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**Abstract:** This article offers an in-depth overview of the current status of the movement for sign language recognition all over the world with an explanation of language policy and its relevance to Deaf community activism. Different levels of recognition are explored, along with the benefits and limitations for each one. Various strategies undertaken by Deaf communities and the results of the same strategies are also covered, along with thoughts on the future of sign language recognition.

**Key words:** language rights, sign languages, language policy, Deaf communities, Deaf activism

## **Política lingüística en el context de les llengües de signes i de l'activisme de la comunitat sorda**

**Resum:** Aquest article presenta una explicació del moviment que hi ha sobre el reconeixement de les llengües de signes a tot el món. S'explica la rellevància de la política lingüística per a l'activisme de les comunitats sordes i s'exploren diferents nivells de reconeixement de les llengües de signes, juntament amb els avantatges i les limitacions que suposen aquests nivells de reconeixement. També es tracten diverses estratègies adoptades per les comunitats Sordes i els resultats que se'n deriven. Clou l'article una reflexió sobre el futur del reconeixement de les llengües de signes.

**Paraules clau:** drets lingüístics, llengües de signes, política lingüística, comunitats sordes, activisme sord

## **Política lingüística en el contexto de las lenguas de signos y del activismo de la comunidad sorda**

**Resumen:** Este trabajo presenta una descripción en profundidad del estado actual del movimiento para el reconocimiento de las lenguas de signos en todo el mundo con una explicación de la política lingüística y su relevancia para el activismo de la comunidad sorda. Se exploran diferentes niveles de reconocimiento, junto con los beneficios y limitaciones para cada uno. También se cubren diversas estrategias adoptadas por las comunidades Sordas y sus resultados de dichas estrategias, junto con las ideas sobre el futuro del reconocimiento de las lenguas de signos.

**Palabras clave:** derechos lingüísticos, lenguaje de señas, política lingüística, comunidades de sordos, activismo de sordos.

## 1. INTRODUCTION

For hundreds of years, Deaf communities all over the world have fought for sign language recognition and rights. In the past 30 years or so, Deaf communities have reached a level of political awareness and assertiveness where they are able to pursue legislation and/or laws to recognize the sign language(s) of their country. By the avenue of sign language recognition, Deaf people often reap benefits in various ways, from employment access to educational provisions, but if not, at the minimum, the sign language becomes legitimate in the society's eyes via being qualified for college credits or recognized as a language. To fully understand the impact of sign language recognition, we first must realize that there are several levels of recognition and be aware of the different impact of policy with each level.

### *1.1 Definition of policy*

Policy is a broad term, including a law that has gone through a legislative process or governmental decision, and including any rules or guidance that a government casts out as a result or relation to a law. Policy is the way a government can express its beliefs and opinions on the way the law should be applied. So, when a positive law is passed or established, that is indeed cause for celebration, but it is key to follow up on what type of guidance and regulations follow, because that can make or break the law's purpose. For example, if a law is passed, and very little to none guidance is provided, this may mean the law will be ignored or disregarded, especially when there is resistance to the law's purpose. Another point to consider is the inclusion of Deaf community leaders in the writing, framing and passing of a law from the beginning to the end, because if this does not happen, the law is at high risk for misapplication or misguided policy impact.

### *1.2. Types of country-level ideologies and their effect on sign language recognition*

There are several avenues of passing laws related to sign language recognition, some easier than others, depending on a country's existing ideology and relationship with the Deaf community. There are several types of country-level ideologies related to the government's use and recognition of language. They are: linguistic assimilation, linguistic pluralism, vernacularization, and internalization (Reagan, 2010). The first one, linguistic assimilation happens when a country has a single dominant language which all citizens are expected to use. Linguistic pluralism welcomes the notion of recognizing and using more than one language. Vernacularization describes the process of a country returning to its indigenous language. Finally, internalization describes a country not recognizing a language but instead, widely using a language, usually the one of a former colonial power. The type of ideology often has a high level of impact on the ease of recognition of a country-level sign language.

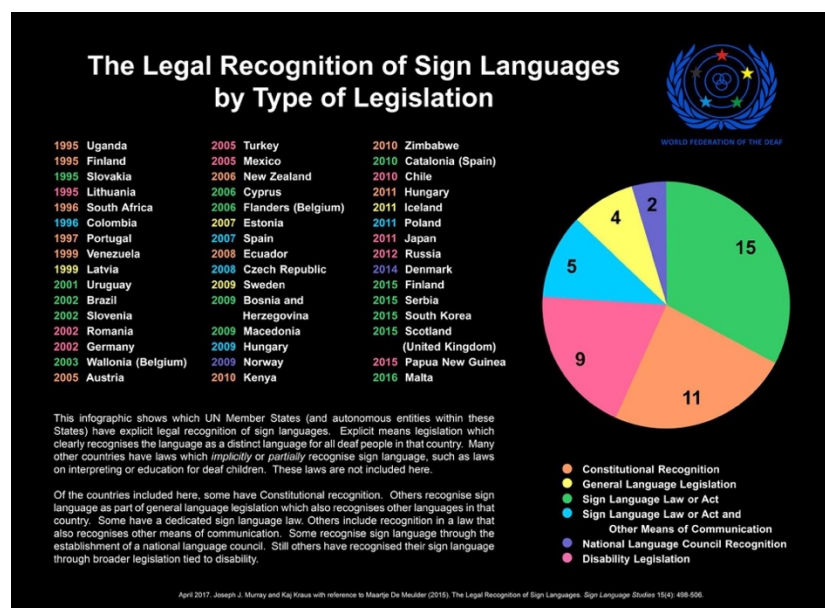
For example, when the Deaf community in Chile called upon a deaf lawyer, Michael Stein to consult them on promoting the recognition of Chilean Sign Language as part of the progress under the recently ratified Convention of the Rights of Persons with Disabilities (CRPD) law in their country. This was difficult because Chile practiced internalization (using the language of the colonizer) by only recognizing Spanish as a language (personal communication, Michael Stein, March 2017). In contrast, when the same lawyer traveled to Indonesia for the same reason, he found the government there much more open, due to their practicing linguistic pluralism-there are over 10,000 islands, and over 700 spoken languages (personal communication, Michael Stein, March 2017). The government was open to the notion of recognizing sign language and its

sincere openness promoted discussion and recognition of multiple sign languages in Indonesia (Bahasa Indonesian). As a result, 14 distinct sign languages have been identified, documented and studied, with more in the works. The Deaf community in Indonesia is currently discussing recognizing all sign languages as official sign languages or like the spoken language of Indonesian, develop a coded sign language for official use. Similar discussions are being held in the Middle East with regard to developing a coded Arabic sign language. Sign language documentation and standardization often leads to sign language recognition, but from the Indonesian and Arabic community, we see it can happen alternately. However, the potential devastating impact on existing sign languages warrants an ethical discussion within the community to determine the final cost/benefit of this alternate route to sign language recognition.

## 2. HISTORY OF SIGN LANGUAGE RECOGNITION

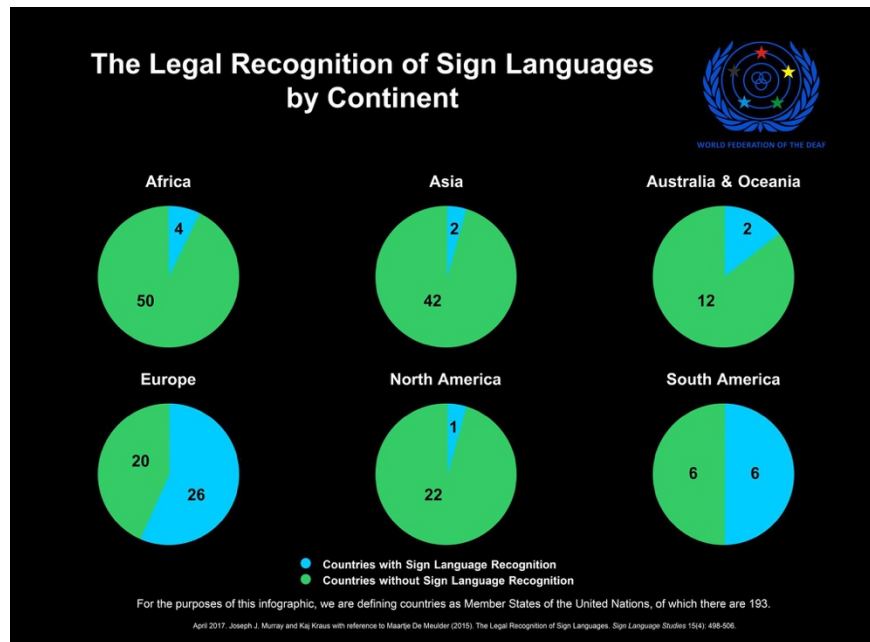
The first known example of legal sign language recognition is not commonly known. It appears to be in Texas, a state in the United States of America, in 1979 when the state recognized American Sign Language as a language to learn other than English (Murray,2018). More commonly known is Finland and Uganda’s constitutional recognition of their respective sign languages in 1995. In 2006, when the World Federation of the Deaf worked with other disability-centered organizations and governments at the United Nations to publish the CRPD. This internationally recognized treaty has done more for sign language recognition on the international level than any other law or treaty in the world. It mentions sign language 7 times and recognizes it as “a natural language” of the Deaf people including children. Over 161 countries have signed and ratified it, which means that each country is, in theory, committed to recognizing the sign language(s) used by its citizens (United Nations, 2018). Over 28 countries have done so since the CRPD entered into force, joining the previous 18 countries with legal sign language recognition (Figure 1). It is also interesting to note the geographical distribution of countries recognizing sign language, as some continents noticeably are more active than others (Figure 2)).

Figure 1. WFD Infographic on the Legal Recognition of Sign Languages 1: Type of Legislation



Font: Murray and Kraus, 2017.

Figure 2. WFD Infographic on the Legal Recognition of Sign Languages 2: By Continent



Font: Murray and Kraus, 2017.

### 3. TYPES OF LEGAL SIGN LANGUAGE RECOGNITION

While 46 countries and territories have recognized sign language in law, the level of recognition varies, depending on the type of law. As analyzed by Dr. Joseph Murray and Kaj Kraus, citing De Meulder (2015), there are six types of legal recognition for sign language: 1) Constitutional Recognition, 2) General Language Legislation, 3) Sign Language Law or Act, 3) Sign Language Law or Act and Other Means of Communication, 4) National Language Council Recognition, 5) Disability Legislation. Each type of legal recognition has its own character, and some types are stronger than others. For an in-depth analysis, the reader is referred to De Meulder (2015), Murray (2015) and McKee (2017). All three articles describe the pathway to legal recognition of sign language and its ties to vitality and human rights in their respective country or community.

#### *3.2 The language of the law: how this makes a difference*

The strength of the law often will have a ripple effect on the strength of the guidance or regulations. There are different levels of strength based on the writing, content, and conventions taken under consideration when implementing the law. For instance, if the word “may” is used instead of the word “shall”, it is known in commonly accepted western legal interpretation that this greatly weakens the enforcement of the legal provision. Likewise, if the bill is a resolution instead of being a law, then it is largely symbolic, not enforceable.

Another important point to consider is the law’s text- it can be implicit or explicit. When interpreting certification is established and required by a new law, that is an implicit way of recognizing the presence and importance of a sign language. Even through the interpreter certification law may not mention the sign language, by itself, recognizing professionalism of interpreting of that language alerts people that the sign language is a valid one. As for explicitness, the law can outrightly state that a sign language is recognized as a valid language, and depending on the law, provide various rights related

to the sign language, including education, communication access, et cetera. For example, if the law simply says that a sign language is recognized as an accommodation for Deaf people, this is a *narrow* construction of sign language recognition, as it is limited to only requesting sign language interpreters. In contrast, if a sign language is added to the country's constitution, this is viewed as a *broad* construction, as this states that sign language is a birthright or at least, a right of citizenship. In addition, it is generally much more difficult to add a provision to a constitution to pass a bill, as it requires more agreement by legislators, and as a result, it may be perceived as more rock-solid than a law that can be deemed void any time a government or legislature wants to. In between, a law that recognizes a sign language, either by its standing alone, or as a list of "communication means" by Deaf people, can go farther than the disability version, but it depends on what the law says. Does the law say it recognizes the right of children to acquire sign language? Does it say it is a human right of Deaf people? Does it recognize the Deaf community as a linguistic minority? Is the sign language now recognized as an official language? In most cases, not yet, because most cases focus on implicit recognition and/or are narrowly construed.

### 3.3 Limitations of constitutional recognition

Constitutional recognition of sign language, with a more solid base of being, may not be sufficient. Additional specific guidelines for implementation are often necessary to make the rights operational. For example, in Austria, when constitutional recognition happened after the Austrian Deaf Association demanded it with the support of the disability community (they wanted constitutional recognition of Austrian Sign Language before federal disability legislation was passed), this did not result in any linguistic rights or something of the sort for the Deaf community; cf., Wheatley and Pabsch, 2012; Krausneker, 2008; Wilcox, Krausneker, and Armstrong, 2012). Likewise, in Finland, which was the first country to have constitutional (and legal) recognition of sign language, the Finnish Association of the Deaf was not satisfied. The association along with other advocacy groups = pushed for a more explicit sign language act which was passed in March 2015 (European Association of the Deaf, 2015).

Ensuring explicitly is key in effectuating a true difference and is an example of what Deaf community members have had to learn quickly as they pursue sign language recognition. People in Scotland, while fighting for the recognition of British Sign Language (BSL), were baffled at first when the 2<sup>nd</sup> attempt eliminated any mention of sign language in education (De Meulder, 2016). However, the legislator pushing the bill repeatedly assured the Deaf community that they should not be overly concerned about this, due to political strategies and his plan of interpreting the law once it was passed (AC2.com Productions, 2016). In fact, when the bill was passed by the Scottish parliament triggered a national task force with Deaf representation, and indeed, it included education in its official analysis on how Scotland needed to include sign language in every level of government, including schools (British Sign Language (BSL) National Plan 2017-2023). On the flip side, if the law has a narrow construction, limiting sign language recognition only for educational purposes, this would not allow for broad advantages, such as employment access or public information access in their sign language.



#### 4. IMPACT OF COMMUNITY-LEVEL ACTIVISM

In addition to the need for carefully wording a law, the impact of community-level activism in language related movements in the past century, particularly in documentation and resurgence has been vital. As Spolsky analyzed, community-level activism often bring three groups to light: 1) activists who desire authority over language, 2) people who use the majority language, e.g. targeted audience for persuasion by the activists, and 3) the authorities of language that the activists need to sway. (2009). The activists in this sense are promoting language planning, because they are seeking to change the landscape (and perhaps the availability) of language in the region/country. Language planning has three aspects: 1) corpus (development of resources to teach a language or methods to express a language), 2) acquisition (how children will acquire a language), and 3) status (the language's recognition in the community and/or the law) (Milligan, 2007). As a whole, language planning has been defined as “deliberate efforts to influence the behavior of others with respect to the acquisition, structure, or functional allocations of their language codes” (Cooper, 1989). Deaf people all over the world have increasingly been involved with language planning related to their respective sign languages. As Quer explains, “sign language users are often not perceived as a linguistic and cultural minority, which hampers their inclusion in comprehensive language policies addressing other language minority groups” (2015).

Going back to the Deaf community in Scotland, whose battle for BSL recognition is a great example of how important community-level activism is in ensuring legal recognition of sign language. For many years, the Deaf community in Scotland mobilized, rallied, and lobbied for the legal recognition of BSL. The momentum including early publicity by Princess Diana and data and testimonies by researchers/teachers helped the bill pass on the second attempt (AC2.com Productions, 2016). As an important parallel, the Deaf President Now movement at Gallaudet University in Washington, D.C. in the United States is largely credited for the needed momentum to pass the Americans with Disabilities Act which provided rights to sign language interpreting at both private and public facilities (Davis, 2015). Publicity is key, but so can be data as evidenced by Malaysia and New Zealand being able to achieve legal sign language recognition through adding a national census item that showed a high number of users of the national sign language. Another strategy is launching a social media campaign. In Ireland, after 30 years of campaigning, the Deaf community and allies including hearing parents of deaf children decided to actively post facts, statistics, and stories on both Facebook and Instagram. After few years of doing this, it resulted in the president signing the Irish Sign Language bill in 2017 (House of the Oireachtas, 2017).

##### *4.1 The need for sign language documentation and research*

A common challenge to sign language recognition is not having a widely recognized sign language to rally a community behind. This may mean there is a need for sign language documentation and research first. For example, when the Rights of Persons with Disabilities law (RPWD) law was passed in India in 2016 with much celebration within the Deaf community, it did not name Indian Sign Language specifically (Morgan, 2008). Research and articles analyzing Indian Sign Language have been around since 1978 but not a formal dictionary (Vasishta, et al., 1978). While sign language has been used across India for centuries, it was not until 2001, when the Ramakrishna Mission in collaboration with CBM International from Germany released the first Indian Sign Language Dictionary with over 2,500 signs from 12 states (Deafindianews.blogspot.com). There has been argumentation that there is no “one” Indian Sign Language (ISL), purely due to the

sheer numbers and rural nature of India, but researchers have found that over 75 percent of signs are common to all regions (Zeshan 2000). This research will be key in eventually recognizing Indian Sign Language if the community wishes it to happen, along with the ongoing community mobilization, which recently included a petition to the Indian government. Another example is South Africa where researchers attempted a lexicon project and found great diversity, to the point where only two percent of all words represented had a single common sign (Penn & Reagan, 1994; Reagan, 2001; Quep, 2015). This should not be seen as a weakness of the sign language, but rather, as a sign of widespread gaps in language acquisition and standardization due to the lack of protection or oppression by existing policies. Or on the other hand, the diversity of the lexicon may point to multiple sign languages being used by the targeted research population. In either case, recognition of each sign language is a solid step towards enhancing its status in every level of the community.

#### *4.2 Proactive steps to take while pursuing sign language recognition*

Recognition of a language is a multi-step process, and to start, it is prudent to proceed as organizations in India has done, which is conducting systematization of ISL teaching materials, degree programs, and training programs, to both increase usage and public knowledge. Another key step is building relationships with legislators, which has led to success in many countries, and is a general requirement to passing any type of legislation or government level policy. The more advocates reach out to government officials and legislators in a diplomatic manner and educate them on the benefits of sign language recognition, i.e. lobbying, the better the chances are of passing the said policy or legislation. First, relationships need to happen within a Deaf community, including identifying all possible allies, including parents, other disability or minority language advocacy organizations. The process of building relationships, both within the community and outside, can take several months to years, depending on the current level of interaction and trust. It is also key for interested Deaf community members and advocates to undergo training on the legislative process and politics in general. The National Association of the Deaf in the United States of America has consistently provided training over the years, starting with the passage of the Americans with Disabilities Act in 1990 to educate people on their rights. (Bourne-Firl, 2018). It is important to note that the NAD has increased the provision of trainings in recent years, due to the wave of pro-oral legislative bills and a responsive wave of state-level language acquisition bills (NAD Annual Report, 2018). Once relationships are built and training taken, lobbying can commence, and if successful, yet another sign language will be recognized and depending on how the policy or legislation is written, more rights are guaranteed to Deaf citizens using that language.

### **5. CONCLUSION**

Only time will tell how successful sign language policy and legislation are in guaranteeing rights of deaf citizens, especially when it comes to children. Right now, over 92% of deaf children do not have access to education in sign language. (WFD, 2012). In addition, several European countries are ahead in sign language recognition but over 90% of their deaf children receive cochlear implants and most of their schools for the deaf have been closed in the last decade. (WFD & EUD Press Release, November 9 2011). Without safeguarding or including specific language to protect linguistic rights of deaf children, then the purpose of the sign language legislation will cease to matter. With careful

strategies and widespread community mobilization, sign language recognition can make a world of difference, be it in education, employment, or general enjoyment of public life.

## 6. REFERENCES

- AC2.COM PRODUCTIONS (2016). «The Battle for BSL» <<http://www.bslzone.co.uk/watch/battle-bsl/>> [Retrieved September 20, 2018].
- BOURNE-FIRL, BRIDGETTA (2017). «Americans with Disabilities Act of 1990 and its Impact on Deaf People» *NADMag*. Vol.17:1, pp.26-29.
- Cooper, Robert L. (1989). «*Language Planning and Social Change*» Cambridge: Cambridge University Press.
- DAVIS, LENNARD (2015). «*Enabling acts: the hidden story of how the Americans with Disabilities Act gave the largest US minority its rights*» Boston: Beacon Press.
- DE MEULDER, MAARTJE (2015). «Legal Recognition of Sign Languages» <<https://muse.jhu.edu/article/586118/pdf>> *Sign Language Studies*. Vol. 15:4, pp. 498-506
- DE MEULDER, MAARTJE (2017). «The Influence of Deaf people's Dual Category Status on Sign Language Planning: the British Sign Language (Scotland) Act (2015)» *Current Issues in Language Planning*. Vol. 18:2, pp.215-232.  
<<https://www.tandfonline.com/doi/abs/10.1080/14664208.2016.1248139>>
- EUROPEAN ASSOCIATION OF THE DEAF (2015). «What is the Finnish Sign Language Act?» <<https://www.eud.eu/news/what-finnish-sign-language-act/>> [Retrieved, October 18, 2018].
- KRAUSNEKER, VERENA (2008). «The protection and promotion of sign languages and the rights of their users in Council of Europe member states: Needs analysis» Strasbourg: Council of Europe Publishing. LEGG, JANELLE AND FURLAND, BECCA (2012). «WFD Position paper on the sign language rights of deaf children». *Deaf Studies Digital Journal*, Iss. 3.  
<[http://dsdj.gallaudet.edu/index.php?issue=4&section\\_id=7&entry\\_id=133](http://dsdj.gallaudet.edu/index.php?issue=4&section_id=7&entry_id=133)>
- MCKEE, RACHEL (2017). «Assessing the Vitality of New Zealand Sign Language» *Sign Language Studies*. Vol. 17:3, pp. 322-362.  
<<https://muse.jhu.edu/article/658445/pdf>>
- MILLIGAN, KAREN, ASTINGTON, JANET W., DACK, LISA A. (2007). «Language and Theory of Mind: Meta-Analysis of the Relation Between Language Ability and False-belief Understanding». *Child Development*, Vol. 78:2, pp.622-646.  
<<https://doi.org/10.1111/j.1467-8624.2007.01018.x>>
- MORGAN, MICHAEL W. (2008). Deaf and Sign Language in India: Problems, Awareness and M3 Solutions Delyth Prys & Briony Williams, eds. GUM3C: Global Understanding in Multicultural, Multimodal and Multimedia Contexts (Proceedings of GUM3C Conference, Bangor University, 22-23 August 2008). 95-104.
- MURRAY, JOSEPH (2015). «Linguistic Human Rights Discourses in Deaf Community Activism». *Sign Language Studies*. Vol.15:3, pp. 379-410.  
<<https://eric.ed.gov/?id=EJ1071545>>
- MURRAY, JOSEPH; DE MEULDER, MAARTJE; AND LE MAIRE, DELPHINE (2018). «An Education in Sign Language as a Human Right?: The Sensory Exception in the Legislative History and Ongoing Interpretation of Article 24 of the UN Convention on the Rights of Persons with Disabilities» *Human Rights Quarterly*. Vol.40:1, pp. 37-60.
- MURRAY, JOSEPH AND KRAUS, KAJ (2017). «The Legal Recognition of Sign Languages» <https://my.gallaudet.edu/intranet/announcements-archive/the-legal-recognition-of-sign-languages-workshop-to-be-held-april-24-2017> [Retrieved December 20, 2019].



NAD (2018). «Annual Reports» <<https://www.nad.org/about-us/annual-reports/>> [Retrieved December 20, 2019].

PENN, CLAIRE & REAGAN, TIMOTHY (1994). The properties of South African Sign Language: Lexical diversity and syntactic unity. *Sign Language Studies*, Vol:85, pp. 319–327.

QUER, JOSEP, & DE QUADROS, RONICE M. (2015). «Language policy and planning in Deaf communities» In *Sociolinguistics and Deaf Communities*. A. Schembri & C. Lucas (eds.), pp.120-145. Cambridge: Cambridge University Press.

REAGAN, TIMOTHY (2001). «Language Policy and Planning» In *Sociolinguistics and Sign Languages*. C. Lucas (Ed.), pp. 145-180. Cambridge: Cambridge University Press. In Ceil Lucas (ed.), *The sociolinguistics of sign languages*, 145–180. Cambridge: Cambridge University Press Language planning and policy. In Ceil Lucas (ed.), *The sociolinguistics of sign languages*, 145–180. Cambridge: Cambridge University Press

REAGAN, TIMOTHY (2010). «*Language Policy and Planning for Sign Languages*» Washington, D.C.: Gallaudet University Press.

*Scottish Government Riaghaltas na h-Alba gov.Scot* (in English) «British Sign Language (BSL) National Plan 2017-2023» <<https://beta.gov.scot/publications/british-sign-language-bsl-national-plan-2017-2023/>> [Retrieved, October 10, 2018].

SPOLSKY, BERNARD (2009). «*Language Management*» Cambridge: Cambridge University Press. TITHE AN OIREACHTAIS, HOUSES OF THE OIREACHTA, (in Irish) <<https://www.oireachtas.ie/en/bills/bill/2016/78/>> [Retrieved, October 10, 2018].

UNITED NATIONS (2018). «Convention on the Rights of Persons with Disabilities» <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html> [Retrieved October 11, 2018].

VASISHTA, MADAN; WOODWARD, JAMES; AND WILSON, KIRK L. (1978). «Sign Language in India: Regional Variation Among the Deaf Population» *Indian Journal of Applied Linguistics*. Vol:4:2, pp.66-74.

WHEATLEY, MARK. AND PABASCH, ANNIKA. (2012). «*Sign language legislation in the European Union—Edition II*». Belgium: European Union of the Deaf. <<https://www.eud.eu/publication/book-publications/sign-language-legislation-european-union-edition-ii/>>

WILCOX, SHERMAN E.; KRAUSNEKER, VERENA; AND ARMSTRONG, DAVID F. (2012). «Language policies and the Deaf community» Chapter. In *The Cambridge Handbook of Language Policy*. Spolsky, B.(ed.), 374-96. Cambridge:Cambridge University Press.

WORLD FEDERATION OF THE DEAF & EUROPEAN ASSOCIATION OF THE DEAF (2011). «Press Release: Sign Languages' status under threat in Denmark» <<https://www.eud.eu/news/wfd-eud-press-release>> [Retrieved, October 12, 2018]. Belgium:European Union of the Deaf.

WORLD FEDERATION OF THE DEAF & EUROPEAN ASSOCIATION OF THE DEAF (2012). «WFD and EUD submission to the day of general discussion on the right to education for persons with disabilities» <<http://wfdeaf.org/wp-content/uploads/2015/03/WFD-and-EUD-submission-to-day-of-general-discussion-on-education.pdf>>[Retrieved May 7, 2018].

ZESHAN, ULRIKE (2000). «*Sign Language in Indo-Pakistan: A description of a signed language*» Amsterdam: John Benjamins.