading classes, and some very limited efforts of Frisian classes at school. The interest in Frisian language and culture has indeed risen, for instance when looking at the numbers of pupils receiving Frisian education, which have doubled in the past 20 years, albeit at a very low level, from 739 in 1985/86 to 1455 in 2005/06 (Süd-Schleswigscher Wählerverband 2005). In total, however, the infrastructure of North Frisian institutions and the structures of funding and other means of support are not as developed as for many other European languages such as Sámi, or for languages in the British Isles such as Welsh or Scottish Gaelic.

The European Charter for Regional and Minority Languages has been applied to North Frisian in Schleswig-Holstein under Part III. The 2nd Monitoring Report (Council of Europe 2006) acknowledges that German authorities have improved their efforts, but summarises that the situation in general remains unsatisfactory – on financial, institutional and structural levels.

The Frisian Act which I will discuss in more detail later, however, is mentioned as a positive example of how language legislation should also be carried out for other languages – however, as I will argue, it is very doubtful if this Act can be considered satisfactory.

A typical example from as recently as 2005 and 2006 of how little awareness of minority rights there is in German society as a whole is the reaction of the (privatised) national German Post Services to minority language questions. On the one hand, the Post Services published a multilingual postage stamp in honour of the 50th anniversary of the Frisian Council (Friisk Foriining 2006). On the other hand, it rejected an enquiry to reconsider the decision to delete Sorbian names from their lists, and to include Frisian names (Minderheitensekretariat 2005). This would have enabled Frisian speakers to use the traditional geographic names of their area for addressing letters. The attitude of the Post Services did not change even after the intervention by minority interest groups. This policy shows the clear tokenistic attitude to multilingualism: Symbolic steps are welcome, but a step by which the creation of a new possibility of using Frisian in a public context could have been achieved by relatively low means was missed. From a Nordic perspective, with examples of Sámi language legislation in Norway or the protection of Swedish as a second national language in Finland in mind, this attitude seems to be entirely outdated today. It shows how disastrous the position of Frisian in public perception is today – by clearly ignoring Europe-wide developments on minority language awareness in recent decades. The question is therefore legitimate why such attitudes prevail in an area which is in easy reach of the Danish border, whereas this behaviour would hardly be possible in the Nordic countries.

3. The North Frisian Act in Schleswig-Holstein (2004)

The most fundamental change in North Frisian policy in recent years was certainly the Frisian Act which was passed by the regional parliament in Schleswig-Holstein, the Landtag, in November 2004. It was tabled by the regional party of the SSV/SSW (Sydslesvigske Vælgerforening/Südschleswigscher Wählerverband/South Schleswig Voters' Association). The SSV is the traditional political organisation of the Danes in Germany and has been granted certain specific rights based on their minority status, most prominently the exemption from the 5%-hurdle according to which all other parties have to receive at least 5% of the votes in an election to be allowed to send representatives to the Landtag. Today, the SSV also claims to speak on behalf of the Frisian population in Schleswig-Holstein.

The proposal of the Frisian Act mostly dealt with new possibilities for municipalities. Local public bodies in the County of Nordfriesland should receive a legal guarantee for providing a certain range of services in Frisian – but only if they wished to do so, without any obligation imposed on them through the Act. Aspects covered under the local public bodies' responsibility in this legislation should include schemes and official documents, public authority letterheads, place-name signs, and bilingual signs on public buildings. In addition, Frisian knowledge should be an asset for jobs in public bodies, and the use of the Frisian flag in official settings would be allowed. In addition, the Land of Schleswig-Holstein should accept certain duties, such as to provide bilingual signage for its buildings in the Frisian area, and certain translation duties for documents which are of particular relevance to the Frisian community (Schleswig-Holsteinischer Landtag 2004b). The proposal thus dealt with a legal recognition of Frisian language and culture at a symbolic level rather than that it had extensive practical implications. It was aimed at creating a certain degree of awareness and ensured that voluntary measures taken might not be questioned by anti-Frisian parts of society.

Similarly, it had the potential to create instances of increased use of Frisian in public domains; yet, there would be no guarantee that this would indeed be the case in reality.

In the parliamentary debate on the proposal, the Green Party, which was at the time the smaller government party in a coalition with the Social Democrats (SPD), was the party next to the SSV in showing most support for Frisian legislation. The SPD and the liberal Free Democrats (FDP) were, in spite of a broadly positive attitude to Frisian, more reluctant and emphasised that new legal regulations should by no means imply additional costs for public bodies in a time of economic difficulties. The conservative Christian Democrats (CDU) took a position in between these two opinions, based on their traditionally strong position in the rural areas of Nordfriesland, and emphasised the strong wish to maintain traditions and heritage. What is particularly remarkable in this debate is the wide-spread notion that the Act should not give the impression of a privileged treatment of a minority – a position which is in sharp contrast to the general paradigm of Sámi policy in Norway, for instance, where the necessity of positive discrimination for successful language maintenance or revitalisation is today widely recognised. Yet, the proposal was finally passed in November 2004 in its weak form with support of all parties (Schleswig-Holsteinischer Landtag 2004a; Marten 2006).

4. A Follow-up of Frisian Policy: Little Sustainability in Sight

As frequently highlighted by language planners and minority language activists, one danger of minority language legislation is that societal mainstream may believe that the establishment of a legal framework for a threatened language is sufficient for language maintenance, instead of understanding it as a point of departure for more dedicated action. After the Frisian Act had been passed, it was therefore an important point to look at the degree to which Frisian remained in the centre of political attention. One possibility for identifying if such sustainability was seen as an aim is to look at the statements on Frisian in the party manifestoes during the campaigns for the Schleswig-Holstein regional elections in spring 2005, only a few months after the Act had been passed.

There is no explicit mention of Frisian in the election manifestoes by the Social Democrats and the Liberals and only a short reference in the Christian Democrats' manifesto, with some very broad statements on minorities and cultural diversity under which Frisian policy could be subsumed. In contrast to these three parties, the Greens are much more explicit in their reference to Frisian. The protection of minority cultures is seen as one basis for their policy, and the manifesto explicitly comments on concrete measures taken at the time when the Greens were part of the government, such as the introduction of bilingual place name signs, the establishment of Frisian studies at university level and in teachers' education, and network formation of Frisian research. As in the parliamentary debate, the Green Party explicitly welcomes the Frisian Act, but its manifesto does not include any suggestions for a further development of rights (Bündnis 90/Die Grünen Schleswig-Holstein 2004: 73). The SSV manifesto, finally, again contains the most detailed reference to minority issues which are, not surprisingly, labelled as central to SSV policy. Despite achievements, the SSV argues, a lot remains to be done to maintain cultural diversity, in particular through more support of research institutions, libraries and adult education institutions, and through legal guarantees for funding, in order to avoid the danger of reductions according to changing financial situations. Concrete demands include a stronger visibility of bilingualism in public life, a fast implementation of the Frisian Act, more multilingualism in the media, an increase of Frisian education at all levels, and ultimately an inclusion of minority protection in the German

constitution (Süd-Schleswigscher Wählerverband 2004: 22-27). The underlying tone of the SSV's manifesto is one of enhanced sustainability.

So where does Frisian play a role in Schleswig-Holstein politics today, more than one year later? In the elections, the Social Democrat/Green administration lost its majority and was replaced by a government formed by the two largest parties, led by the CDU with support by the slightly smaller SPD. Thereby the two, in terms of their election promises, most Frisian-supportive parties, had to get acquainted with the opposition benches.

Speaking from the perspective of summer 2006, it is disappointing for the Frisian community that there are presently hardly any initiatives to keep Frisian on the political agenda. Even if it is reported that Frisian usage in some public domains has increased as a result of the Act, the basic situation of the language has not changed (Friisk Forining 2005). When looking at statements of the political parties, such as press releases or the Landtag's agenda, let alone legislative initiatives, most parties in 2005/2006 devoted no attention to Frisian issues at all. The only exception again was the SSV, which at least occasionally touches Frisian topics. By raising questions to the Land government, for instance on Frisian education (Süd-Schleswigscher Wählerverband 2005), or by arguing against cuts in funding of Frisian, it raises at least occasionally public interest for Frisian. In a recent press release on Frisian in kindergartens, the SSV complains that *"this government does not do more than mere verbal support of multilingualism in kindergartens"*. It further demands to take up Danish and Frisian in training for educational staff and to provide guarantees for the funding of Danish and Frisian teachers. The underlying perception is that these language revitalisation measures through education inevitably need adequately educated teachers – a problem which is at the core of many small linguistic communities (Süd-Schleswigscher Wählerverband 2006a). Similarly, the SSV in another press release referred to Frisian in the debate on proposed changes to the Schleswig-Holstein Education Act and demanded to include increased guarantees for Frisian support for Frisian when amending the School Act: *"When the Parliament in autumn will decide upon a new School Act, Frisian education has to receive more guarantees and Frisian should be formally recognised as second foreign language"* (Süd-Schleswigscher Wählerverband 2006b).

Also based on a motion by the SSV, the Landtag in September 2006, with support of all parties, passed an appeal to the Federal German Parliament to add an Article on the protection of autochthonous minorities to the German Constitution (Süd-Schleswigscher Wählerverband 2006c). Albeit a continued willingness among the other parties to lend Frisian some basic support, it is thus still the responsibility of the SSV to keep Frisian on the agenda in the follow-up of the Frisian Act. In general political discourse, the necessity for sustainability through practical measures is hardly recognised, and the fear that many politicians would see the Frisian issue solved through the passing of the Frisian Act seems to have been confirmed.

When evaluating Frisian policy in recent years, the evidence presented shows that the approach chosen in the Frisian Act is extremely weak. It provides a certain legal basis for some political activities, but falls short of creating a true spirit of minority language protection and/or revitalisation. It is a Language Act in an anti-assimilation paradigm, which takes into account the value of Frisian culture by shaping the ground for free development of the Frisian language without legal restrictions, according to individual initiatives by activists and local policy-makers. However, there is no long-term oriented, sustainable language-planning, let alone a rights-based approach in the tradition of seeing minority language support as human rights, as chosen, for instance, in the Sámi Language Act in Norway. After

the passing of the Act, most forces in society seem to believe that the Frisian problem is resolved and does not need any further attention. There is no constant debate on Frisian, and as a result multilingualism as a concept has not become deeply constitutive for society. From a Nordic perspective, it can thus be stated that official North Frisian policy stands in stark contrast to the traditions of the reciprocal promotion of the German and Danish minorities in Schleswig/Sønderjylland on both sides of the German-Danish border. Similarly, it is also in strong contrast to minority protection in other Nordic areas. In particular Sámi language rights are a suitable object of comparison – based on a traditionally similar status in society as a small language with a similarly weak demographic base and a shared history of assimilation and pressure by dominating languages. Demands by the SSV show that further measures are not unthinkable even in the Schleswig-Holstein discourse, and these indeed appear to be necessary for a sustainable future of Frisian language and culture. Yet, this attitude towards multilingualism has by far not reached most parts of society yet.

5. Reasons for Differences between the Nordic and the Schleswig-Holstein Discourses

The question to ask in this context is now, obviously, why there are such considerable differences between minority language awareness in Germany and the Nordic countries. The following contemplation categorises likely causes according to three groups: societal reasons, reasons based on political structures, and reasons based on attitudes of the Frisian community.

When first looking at societal reasons at large, it is apparent that there is a complete lack of tradition of multilingualism and of language planning in Germany. The German nation is traditionally based on culture and language, with concepts such as citizenship based on the place of birth rather than on descent only in recent decades having entered societal debate. It is thus not perceived as usual to have languages other than German on the territory of the German state. Besides that, there is also a lack of tradition of political debates on language at all, also relating to varieties of German. Apart from some remarkable exceptions, for instance the decade-long discussion on an (ultimately very moderate) orthography reform, German society is not used to a constant discourse on language as a regular subject of political debate, as would be natural in a society with much more visible multilingualism. Even debates about the influence of English on German, as common in many European societies, are seldom taken to political levels. Mostly, German society has applied a *laissez-faire* approach to language, with few elements of explicit language planning, and the number of coordinating institutions of language policy, also for German, has only recently been slightly increased. Yet, these institutions still do not play such a dominant role in society as strong language planning institutions in other countries such as the *Académie Française* or the *Norsk Språkråd*.

Similarly, German society has traditionally found it difficult to approach topics such as ethnicity and debates around questions such as who is German or what it means to be German for a long time excluded concepts of multi-layered identities and differences between cultural identity and citizenship. It is only a very recent development that there have been some policy efforts and more awareness in this direction – and it is in this context that the Frisian Act has to be regarded to have a chance to succeed at all. Yet, if compared to attitudes by Nordic mainstream societies with regard to Sámi some decades ago, it again shows that traditions were in fact not so far apart. Nordic societies have demonstrated that it is possible to overcome paradigms of linguistic assimilation or, more moderately, ignorance, and to question attitudes that monolingual societies, based on a one nation – one language ideology, are the norm. Examples from all over Europe today show that such societal patterns can be

reversed – but they also indicate that it is indeed very difficult to change perceptions among larger parts of the population.

To turn to reasons based on the political structures in Germany, the federalist system in which the policy fields of culture, language, education and media are left to the Länder level, creates a lack of awareness for political developments in other parts of the country. This makes it more difficult to create a coherent approach to minority language planning, which could be aimed at, for instance, in cooperation with Sater Frisian in Lower Saxony, or with the Sorbian minority in the states of Brandenburg and Saxony, close to the German-Polish border. There have been some efforts of cooperation between linguistic minorities – but these have traditionally been rather case-oriented than based on an established network. Only very recently, in 2005, the four autochthonous minorities in Germany started institutionalised cooperation with the German national parliament. Most attempts at starting minority language initiatives have come from grass-roots developments, with few top-down efforts (with the notable exception of some efforts in Schleswig-Holstein). Finally, in contrast to the political framework which shaped the ground for the regulations for the Danish minority, there has been no pressure from outside, as opposed to Danish pressure and the reciprocal interest to find a solution for one's respective minorities on both sides of the German-Danish border, which culminated in the 1955 Bonn-Copenhagen Declaration and has remained largely without conflicts since that time.

Third, there are certainly some reasons based on attitudes of the Frisian community towards their language and the role of their culture in society. There is little pressure by the Frisians, in spite of a number of existing institutions of research and political lobbying. The century-long decline of Frisian culture has had its impact, and similar to other small language communities, there is a lack of awareness of rights and possibilities. The fact that Frisian speakers are spread over larger areas and the lack of intelligibility between Frisian dialects may additionally lead to a lack of perception of what could be possible – not by the handful of Frisian activists and scholars, but by many parts of the population. In addition, there is a tradition of anti-revolt attitudes among the Frisian community, and opinions of "no disturbance of the positive climate" with the majority population are even heard from Frisian activists. This view can be exemplified by statements from Frisian representatives who commented on the Frisian Act. For instance, the Director of the Nordfriisk Instituut expressed broad support for the Act. He stated that this piece of legislation would be of outmost importance for the Frisian people, without using the opportunity to refer to any possible further measures. Neither is the welcoming of the Act connected with a criticism of the lack of its strength (Steenen 2004). A second example is a letter by the President of EBLUL Germany in the debate on the Frisian Act demanding to "include in the Act the possibility for public bodies to publish public announcements in both German and Frisian" (Schramm 2004). Again, this possibility falls short of any true commitment to a paradigm shift of language policy into the direction of dedicated language planning, or even a rights-based approach to legislation. Both letters thus clearly show how weak the debate about minority language support in Germany is, and that there is little awareness of a European climate of linguistic rights, with support through funding and very weak legislation considered to be sufficient even by persons dealing with Frisian professionally.

6. Conclusion

For an evaluation of the current Frisian discussion, it is important to note that it is in principle a good development that such a debate takes place at all, that Frisian has increasingly been dealt with by political actors in recent years, and that a certain awareness also in mainstream society has been created. Yet, measures are by far weaker than they could be, from a political perspective, and than they should be, if language maintenance and a viable North Frisian community are policy aims. It would be important to develop more understanding for language rights and for the fact that multilingualism is normal – both in majority society and among the Frisian speech community. Unlike some Frisian spokespersons, the SSV shows that *ideas for further measures are not absurd*.

To return to the framework of the Nordic scene of bilingualism, the question is how the Nordic world could play a role in a possible support of the Frisian language and of those within the Frisian community who wish to take more dedicated action to prevent the death of their language. The obvious answer is that this could mainly take place through open encouragement in political debates, advice in concrete questions, and by serving as points of orientation. An example of where such cooperation has taken place in recent times is the 2005 Gaelic Act in Scotland, where experience from the Welsh Language Board was regularly quoted and Welsh language planners participated with their advice in the process. To get back to Sámi language policy in recent years one last time, it could well be possible for the Frisian community to benefit from experiences, failures and aims at stronger policies. Research institutions, political actors, as well as lobbying organisations of any kind could profit from such cooperation. In addition, a very obvious choice would also be to cooperate more closely with the Danish speech-community in Schleswig-Holstein. Although the ecolinguistic situation of Danish and its support by the Danish state and Danish society is much more favourable than for Frisian, support could be given through the experience in dealing with German authorities, and by being familiar with local peculiarities. However, it is also important that Frisian activists themselves become more determined, for instance by using the established channels of pan-Frisian cooperation and by starting to look at the considerably more advanced policies in the West Frisian community in the Netherlands. On the other hand, it is important to demonstrate that concepts such as Active Offer, Positive Discrimination, and Linguistic Normalisation are widely considered to be *normal parts of language status debates* today. This paper, at least, has tried to raise awareness for these differences in attention attributed to language maintenance today among both Frisians and the Nordic world.

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