

SHAPING SIGN LANGUAGE POLICY: STATUS PLANNING TOWARDS MULTILINGUALISM

MOLDANDO A POLÍTICA DAS LÍNGUAS DE SINAIS: PLANEAMENTO DE ESTATUTO RUMO AO MULTILINGUISMO

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ABSTRACT: The conception of language rights applicable to deaf people is often indeterminate. The various legislations related to sign languages reveal, on the one hand, that the legal intentions of States are reasonably aligned with the fundamental principles of their legal systems; however, the status of sign languages is conceptually fragile, requiring the adoption of language policies to strengthen and complement the legal effects of their respective statuses. In this context, the present study analyses the legal sources of Ibero-American legislation, comparing them with the legal sources of sign language statutes in Europe. Conceptual differences and variations in legal formulations are observed, leading to different implications. Language policies and planning applicable to sign languages are necessary to accompany and monitor the effective implementation of language rights. A formal legal framework is not enough; practical conditions for the exercise of these rights are essential, which requires diverse approaches through language planning in various domains.

Keywords: Sign language; language policy; multilingualism; status planning.

RESUMO: A concepção do direito linguístico aplicável às pessoas surdas é frequentemente indeterminada. As várias legislações relativas às línguas de sinais revelam, por um lado, que as intenções legais dos Estados estão razoavelmente alinhadas com os princípios fundamentais dos seus ordenamentos jurídicos; contudo, o estatuto das línguas de sinais é conceptualmente frágil, exigindo a adoção de políticas linguísticas que reforcem e complementem os efeitos legais dos respetivos estatutos. Neste contexto, o presente estudo analisa as fontes legais das legislações ibero-americanas, comparando-as com as fontes legais dos estatutos das línguas de sinais na Europa. Constatam-se diferenças conceptuais e variações nas formulações legais, que acarretam diferentes implicações. As políticas e o planeamento linguístico aplicáveis às línguas de sinais são necessários para acompanhar e monitorizar a implementação eficaz dos direitos linguísticos. Não basta um enquadramento jurídico formal; é imperativo existirem condições práticas para o exercício desses direitos, o que requer abordagens diversificadas mediante planeamentos linguísticos em vários domínios.

Palavras-chave: Línguas de sinais; política linguística; multilinguismo; planeamento de estatuto.

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1 Introduction

The interplay between political power and language carries relevant implications for the formulation of language policies and the delineation of their objectives. Researchers have underscored the pivotal contributions of language policies concerning sign languages, which have historically been marginalized (e.g. De Meulder; Murray; Mckee, 2019). Over recent decades, these languages have gradually attained legal recognition and visibility within political and social spheres. Deaf communities have ardently campaigned for the legal recognition of sign languages, prompting critical reflections on their linguistic status. This advocacy has significant repercussions for linguistic studies and the development of educational resources dedicated to sign language acquisition. Such activities are intrinsically linked to policy frameworks, providing an essential foundation for research in this domain.

In the contemporary 21st century, the issue of legal recognition for various sign languages has become increasingly central to the advocacy agendas of their respective deaf communities (e.g. Knoors; Marschark, 2012). Nonetheless, language policies often advance sluggishly in response to these advocacy efforts. The legal recognition of sign language does not inherently guarantee the realization of effective rights, posing the risk of bestowing or symbolically trivializing materially illusory or theoretical rights at the expense of practical and effective rights. These rights must be legally enshrined to achieve the intended outcomes. The primary challenge of legal recognition lies in defining and extending the legal status that classifies sign language as a fully-fledged language or in materially equivalent terms to an official language, or as a symbolic notion devoid of the characteristics of linguistic officiality. Efforts to delineate and establish language policies are inextricably linked to the objectives declared by the respective legal status that recognizes and enshrines sign language as a fully-fledged language.

Recent legislative developments concerning the legal status of sign languages offer the potential to enrich, through appropriate legal treatment, the discourse on the essential conception of an official language and other materially equivalent terms. This is of particular significance for numerous scientific studies and discussions related to language policies. However, within the legal framework, a comprehensive legal analysis is required to comprehend and elucidate the specifications of the legal status of sign languages as adopted by different states worldwide. In this context, our focus will be on the diverse approaches taken by states to classify the essential legal categories necessary to understand the scope of sign language recognition as a fully-fledged language, or other legally equivalent terms, such as recognized language and official language.

By exploring how the diversity of legal statuses for sign languages emerges from the socio-historical and sociopolitical discourse of respective countries, this study aims to elucidate the meaning and function of sign language as articulated by its legal status. Consequently, this study seeks to investigate and comprehend, through a comparative and qualitative analysis, the framework and conceptual characteristics of the legal status of sign languages and their implications for language policies. The legal status of sign languages indeed provides a framework for the formulation of potential language policies across various domains. These statuses determine and identify the type and manner of achieving language policy objectives. In essence, the legal status of sign languages represents a political expression that encapsulates the intentions to realize the goals pursued through language policy and planning.

2 Sign Language Rights and Language Policy

2.1 General considerations

The relationship between language and law is multifaceted, encompassing a wide range of dimensions, functions, and facets (e.g. Paz, 2013). The conceptualization of language rights is inherently complex and subject to diverse doctrinal and jurisprudential interpretations (e.g. Skutnabb-Kangas, 1994; De Varennes, 1996, 2003). Fundamentally, language rights concern the entitlement to use, express, and communicate in a particular language, whether in public or private settings (Sousa, 2021, 2022a). These rights are enshrined in legal frameworks that regulate and acknowledge the intrinsic rights associated with language use, ensuring freedom of expression and protection against discrimination and inequality based on linguistic criteria (e.g. May, 2011, 2014, 2018).

Following the examples of Abreu (2020, p. 174), sign language rights can be examined from two distinct perspectives. From a *stricto sensu* standpoint, sign language rights refer to the specific application of legal norms that mandate state respect for linguistic diversity. This perspective emphasizes adherence to existing legal norms and the safeguarding of the rights of users of respective languages within a nation-state. Conversely, from a *lato sensu* perspective, sign language rights are viewed more broadly. This broader perspective seeks to evaluate the pertinence and efficacy of current norms and guide the actions of stakeholders involved in the design, implementation, and practice of language policies derived from these norms.

Abreu (2020, p. 175) further elucidates that the norms governing language rights exhibit a “polymorphic legal nature,” indicating their intersection with various branches of Public Law and, to a lesser extent, Private Law. These norms encompass fundamental principles that protect both individual and collective language rights, shaped by the legal regulations pertaining to linguistic matters. As a result, Linguistic Law emerges as an autonomous legal discipline, equipped with specific principles and norms dedicated to ensuring the protection and use of languages by users (Sousa, 2021, 2022a). Formally, Linguistic Law constitutes a specialized domain within the broader field of law, aimed at safeguarding equitable access to and use of language. Its central objective is the protection of language as a fundamental right of users and linguistic communities. Substantively, language rights encompass a range of entitlements intrinsically linked to linguistic issues, enabling speakers to utilize and benefit from their language across various social and cultural contexts (Sousa, 2021, 2022a).

The recognition and protection of language rights are often embedded in national constitutions and international treaties (De Varennes, 1996, 2003). For instance, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities exemplify regional efforts to protect linguistic diversity and promote the use of minority languages within member states. These legal instruments underscore the importance of language rights in preserving cultural heritage and fostering social cohesion.

However, the practical implementation of language rights faces numerous challenges. One significant issue is the disparity between legal recognition and actual practice. Despite formal recognition, linguistic minorities often encounter obstacles in accessing education, public services, and legal proceedings in their languages. This discrepancy highlights the need for effective enforcement mechanisms and adequate resources to ensure that language rights are not merely symbolic but are realized in practice.

Furthermore, the intersection of language rights with other human rights, such as the right to education and the right to non-discrimination, adds layers of complexity. Ensuring that language rights are upheld without infringing upon other fundamental rights requires a nuanced and balanced approach. For instance, while promoting the use of minority languages in education, it is also crucial to ensure that students achieve proficiency in the dominant or official language to enhance their socio-economic opportunities.

The protection and promotion of language rights are integral to fostering linguistic diversity, cultural identity, and social justice. As an evolving field, Linguistic Law must continuously adapt to the dynamic linguistic landscapes and socio-political contexts. This requires ongoing scholarly research, legislative innovation, and active engagement with linguistic communities to address emerging challenges and reinforce the practical realization of language rights (e.g. Sousa, 2022b).

2.2 *The multifunctional nature of sign language rights*

The legal recognition of sign languages is often a testament to the persistent advocacy efforts of deaf communities (Jokinen, 2000). The nature and scope of sign language rights are intrinsically multifaceted, shaped by the sociopolitical contexts within which they operate (May, 2014, p. 355-359; Ruíz, 1984, 1990).

In the realm of rights for deaf people, language rights can be broadly categorized into those concerned with mere accessibility and those grounded in the framework of human rights (e.g. De Meulder; Murray; McKee, 2019). However, ideological tensions arise regarding whether deaf people should be viewed primarily as people with disabilities and/or as members of a linguistic minority. These tensions influence the formulation of language policies, resulting in either compensatory approaches, which view sign language users through a “medicalized” lens, or emancipatory approaches, which embrace a sociocultural perspective and prioritize language rights. That is, we explain. *Compensatory approaches* tend to focus on providing support mechanisms to “overcome” the perceived deficits associated with not using the dominant language. In contrast, *emancipatory approaches* emphasize the inherent value of sign language, advocating for its use and recognition on an equal footing with spoken languages. These approaches reflect broader ideological debates about the nature of disability and minority rights, shaping the legal and policy frameworks that govern the status of sign languages.

Many legislations relating to sign languages are often approached from the perspective of “disability accommodation” and/or “language accessibility”. The first approach deals with the requirements of informational and communicative accessibility considering the United Nations Convention on the Rights of Persons with Disabilities. The second approach, on the other hand, goes beyond “disability accommodation” and requires the adoption of various measures that respond to the legitimate expectations of holders of language rights with adapted conditions for the exercise of genuine language rights. This is “language accessibility” as an intersectional approach between the issues of disability and language.

For better understanding, we explain below. *Disability accommodation-based language rights* are predicated on ensuring that deaf people who do not have access to the dominant language can effectively communicate in their preferred language. These rights address the immediate need for communication, often manifested through the provision of interpreters, captioning services, and other accommodations that facilitate interaction in various societal contexts. The

core of these rights lies in mitigating the communication barriers faced by non-dominant language users, thereby promoting inclusivity and reducing linguistic marginalization. Often, numerous laws relating to sign languages provide for this legal framework based on this approach (Sousa, 2022b, 2024).

Conversely, *Language accessibility-based language rights* that adhere to the principles of human rights offer a more expansive recognition of language use. These rights extend beyond mere accessibility, advocating for the active promotion and preservation of linguistic diversity within the public sphere. Governmental authorities, under this framework, are tasked with ensuring that minority languages, including sign languages, are supported and integrated into public institutions, educational systems, and cultural practices. This recognition elevates the status of these languages, affirming their legitimacy and fostering an environment where linguistic plurality is celebrated.

The multifunctional nature of sign language rights underscores the complexity of their implementation and recognition. The interplay between accessibility and human rights, alongside the conceptualization of language as a problem, a right, or a resource, highlights the need for nuanced and context-specific approaches to language policy. Sign language policies, deeply intertwined with language rights, are pivotal in advancing the legal status and sociocultural integration of sign language users, ultimately contributing to a more inclusive and equitable society.

To comprehend the status of a language within a given legal and sociopolitical framework, three conceptual criteria are particularly salient (e.g., McNelly, 2015; Hult & Hornberger, 2016): (i) *Language as a problem solution*: This perspective views sign language as a remedy for perceived deficiencies in the ability to use the dominant spoken language. It implies a deficit model, where the necessity for sign language arises from an inability to communicate effectively through the dominant language. Such a viewpoint often leads to policies that prioritize the dominant language, potentially marginalizing sign language and impeding the socio-educational integration of its users; (ii) *Language as a right*: Here, language is framed as an intrinsic right, encompassing legal guarantees for its use and protection against discrimination. This perspective aligns with the principles of freedom of expression and equality, ensuring that sign language is recognized and upheld within legal frameworks as a legitimate and autonomous mode of communication (Reagan, 2019, p. 271-292); (iii) *Language as a resource*: Viewing language as a resource highlights its social, cultural, and economic value. Sign language, in this context, is seen as an asset that enriches societal diversity and fosters intercultural understanding. This perspective advocates for the learning and use of sign language not only by the deaf community but also by hearing people, thereby promoting broader societal acceptance and integration (Reagan, 2019, p. 271-292).

2.3 From language rights to language policies

Sousa (2022a, p. 147) posits that language policy is a “multifunctional construct,” encompassing at least two core dimensions. The first dimension entails a set of multi-level determinations (e.g. decisions, resolutions, instructions, among other examples) of a sociolinguistic, legal, political, and ideological nature regarding the status of sign language as a sociopolitical and sociolinguistic issue. This involves its role within the respective linguistic community from the State's political perspective, with various sociopolitical implications

concerning the functions assigned to sign languages. The second dimension includes the set of political-linguistic measures adopted by public authorities to determine and identify the sociolinguistic functions of the language through language planning, which entails varying degrees of sociopolitical intervention (Sousa, 2022a, p. 147).

It is crucial to emphasize that the concept of language policy extends beyond the actions of governmental authorities, which do not hold a monopoly but are seen as necessary, essential, and relevant institutions for impacting and promoting policies in favour of their respective languages. Conversely, the multi-level conception of language policy encompasses, on a macro perspective, the set of actions (and omissions) undertaken by governmental authorities in consultation with representative entities of language-using communities. On a micro level, it also includes activities conducted by heterogeneous and *ad hoc* entities distinct from governmental bodies. These activities are notably adopted by deaf communities through their collective representative entities or by speakers in general, from personal, familial, social, associative, professional, cultural, and other perspectives. Therefore, sign language policy is a multidimensional mechanism that contributes to activities undertaken in support of sign languages.

Sousa's (2022a, p. 148) conceptualization of language policy as inherently multifunctional reflects an interactive and dialogical process between public authorities and representative entities of the deaf community. This collaborative dialogue aims to develop supportive measures for the language, particularly concerning language planning. Language planning, as defined by Sousa, complements the extrinsic dimension of language policy by addressing its intrinsic dimension. It is a multidimensional and multifunctional sociopolitical intervention determined by language policies in various domains of everyday life. The objective is to achieve *language normality* – that is, to ensure the vitality and sustainability of the sociolinguistic life of sign language within the linguistic community and society at large (Sousa, 2022a, p. 155) – thereby consolidating the legal recognition of the language's status and elevating its prestige in society.

The aims of language policies depend on the sociopolitical intentions rooted in the political decisions of the State. These can include the recognition, enjoyment, and exercise of the right to use a particular language in all or some aspects of daily life, the definition of a language as a full-fledged language inherent to the status of official language, among other aspects. Political decisions accompany and adjust sociolinguistic goals that support and promote the use of a particular language within its linguistic community and the dominant society.

The language policies concerning respective sign languages have their own socio-historical and sociolinguistic contexts within the linguistic community and society at large. These policies accompany sociopolitical, social, and cultural movements of the same community. Consequently, they not only encompass linguistic dimensions but also social, educational, and political spheres, among others, as they are interconnected with the language rights of speakers protected by the State. It is not sufficient for the State to merely respect the legal framework of language rights. The implementation of measures adopted by the State in linguistic matters must be objectively effective according to the parameters duly defined by the respective legal systems and other instruments that allow monitoring and verifying the effectiveness of these measures. In this sense, it is also crucial to properly identify the means and methods to achieve these objectives in compliance with the legal framework of language rights. This fundamentally concerns human rights, ensuring inclusion in democratic society on equal terms, considering the linguistic diversity of speakers. Thus, language policies regarding respective sign languages are not merely symbolic or declaratory measures. On the contrary, they represent genuine public policy adopted by public authorities according to the duly established legal parameters

for this purpose.

The broader policy framework must address several layers of engagement to ensure the comprehensive protection and promotion of sign languages. First, it must recognize the historical and ongoing marginalization of sign languages and commit to rectifying these injustices through inclusive legal measures. Such measures should be underpinned by a robust legal framework that recognizes the inherent rights of sign language users to communicate and receive information in their preferred language. This involves not only legal recognition but also practical implementation through the allocation of resources and institutional support.

The policy framework should also prioritize the sociocultural integration of sign languages within the broader societal context. This means fostering an environment where sign languages are seen as valuable cultural and linguistic assets. Educational systems play a crucial role here, requiring curricula that include sign language instruction and encourage bilingual or multilingual education models. These models should be designed to support both the linguistic development of sign language users and the broader community's ability to communicate inclusively.

Furthermore, a comprehensive policy approach must include mechanisms for monitoring and evaluating the effectiveness of the measures implemented. This involves establishing benchmarks and indicators that can assess progress and identify areas needing improvement. The involvement of the deaf community in these processes is essential to ensure that policies are responsive to their needs and aspirations. The recognition of sign languages within legal and policy frameworks also entails significant political and ideological considerations. The shift from viewing sign languages as mere tools for communication for those with hearing impairments to recognizing them as full-fledged languages with cultural and social significance reflects a broader ideological shift. This shift aligns with contemporary understandings of disability and linguistic diversity, emphasizing empowerment and inclusion over mere accommodation.

Political will is crucial in driving this ideological shift. Policymakers must be committed to adopting and implementing policies that not only recognize sign languages, but also actively promote their use and integration within public life. This includes ensuring that sign language interpretation is available in public services, legal proceedings, and media, thereby enhancing accessibility and participation for sign language users. Looking ahead, the evolution of language policies concerning sign languages will continue to be influenced by broader societal changes. Technological advancements, increased globalization, and shifting demographic patterns will all play a role in shaping these policies. As societies become more interconnected, the need for inclusive communication strategies that respect linguistic diversity will become even more pronounced.

The journey from language rights to comprehensive language policies for sign languages involves a multifaceted approach that addresses legal recognition, sociocultural integration, and political commitment. It requires ongoing collaboration between public authorities and the deaf community to ensure that policies are not only well-conceived, but also effectively implemented and continually adapted to meet emerging challenges and opportunities.

3 Planning the sign language status: theoretical contributions

The status planning is inherently a strategic political instrument of the State, allowing

wide freedom to determine, identify, and assign the status of respective languages. Consequently, the statuses of sign languages themselves serve as mechanisms to promote the recognition of their existence from both sociolinguistic and sociopolitical perspectives. The origin of this status planning often lies in politics. There is a rationale for the existence and the justified need to legally recognize sign languages, which historically have been discriminated against and marginalized compared to spoken languages, due to prevailing linguistic ideologies across different historical periods. Therefore, the issue of sign language status is frequently discussed and shaped to address this linguistic reality through political measures adopted for this purpose. Thus, the relationship between sign language and politics is indeed interdependent. State-designed policies influence the status of sign languages, while sign languages, advocated by their representative entities in deaf communities, assert their right to be respected and duly recognized as fully-fledged languages.

The status planning represents the political-ideological expression essence of the respective State. It involves the idiosyncratic metamorphosis of sociohistorically demonstrative and performative values and principles that underpin language policy conceptions. The “performative” dimension of status planning also entails a political value judgment regarding the position and privilege accorded to the respective language. By its very nature, the status of a language is symbolic, representative, and politically ideological, encompassing political approaches aimed at determining and resolving the language's status to signify and transform it.

Consequently, status planning entails a principled and normative multifunctionality that directs, operates, and guides the political-legal determinations adopted in response to the legitimate political interests of the respective States, which declare and determine the statuses of their languages integrated into their legal systems. On one hand, the *principled dimension* of status planning affirms that respective States determine the type and manner of achieving the goals pursued by their linguistic ideologies, with different political models such as state monolingualism, symmetric or asymmetric bilingualism, or multilingualism, among other constitutionally enshrined models based on political and constitutional principles embedded in their legal systems, notably the principles of territoriality or personality (e.g. Grin, 2011; McRae, 1975). On the other hand, the *normative dimension* of status planning requires a legal framework that defines, in respective legislations, the meaning and scope of the status of a particular language. The significance of sign language is generally established in linguistic or other general, specific, or intersectional legislations, as regulations and interventions are necessary to ensure and safeguard the sociolinguistic vitality of sign language. The concept of language legislation may vary depending on its type and meaning, based on the political circumstances of the respective States (Sousa, 2022a, 2023). Any legislation – especially in linguistic matters – is the materialization of the expression of entrenched values and fundamental principles that sustain the respective legal system, as the essential rationale of linguistic legislation is the political-ideological conception of the State regarding languages used in society.

In general, we examine the triple substantive dimension of status planning. Firstly, the *subjective dimension* concerns governmental entities and representatives of the deaf community, which have the capacity to develop activities aimed at sign language users. Secondly, the *objective dimension* implies that the status of sign language is determined by sociopolitical conceptions that identify and classify the framework of sign language, granting it official status at different levels, for example. Finally, the *methodological dimension* indicates that the process of status planning can be defined based on the legal purposes pursued to achieve objectives, considering the political-linguistic and sociolinguistic circumstances.

Consequently, the significance of status and the function of sign language, as determined by linguistic legislation (general or intersectional), is relevant to contribute to language policies. Thus, the status of sign language consists of affirming that the position of that language is determined and classified in the respective legal system, incorporating the formal recognition and existence of the language, considering the language in its community or, especially, within society. Status can be granted according to respective legal systems that categorize, based on inherent sociolinguistic circumstances, on one hand, the legal status that classifies and categorizes the specific language and, on the other hand, the linguistic status that describes the meaning of the specific language attributed. For example, it reveals the polysemy of the term “sign language” in legal texts to categorize its meaning (Sousa, 2024). In turn, function refers especially to the use of the language in society according to its status, defining the implications of this use, both in the public and private spheres.

In general, status determines, *de jure*, the level of prestige of the language used. Status and function are intimately interconnected. Function is indeed inherent in the materialization of status. Status relates to the axiological and evaluative dimension that defines the meaning of the language. The fact that sign language has a consecrated legal status does not mean that it is “automatically” known to all residents of the country; it depends on the corresponding functions of sign language use. The typological delimitation of the status of sign languages varies and differs according to the legal systems of the respective States. We will explore more on this further ahead.

4 Legal treatment of sign languages

De Meulder (2015) advanced a typology distinguishing explicit and implicit legal recognition, offering a pivotal framework to classify the degree and form of legal recognition, such as constitutional or legislative, each carrying distinct legal implications. While this model serves as a foundational approach, it falls short of fully addressing the intricate legal dimensions of recognition. A comprehensive understanding requires not only an analysis of the type of recognition granted but also an exploration of the legal status and purposes underpinning these frameworks.

This research proposes a complementary model, emphasizing the legal nature and categorization of the status of sign languages, rather than focusing solely on the type or degree of their recognition. In doing so, it presents a specific framework that encapsulates the complexities of legal recognition within the diverse legal systems of individual states. The proposed model delineates three broad legal categories, each embodying distinct meanings and objectives within diverse legal contexts (Sousa, 2024):

- (i) “*official language*” and other equivalent terms, indicating the official (formal or material) use of the language in various aspects of daily life;
- (ii) “*recognized language*,” a polysemous and generic concept with diverse legal purposes that promotes, to varying degrees, the legal framework concerning language rights;
- (iii) “*means of communication*,” an equally indeterminate concept with identifiable purposes related to communicative and linguistic accessibility, facilitating access to the respective language.

The typological and conceptual analysis of sign languages as articulated in legal documents holds specific political and legal significance. Such analyses frequently elucidate whether a robust legal framework exists that recognizes sign languages as bona fide languages, or if the framework is merely symbolic, devoid of the necessary instruments to effectively uphold language rights or support coherent language policies. Sound language policy fundamentally hinges on the legal framework that delineates, establishes, and identifies the meaning and scope of sign language across various legal documents. These documents strive, whether explicitly or implicitly, to clarify essential issues for the formulation of language policies, particularly in the realm of statutory language planning.

The data collected offers a panoramic perspective on the diverse legal statutes, especially within the Ibero-American context², which boasts a rich and varied legal framework concerning sign languages compared to the European context (e.g., to compare the study by Sousa, 2024). Sign languages are formally recognized, either explicitly or implicitly, within their respective legislative frameworks, whether linguistic or intersectional. However, this study is geographically circumscribed, concentrating primarily on the collection and analysis of data regarding legal statutes, with particular emphasis on the meaning and function of sign languages. From an analytical standpoint, the data is meticulously selected based on geographical considerations, facilitating a systematic examination of the legal status of sign languages across different legal systems. The research endeavours to qualitatively analyse legal statutes that define sign languages and delineate their legally attributed functions, thereby providing empirical support for the comprehensive overview derived from the collected data.

4.1 Ibero-American countries: legal references

Numerous Ibero-American states have enacted legislation regulating the legal status of sign languages, often sharing five common criteria among their legislations, notwithstanding other complementarity identified criteria: (i) the legal declaration of recognition; (ii) the legal classification of the sign language inherent in the recognition declaration; (iii) the legal definition of the sign language; (iv) the territorial, objective, subjective, and purposive application of the recognition declaration; (v) the legal formulation and determination of language policies.

For instance, Argentine legislation (Law 27.710 of 2023) provides a comprehensive example in its Article 1 (object and legal purpose): “The purpose of this law is to recognize Argentine Sign Language (LSA) as a natural and original language that constitutes an intangible historical legacy as part of the linguistic identity and cultural heritage of deaf people throughout the territory of the Argentine Nation, and that guarantees their full participation and inclusion, as well as that of people who, for any reason, choose to communicate in this language.” (Article 1, our translation).

This legislation exemplifies the five criteria. First, the declaration of recognition states, “The present law aims to recognize Argentine Sign Language (LSA).” (our translation). This serves as the formal basis for the recognition of Argentine Sign Language (LSA). Second, the

² Consult various legal sources relating to sign languages: Available at: <https://cnlse.es/es/recurso/otros/legislacion>. Accessed on: 11 Aug 2024

inherent legal significance of this recognition declaration is articulated as “Argentine Sign Language (LSA) as a natural and original language that constitutes an intangible historical legacy as part of the linguistic identity and cultural heritage of deaf individuals throughout the territory of the Argentine Nation.” (our translation) This passage specifies that LSA is a “natural and original language,” (our translation) justified by its “intangible historical legacy” (our translation) that forms the linguistic identity and cultural heritage of deaf people.

Particularly, the legal significance of LSA is primarily its recognition as a “natural and original language.” (our translation). This legal category highlights the intrinsic nature of the language, constituted by the “intangible historical legacy” that reflects the linguistic and cultural identity of the deaf communities. The concept of a “natural language” is supported by linguistic principles, while the term “original language” implies an idiosyncratic and historical conception of the language, historically constructed by deaf people themselves.

The Argentine declaration of recognition naturally has territorial application across “the entire territory of the Argentine Nation.” Additionally, it has a clear objective, which is to “guarantee full participation and inclusion, as well as for those who, for any reason, choose to communicate in said language.” (our translation). Thus, the legal status of LSA is recognized by the right to express and build linguistic and cultural identity, allowing its users to “fully participate and transcend in all aspects of social life.” (Article 2, our translation).

This analysis demonstrates the relevancy of Argentine legislation in providing a clear and comprehensive legal framework for LSA, promoting the full inclusion and participation of people who use this language.

In Bolivia, Bolivian Sign Language is formally recognized as “a means of communication for deaf people” (Article 1, Supreme Decree No. 0328 - 2009, our translation). The legal recognition declaration justifies that this sign language “allows for active participation at various levels of society, within the legal framework and the right to inclusion in society as a whole, and access to information” (Article 3, our translation).

Brazilian legislation aligns closely with the general Ibero-American concept of “means of communication.” Specifically, it recognizes “Brazilian Sign Language - Libras,” along with “other associated forms of expression,” integrating them into the legal framework as a “legitimate means of communication and expression” (Article 1, our translation). The legal definition emphasizes that Libras are a “form of communication and expression employing a visual-motor linguistic system with its own grammatical structure, facilitating the transmission of ideas and facts within deaf communities” (Law No. 10.436/2002, our translation). This legislation was later regulated by Decree 5626/2005, which incrementally ensured the rights established by the law. Interestingly, Article 2 of this Decree states: “A deaf person is considered to be one who, due to hearing loss, comprehends and interacts with the world through visual experiences, expressing their culture primarily through the use of Brazilian Sign Language - Libras.” (our translation) In addition to these legal instruments, the framework was further amended by educational legislation – Law 14.191/2021 – which introduced the bilingual education modality for Deaf people, respecting the linguistic and cultural diversity of “Deaf, Deafblind, and Hard of Hearing people.” This legislation designates Libras as the “first language” and written Portuguese as the “second language,” which can be taught through various functional models of Deaf classrooms.

Moreover, several Brazilian states provide legal assurances for “institutionalized support mechanisms promoting the use and dissemination of Libras, recognized as an objective and commonly used means of communication by the deaf” (e.g., Law No. 1.487 of January 24, 2003,

in Acre; Law No. 7.317 of December 19, 2011, in Sergipe, our translation). Furthermore, certain states formally recognize Libras as “the coded sign language and other related expression forms, serving as an objective and widely accepted means of communication.” (our translation). For instance, the state of Ceará designates Libras as the “official language within the public education system for the deaf” (Law No. 13,100 of January 12, 2001, our translation). Notably, this legal stance reflects a committed linguistic ideology, affirming that Libras “cannot substitute the written form of the Portuguese language.” (our translation).

Like Bolivia, Chile (Law 21.303, 2021) approaches the Bolivian legal framework by declaring Chilean Sign Language as “the natural, original language and intangible heritage of deaf individuals, as well as an essential element of their culture and collective and individual identity.” (our translation). It legally classifies the language with three essential elements: “natural language,” “original language,” and “intangible heritage,” embodying the cultural, heritage, and identity concepts of sign language. Furthermore, Chilean legislation reinforces the official status of sign language: “The State recognizes its status as the official language of deaf individuals” (Article 26, our translation). This legislation includes various terms defining deaf individuals and the deaf community, while also acknowledging the inherent rights to linguistic and cultural identity and education provided in this language.

In Colombia, there are two legislations that regulate sign language, enacted in 1996 and 2005 respectively. The first legislation from 1996 defines the “Colombian Manual Language.” (our translation). This law is regulated by Decree 2369 of 1997, establishing that “the Colombian manual language, as the natural language of the deaf community in the country, constitutes its own structured system of visual-gestural signs, with its own linguistic characteristics.” (our translation). The legal basis for recognizing this language aims to facilitate “individuals with hearing impairments to access knowledge, science, technology, and other cultural goods and values on an equal opportunity basis, and to achieve comprehensive education” (Article 3, our translation). Furthermore, the legislation reinforces that “the expression ‘Colombian sign language’ is equivalent to the denomination ‘Colombian manual language’” (Article 3, our translation). The second Colombian legislation from 2005 (Law No. 982 of 2005) declares Colombian sign language as “the natural language of a community of deaf individuals, which forms part of their cultural heritage,” (our translation) without specifying whether it possesses the legal status of officiality, as is the case with Chile’s declaration. The recognition of this language is justified to distinguish, as is common, sign language from “oral” language, each with its own linguistic characteristics (Article 1, No. 10, Law 982 of 2005). Additionally, the legislation qualifies “additional language” used by hearing individuals as “any other language” (Article 2). The 2005 Colombian legislation defines, among other terms, the deaf community as “a social group of individuals who identify through the experience of deafness and the maintenance of certain common values and interests, engaging in a continuous process of mutual exchange and solidarity. They are part of the pluricultural heritage of the Nation and, as such, are comparable to indigenous peoples and communities, entitled to corresponding rights.” (our translation).

Costa Rica legally declares Costa Rican Sign Language (Law No. 9822, June 16, 2020). This legislation uses two verbs, “recognize” and “promote,” regarding Costa Rican Sign Language as “the language of deaf individuals in Costa Rica who freely choose to use it, as well as the use of means to support oral communication.” (Article 1, our translation). Furthermore, it recognizes sign language as a cultural and linguistic heritage of the deaf community, incorporating it into the Costa Rican plurilingual system. (Article 2). The law includes various terms to define its meaning and scope. For example, the deaf community is understood as a

“linguistic and cultural minority, composed of deaf people residing in the national territory.” (Article 3, our translation). Additionally, from a linguistic perspective, Sign Language is defined as “languages or linguistic systems of visual-gestural manual-spatial character, involving historical, cultural, linguistic, and social factors, traditionally used as languages by deaf people.” (Article 3, our translation).

Recently, in Cuba, the government is preparing a Draft Decree Law to establish the legalization of Cuban Sign Language.

The Dominican Republic establishes that Dominican sign language is “the natural language of the deaf population residing in the national territory, which is part of their cultural identity and constitutes their primary means of communication. It possesses a level of grammatical complexity and vocabulary akin to any oral language, supported by visual, gestural, and spatial elements, thereby forming part of the linguistic plurality and cultural diversity of this segment of the population.” (Article 3, Law No. 43-23, dated August 7, 2023, our translation). This legislation defines sign language twofold: as “the official communication mechanism for deaf persons in the country” (Article 1, our translation) and as “the official linguistic system or means in the national territory for deaf persons who freely decide to use it” (Article 4, our translation). The declaration of recognition is justified by “the use and inclusion of sign language in the Dominican Republic.” (our translation).

Honduran sign language is legally declared under Decree No. 321 of 2013. This legislation categorizes Honduran sign language, on one hand, as “the language used by deaf persons, persons with hearing disabilities, and deafblind individuals who freely decide to use it as a linguistic system to understand and communicate with others.” (Article 1, our translation) and, on the other hand, as “an official means of communication in the national territory for deaf persons, persons with hearing disabilities, deafblind individuals, and the general population.” (Article 4, our translation). The legislation distinguishes sign language from oral language and from gestural communication. Sign language is defined as “the visual, spatial, gestural, and manual linguistic system in which historical, cultural, linguistic, and social factors intervene, traditionally used as languages by deaf persons, persons with hearing disabilities, and deafblind individuals in Honduras.” (Article 3, our translation). Oral language is described as “the expression manifested by sounds, which becomes the language or linguistic system used by the majority of hearing individuals, and for this reason, it is considered the language officially recognized in the Constitution of the Republic.” (Article 3, our translation). Finally, “gestural communication” refers to “the set of codes, sign systems understood by specialized personnel and by the family group of the deaf, persons with hearing disabilities, and deafblind individuals, and therefore it is not considered a standardized language.” (Article 3, our translation). Thus, the legal recognition of sign language, unlike Guatemala, does not equate to the official status reserved for “oral languages.”

Guatemala identifies the Guatemalan Sign Language (Law No. 3 of 2020), defining the linguistic concept of this language (Article 2), as is common in other countries. Guatemalan legislation provides a legal framework that “officially recognizes and approves” (our translation). Guatemalan Sign Language as a “means of communication for deaf and deafblind individuals recognized in the Republic” (Article 4, our translation), with its own linguistic characteristics. It acknowledges deaf individuals who constitute the deaf community as “a group of people who possess, recognize, and use a sign language, whether in a specific territorial, social, or cultural space” (Article 2, our translation).

El Salvador establishes that Salvadoran Sign Language is declared within the framework of cultural heritage protection (Decree No. 716, 2014). This means that Salvadoran Sign

Language is legally recognized with a dual legal status: as a “natural language” and as an “official language.” The decree states that the language is “officially used by Salvadoran deaf individuals, therefore, it is the obligation of the State to ensure its teaching and preservation.” (our translation).

The Ecuadorian legislation recognizes sign language at a constitutional level. Article 47, No. 11 establishes that “Access to mechanisms, means, and alternative forms of communication, including sign language for deaf persons, oralism, and the Braille system.” (our translation). The Law on Rights of Persons with Disabilities (2012) also provides a legal framework regarding Ecuadorian sign language in various articles: 33, 39, 63, and 70. Specifically, sign language is declared as the own language and a means of communication. This legislation encompasses two legal categories: “own language” and “means of communication for persons with hearing disabilities” (Article 70), which legally recognizes Ecuadorian sign language. The concept of “own language” implies that it is the language belonging specifically to deaf people.

Paraguay has a complex legal framework that underpins the recognition of Paraguayan sign language. The law grants it the status of “official recognition,” categorizing sign language as a “language of communication, instruction, promotion of identity, culture, and language rights” for individuals with hearing disabilities in Paraguay. For legal recognition purposes, facilitating the use of sign language aims to enable “full and effective participation in society” (Article 1, our translation), regulated by Decree 9274/2024.

The Paraguayan legal system establishes “modes of use of the official languages of the Republic” (Law No. 4251/2010, our translation). Specifically, this legislation does not clearly clarify whether Paraguayan sign language is an official language of the State. It legally mandates only that the State “ensure respect for visogestural communication or sign languages” (Article 1, our translation). For languages to be recognized as official, a set of diverse linguistic rights is acknowledged (Article 9). Therefore, Paraguayan sign language is solely legally recognized (Article 50). This legislation employs a distinct legal term to justify “official recognition,” distinct from official language. Thus, the concept of official recognition implies that the use of Paraguayan sign language in various domains of daily life serves as “a language of communication, instruction, promotion of identity, culture, and language rights.” (our translation). “Official recognition” acknowledges the freedom of choice regarding “the communication system that individuals with hearing disabilities wish to use in their daily lives” (Article 1, our translation).

The Peruvian legislation also mirrors the Paraguayan approach. The law (Law No. 29535 of 2017) and its regulations (Supreme Decree approving the Regulations of Law No. 29535) “grant” the status of “official recognition” and legally regulates Peruvian sign language as “the language of individuals with hearing disabilities throughout the national territory” (Article 1, our translation). Peruvian law recognizes Peruvian sign language as “the language of a community of deaf individuals, comprising visual, spatial, gestural, and manual linguistic systems influenced by historical, cultural, and social factors, traditionally used as a language in a specific territory.” (our translation).

Uruguay, like other countries, recognizes (Law No. 17.378/2001) Uruguayan Sign Language “for all purposes” as “the natural language of deaf individuals and their communities throughout the territory of the Republic.” (our translation). This formulation acknowledges both individually the “hearing-impaired individuals” who use sign language, and collectively, in the plural, the deaf communities that use sign language within their own contexts. The primary purpose of this recognition declaration is to ensure that the legislation aims to achieve its objectives for “removing communication barriers and thus ensuring equal opportunities for

deaf and hard of hearing individuals.” (Article 1, our translation).

In Venezuela, sign language is constitutionally recognized in Articles 81 and 119, declaring that “Persons who are deaf, or mute are recognized the right to express themselves and communicate through sign language,” (our translation) without specifying its legal applicability across various domains of daily life with specific legal instruments.

In Panama, sign language is declared as “the natural language of profoundly deaf individuals” (Law No. 1 of January 1992, our translation), without specifying, through successive legal instruments applicable to sign language, the aspects of sign language use in various domains of daily life.

In Nicaragua (General Law on the Rights of Persons with Disabilities, 2009), there is a dual legal framework that declares Nicaraguan sign language as “the language of persons with hearing disabilities in Nicaragua, who freely decide to use it” (Article 1, our translation), and recognizes this language as “the official means of communication for persons with hearing disabilities in the national territory” (Article 3, our translation). Sign language does not hold the same status as official languages because the law itself declares that the official languages are “oral languages,” as legally defined as “the language or linguistic system corresponding to the languages recognized as official in the Political Constitution of the Republic of Nicaragua” (Article 2, our translation). The law only attributes the status of official recognition to sign language as “the official means of communication for persons with hearing disabilities in the national territory” (Article 3, our translation).

Mexican legislation (General Law on the Rights of Persons with Disabilities, 2011) formally declares Mexican sign language as “the language of a community of deaf persons,” (our translation) defining, as is customary in other countries, its unique linguistic characteristics distinct from “oral language.” Furthermore, it recognizes, as a cultural conception, that sign language “forms part of the linguistic heritage of said community.” (our translation). The Mexican legislation defines a deaf community as: “Any social group whose members have some auditory sense deficiency that limits their ability to maintain regular and fluid communication and socialization in oral language” (Article 2, our translation).

4.2 Comparison between Anglophone and Ibero-American countries

Numerous states establish, in their respective state legislations, definitions corresponding to sign language, with distinct linguistic characteristics separate from spoken languages. For instance, in the United States³, several states such as Alabama (2006), Connecticut (2022), South Dakota (SD Codified L § 13-33-17 (2023)), Georgia (GA Code § 30-1-6 (2022)), New Hampshire (NH Rev Stat § 186-C:31 (2023)), and Indiana (2012) categorize American Sign Language (ASL) as “the language of the deaf community” and view it as “linguistically independent from English”. This means that ASL is a “visual gestural language used in the United States and parts of Canada, including all regional variations”.

Arkansas (2020), Colorado (CO Rev Stat § 22-32-133 (2016)), and Rhode Island (2005) recognize ASL as a “globally recognized natural visual language that is linguistically complete”. Oklahoma (70 OK Stat § 11-103.1 (2023)) regards ASL as “a language art”. Tennessee (TN

³ Consult various legal sources relating to sign languages: Available at: <https://law.justia.com/codes/alabama/2006/24046/34-16-3.html> Accessed on: 11 Aug 2024.

Code § 49-6-1009 (2021)) defines it as “the official and native sign language of the deaf in this state”. Hawaii (HI Rev Stat § 1-13.7 (2023)) characterizes ASL “as a fully developed, autonomous, natural language with its own distinct grammar, syntax, vocabulary, and cultural heritage”.

Rhode Island (2009) establishes that ASL “is a fully developed, autonomous, natural language with distinct grammar, syntax, vocabulary, and cultural heritage which is used by individuals who are hearing and deaf and hard of hearing in the United States, and determines that American Sign Language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.”

Massachusetts (MA Gen Lch 15a § 9a (2023)) defines ASL as “a full and legitimate language, as the language of a unique culture in the United States, and as the equivalent of a spoken language for the purposes of foreign language study and course credit.”

Moreover, ASL is attributed legal status in the educational context as a “modern language or foreign language” (Alabama, 2006; Columbia, DC Code § 38-2433 (2023); New Jersey, NJ Rev Stat § 18A:35-4.18.1 (2015)). Similarly, Delaware (14 DE Code § 4135 (2023)) states that ASL “shall be recognized as and considered a world language for purposes of school curriculum and any course of instruction, involving any school district or public school in the State.”

Louisiana (LA Rev Stat § 17:284 (2022)) provides definitions regarding deaf people, recognizing them as a cultural and linguistic minority with specific languages. For instance, ASL is defined as “a visual language which has emerged from the deaf culture and is comprised of handshapes, movement, and body and facial expression, and possesses an identifiable syntax and grammar specific to visual languages which incorporates spatial relationships as a linguistic factor.”

Interestingly, Florida (2005) offers a specific legal framework regarding sign language with various terms that identify and conclude: (i) ASL is a “fully developed visual-gestural language with distinct grammar, syntax, and symbols and is one of hundreds of signed languages of the world.”; (ii) “ASL is recognized as the language of the American deaf community and is the fourth most commonly used language in the United States and Canada.”; (iii) “The American deaf community is a group of citizens who are members of a unique culture who share ASL as their common language.” Additionally, ASL is defined as “a visual-gestural system of communication used by many in the deaf community living in the United States and Canada. It is a complete and complex language that has its own syntax, rhetoric, and grammar and that is used to convey information and meaning through signs made with the hands, arms, facial gestures, and other body movements.”

District of Columbia (DC Code § 38-2432 (2023)) defines ASL as “a visual language that is separate and distinct from English and other languages, and uses the hands, arms, facial markers, and body movements to convey grammatical information.”

New Hampshire (NH Admin Rules Ed 612.14) specifies ASL as “the visual-manual language that has developed naturally across generations in the American deaf community that: a. Has all the features of language; b. Uses the cheremes of handshape, palm orientation, point of contact, and movement for expression; and c. Is distinct from other signed or spoken languages, including English.”

In Canada, American Sign Language, Quebec Sign Language, and Indigenous sign languages are federally recognized under Bill-C 81 as “the primary languages for communication by deaf persons in Canada.” However, the term “primary languages” lacks clarity regarding

whether it equates to official language status. Indigenous sign languages are specifically acknowledged under legislation addressing Indigenous languages (Bill-C 91). Generally, the legal status of sign languages in Canada is inferred indirectly through acts like the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms. Provincially, Ontario and Quebec recognize their respective sign languages within the educational system. Ontario's educational legislation from 1990, for instance, designates sign language as an instructional language. Of note, Ontario attempted to introduce Bill 213(2007), which sought to declare sign languages an official language and identify sign language as the language of the deaf community in Ontario, but this initiative did not reach a definitive conclusion. Assigning legal status to a language significantly impacts its societal use and its relationship with other languages. In Canada, an official language holds greater *de jure* weight compared to a national language, which lacks the same legal standing.

Other Inter-American countries, such as Jamaica, Belize, Bahamas, and Antigua and Barbuda, similarly adhere to the principles of the Convention on the Rights of Persons with Disabilities by incorporating generic references to their respective sign languages in legislation concerning the rights of persons with disabilities.

4.3 European Countries

Within Europe, Portugal, Spain, and Andorra are part of the Ibero-American community. These countries adhere to similar principles as other European nations, often designating their sign languages as “recognized languages” with distinct legal implications within their respective legal frameworks as members of the Council of Europe and the European Union (e.g. Sousa, 2024). There is a growing recognition of an intermediate legal category between mere recognition and full linguistic officiality, as argued by Sousa (2024). This concept, known as *tertium genre*, specifies the legal status of sign languages, highlighting their unique linguistic characteristics that set them apart from spoken languages.

The most used term is “recognized language,” a legal designation that serves various purposes under national legislations. Additionally, other terms like “independent language” are frequently used to classify sign languages as autonomous systems with distinct linguistic features compared to spoken languages. This approach elevates the legal status of sign languages and emphasizes their importance in linguistic diversity frameworks.

Of particular interest, Andorra recently enacted new language legislation in 2023 that formally recognizes Andorran sign language. The law distinguishes between native and official languages, with Catalan recognized as the native and official language of Andorra, while sign language is acknowledged as a recognized language. Article 3, paragraph 2 (general language rights), recognizes sign language as a linguistic system, affirming the rights of people with hearing and deafblind disabilities to learn and use it. Moreover, Article 34(2)(d) (promotion and other measures) mandates the protection and promotion of sign language, ensuring access to sign language interpretation services for those requiring them to exercise their fundamental rights. This language legislation establishes a legal framework for language use in Andorra, defining the responsibilities of the governmental department overseeing language policies. It empowers this department to promote legislative initiatives related to language policy and the development of both the official language and sign language (Article 38(2)(k)).

5 Contributions and reflections: the relationship between linguistic officiality and language rights: conceptual variations and implications

(i) General considerations

It is true that the terms *recognized language* and *official language* are often confused in a way that illusorily implies, without sufficient normative clarity, the notion of linguistic officiality (Sousa, 2022a). Depending on the diverse legal circumstances of respective countries, these terms generally have different implications regarding the definition of the legal status of sign language.

As previously discussed, legal statuses related to sign languages are often drafted in a somewhat generic manner, making it challenging to precisely define the legal implications of sign language, which can vary and undergo semantic negotiations within national legal doctrines and jurisprudence. Therefore, the legal status of sign language may differ in interpretation between different legal systems and among the relevant sign language communities.

It is underscored that language rights and official language are interdependent yet autonomous. The enjoyment and exercise of language rights are duly recognized within the framework of their respective national legislations and international law concerning language rights, notably freedom of expression and non-discrimination based on language (e.g. Ruiz, 1990). These elements do not hinge on the existence of linguistic officiality. In other words, language rights are not solely contingent on the conception of official language. Conversely, language rights are regarded as a matter of human rights. Any conception of official language takes into consideration human rights enshrined in respective constitutions and relevant (inter)national legislations concerning human rights. Among the various aspects addressed within the framework of language rights, linguistic officiality is merely one equally pertinent and often clarifying element regarding ad extra relations between governmental authorities and speakers of languages.

The concept of official language can be characterized from two distinct yet complementary perspectives. On one hand, official language is defined in *intra-communicative* relations within administrative structures managed by the state itself and its various public institutions that communicate in this language. On the other hand, official language can also be understood in the interactive logic *ad extra* of the use of that language, for instance, among public institutions that must ensure the right of speakers to express themselves in each language (Sousa, 2021).

The choice between designating sign language as an *official language* or a *recognized language* is fundamentally a political and ideological decision made by policymakers. Such decisions carry significant symbolic, declarative, compromising, or pragmatic implications for the status and use of sign languages. Legal statuses assigned to sign languages typically serve dual functions that are well-established for this purpose. In general, the legal concept of sign language is constitutive, derived from its legal status, which fulfils both *instrumental* and *symbolic* roles.

The *instrumental function* entails that the legal status provides guidance for legal directives, reflecting societal and policymaker intentions and behavioural changes regarding sign language. The effectiveness of this function hinges upon the legal implications associated with these statuses. Conversely, the legal status of sign language also serves a *symbolic function* with

axiological implications. This means that formal recognition of sign language solidifies its acceptance and respect within societal norms, values, and attitudes, acknowledging it as a fully-fledged language. For example, legislative acts solemnly recognizing sign language communicate political statements, messages, or intentions that carry discursive weight and systematically influence societal attitudes and behaviours toward sign language.

(ii) examples of countries that have official languages

For better understanding, as an example, the “highest” legal category of official language can be found in Malta (2016), both within the European context, without prejudicing other equivalent legal sources.

Malta's legislation formally declares Maltese Sign Language as the “official language of Malta,” embodying a national political and legal concept with a solemn declaration of the language's official status alongside the Maltese spoken language. It defines obligations for governmental authorities, mandating promotion of Maltese Sign Language across government services, education, media, law courts, and socio-cultural contexts. The legal basis for this declaration includes principles of human rights, equal opportunities, and language rights. Malta recognizes Maltese Sign Language as a cultural expression, endorsing equal opportunities and inclusion. The Act aims to uphold and promote Maltese Sign Language by declaring it an official language and establishing regulations for its interpretation. Furthermore, the Act emphasizes consultation with the Deaf community on matters related to Maltese Sign Language, ensuring its promotion and development. Maltese Sign Language is defined as the visual and gestural language primarily used by Malta's distinct Deaf community. The legal definition of the Deaf community encompasses people with hearing impairments who identify with the linguistic and cultural group using Maltese Sign Language.

The legal terms employed include “first or preferred language,” which substantiates the legal status of Maltese Sign Language as an official language, recognized both by the state and as the primary language for deaf people. However, the full effectiveness of Maltese Sign Language's official status is tempered by legal provisions. Article 5 specifies that “The obligations under this Act are subject to reasonable and necessary limits as dictated by the Equal Opportunities (Persons with Disability) Act, provided all reasonable measures and compliance plans under this Act have been undertaken or made.” Additionally, Article 6 safeguards the legal implications of language use: “Nothing in this Act shall impede the rights of any other linguistic community in Malta or any individual's right to use the language of their community, which is not Maltese Sign Language.”

Contrasting this with the Maltese Language Act (2005), where Maltese enjoys constitutional recognition, Maltese Sign Language is granted legal recognition but lacks constitutional status. Article 2 defines “the Maltese Language” as the national language under Article 5 of the Malta Constitution.

The foundational principles underpinning the official status of Maltese differ from those of Maltese Sign Language, despite some similarities. These include: *(i)* “Maltese is the language of Malta and an essential element of the national identity of the Maltese people.”; *(ii)* “The Maltese Language is a crucial component of the national heritage, evolving continually in the speech of Maltese people, distinguishing them and offering the best means of expression.”; *(iii)* “The Maltese State recognizes the Maltese Language as a potent expression of Maltese nationality, acknowledging its unique importance and safeguarding it from decline and loss.”

Interestingly, legislation concerning the Maltese language defines “linguistic policy” as “a set of guidelines influencing the linguistic expression of a people.”

In South Korea, legislation defines Korean Sign Language as “the official language of the deaf of the Republic of Korea” (Article 2). According to Article 3, “Korean sign language” denotes an inherent form of language developed from a visual and gestural system within South Korea's deaf culture. The primary aim of this Act, articulated in Article 1, is to enhance the linguistic rights and quality of life for the deaf and users of Korean sign language. This involves declaring Korean sign language as the natural language of the deaf, affording it equal status with the Korean national language, and establishing frameworks for its ongoing development and preservation. In contrast, under the Framework Act on the Korean Language (Act No. 18249, June 15, 2021), “Korean language” specifically refers to Korean as the official language of the Republic of Korea (Article 3). This distinction underscores that while Korean serves as the official state language, Korean Sign Language holds official recognition as the language used by the deaf community in South Korea.

The New Zealand Sign Language Act (2006) shares similarities with the Māori Language Act (2016). It declares New Zealand Sign Language as an official language of the country. However, the legal effect of this recognition is limited, as the law specifies that it “does not create any legally enforceable rights.” Is the concept of an official language equivalent to the status of a spoken language, for example? Specifically, does the declaration of linguistic officiality imply that the exercise of language rights is complete, with legal conditions and with full recognition? This is an open reflection for future research.

In another example from Africa, the recent Constitution of South Africa (2024) constitutionally recognizes sign language by including it within the definition of an official language. Here, “official language” refers to languages specified in section 6(1) of the Constitution. Similarly, the Constitution of Zimbabwe (2013) incorporates sign language as part of its definition of an official language. This makes it possible to declare the official status of sign language equally applicable to spoken languages.

(iii) conceptual legal diversity: the symbolic or solemn nature of the declaration of linguistic officiality

The analysis of various legal statutes reveals a significant diversity in the conceptual categorization of sign languages (e.g. Sousa, 2024). This diversity spans general legal concepts such as *recognized language*, *official language*, *means of communication*, among others, as well as linguistically oriented concepts like “natural language,” “native language,” “independent language,” and similar terms. Therefore, we can affirm that the main legal categories identified are “recognized language,” understood as an objectively legal concept, and “natural language” (or “independent language”), primarily a linguistic concept used to justify and transform the linguistic reality of sign languages into a legitimate language in the eyes of the law.

The legal category of recognized language naturally follows from declarations of recognition due to its socio-historical and sociolinguistic implications, which impact the status and privilege of sign languages compared to spoken languages. This generic category raises substantive questions related to the notion of recognition and, consequently, linguistic officiality. Sousa (2024) has addressed this issue comprehensively in their study. Here, our objective is not to conduct an exhaustive examination of the legal category of recognized

language or official language. Instead, based on the legal contributions of countries that declare this category, we aim to better understand the notion of official language for sign languages within their respective legal systems. We delve further into this topic.

It is worth highlighting two useful aspects: (i) the various legal declarations of recognition that categorize or legally classify sign language as a “natural language” (or “independent language”) are, in our view, generally symbolic or declaratory. They serve as an identifying element linking the historical and linguistic bond of sign language with the deaf community. Thus, this category serves as an idiosyncratic reference that elevates the status of sign language. Nevertheless, considering sign language as an “recognized language,” or other identified terms can only reach its full potential if there is an appropriate legal framework and necessary instruments to enforce the enjoyment and exercise of language rights in the logic of “language as a right” rather than a problem, as it is often perceived. And (ii) the effectiveness of language policies should consider socio-political circumstances and, especially, the legal framework that enables or conditions the effectiveness of these policies in various domains of daily life.

6 Conclusion

The analysis of the legal treatment of sign languages reveals the crucial importance of the legal framework for the definition and implementation of effective language policies. Legal recognition of sign languages not only confers symbolic and representative status but also creates the foundation for political and social interventions that promote inclusion and equality. The qualitative research of legal statutes provides a solid empirical basis for understanding the complexity and diversity of legal approaches to sign languages, highlighting the need for ongoing commitment to ensuring the language rights of deaf communities.

Based on the provided texts about the meaning and scope of sign language as a legal issue, significant conclusions can be drawn. Legal terminology related to sign languages, such as recognized language, official language, and means of communication, is used broadly and variably around the world, reflecting the specificities of each country and legal system. These terms not only define linguistic recognition but also carry profound symbolic and axiological value for the deaf community, emphasizing the importance of considering not only legal aspects but also the emotional and cultural dimensions involved in assigning legal status to sign languages.

The interpretation of legal statutes related to sign languages is complex and often subjective due to their idiosyncratic nature and the influence of political and social decisions. Precisely defining and understanding the scope of these statutes can be challenging. Legal statutes attributed to sign languages have both instrumental and symbolic functions, guiding not only legal policies and practices related to the deaf community, but also affirming the status and acceptance of sign language in broader society.

Over time, the consolidation of the legal status of sign languages is influenced by the evolution of international and national doctrine and jurisprudence, reflecting changes in social norms and attitudes towards inclusion and the rights of deaf people. The challenges in interpreting and applying these statutes underscore the need for continuous adaptations and adjustments to ensure that these laws are effective and fully respect the linguistic and cultural rights of deaf communities.

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