

Language Policy and Its Legal Implications

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ABSTRACT

Language policy, while often framed as a technical or administrative matter, has profound legal, social, and political implications. This paper examines the conceptual evolution, theoretical frameworks, and diverse applications of language policy across multilingual and post-colonial contexts, particularly focusing on Africa and South Asia. It critically examines how language policies reflect and reinforce structures of power, often leading to social exclusion, educational inequality, and linguistic imperialism. Legal frameworks governing language use are assessed, showing how they both support and constrain language rights. The paper also explores grassroots challenges in implementing language policies in education and public administration, revealing gaps between policy rhetoric and lived realities. Through case studies and policy critiques, the research highlights how inclusive language planning, supported by equitable legal mechanisms, can advance social justice, preserve linguistic diversity, and improve governance. Ultimately, language policy must be seen not just as a linguistic issue but as a tool for democratic participation and legal empowerment.

Keywords: Language policy, legal implications, multilingualism, education, language rights, post-colonial states, linguistic justice.

INTRODUCTION

The term 'language policy' has gained prominence in scholarly discussions over the last decade, often viewed as part of language planning governmental initiatives aimed at altering a language's status. Language policy-making conveys authority to implement a particular policy within designated areas and consists of formalized intentions. In newly independent third-world countries, such policies embody aspirations and pronouncements about desired but unplanned changes. The belief that language can transform society is prevalent in language policy discussions. Kathy Lockett cites RL Cooper, emphasizing that language serves as a fundamental social institution, implying that to plan language is to plan society. However, this perspective is criticized as oversimplified. In Africa, social and economic underdevelopment stems from numerous factors, with dependency on vernaculars and extensive multilingualism often viewed as critical. Simply changing a language does not necessarily lead to societal change, as many languages can express similar ideas. The way a message is framed doesn't change its essence, with remnants of older languages often persisting beyond the adoption of new forms. Christina Bratt Paulston notes that perceived 'language problems' often relate more to power, culture, and societal dynamics than language itself. Ultimately, society shapes languages, producing diverse linguistic landscapes, while social stratification remains more pertinent to language than any inherent qualities of the language itself. Language is socially constructed and influenced by societal perceptions [1, 2].

Historical Overview of Language Policies

The concept of "language policy" has gained significant global importance in the context of post-colonialism, socialism, globalization, and diaspora migration, where it remains a contentious issue. While traditional nation-state policies have shaped language use, contemporary challenges persist within both national and international arenas. In post-colonial jurisdictions, limiting indigenous languages is prevalent, while linguistic inequalities emerge even in the Western world with the spread of global English. Researchers struggle to agree on a definitive meaning of "language policy," which is intertwined with linguistic power dynamics. This complexity arises from sociocultural interactions influencing

language use and status in post-settler states. National interests and institutional power contribute to a multiplicity of language policies, reflecting a lack of consensus around specific languages at different levels. For instance, varying outcomes of English-only initiatives in the U.S. and French language policies in France underscore the diverse factors in language policy creation and execution. Language ideologies are crucial, shaping attitudes and identity related to language. These elements often obscure the limitations of language policies, which are criticized as marginally impactful, yet they can significantly affect language vitality [3, 4].

Theoretical Frameworks in Language Policy

Conceptualization of language policy is nuanced. Language policy analysis has grown into a large and diverse field, including many methodologies, theories, and models, across many disciplines. Not all policies are intended, or elaborately planned, as policies may be inferred from ideologies, practices, beliefs. Policies are not always interpretable, as many voluntary policies remain obscure and diffuse. There is no determinist or definitive causal relationship between policy and outcome. Ex post theory-laden interpretations may explain why certain policies lead to particular outcomes. Policies may be processes or institutions, rather than discrete local-level activities or interventions. Rigidly cohesive conceptions of language planning and language policy may contradict their ideational and conceptual diversity. Language policy and planning might be viewed as opposing mechanisms, one of which is driven by elite groups modelling material factors, while the other springs from subalterns and is driven by artefacts, systems of cultural reproduction, or concepts of the good. In a more realist interpretation, language policy meshes with planning as cognate aspects of a unified process. Nevertheless, the terms address different phenomena, at different scales, and among differently configured vectors. Language policy has been viewed as a powerful mechanism through which social distinction and hegemony may be produced and maintained. Language policy may create linguicide, systems of inequality and advantage, or as argued, linguicism. Some policies embrace and invoke language-variety inclusivity yet produce superficially egalitarian systems which privilege dominant varieties. Acknowledged that language policy may be a mechanism through which agency may be realized, and inequality resisted. Institutions enable bottom-up, light-green, or social movements questioning pre-existing language policies, scoping alterations within the planning, use, or performance of the language. Nonetheless, they cannot radically alter the nature of the institutionalised language policy: policies control movement. Language policies are highly contingent phenomena, tied to particular locales and times, shaped by the innumerable interactions among ever-shifting affinities. At times, the effects of policies may be generalizable beyond their original locale. Policies are ineluctably situated, for example, in time, ideology, and both intra- and inter-vectored power relations. Language policy concerns the social actions of people. It necessarily concerns behaviours, the choices made by people in groups. It is a process of human interaction; policy does not simply exist [5, 6].

Types of Language Policies

Language policies can be characterized in a variety of ways. At the state level, different nations have tended to adopt alternative policies. This is reflected, for example, in countries like Algeria, which favors the Arabization of public life over the French language. In contrast, the Philippine authorities are implementing a program of maintaining education in English and/or Filipino languages while inclusively devoting scant attention to a minority language like Kankanaey and the forever predicament of Kankanaey language as a language of development, culture and education. At the governmental level, NGOs following ad-hoc languages policies differ starkly in the nature and forms of language policies devised, such as Community language policy of the Irish Department of Education and Science versus the English Language policy of the Philippine Department of Education. In view of this, what remains to understand is whether national/nationalistic language policies are designed differently, or similarly, across regions. Who governs which languages, in which domains, and how languages are governed and to what extent are critical questions that language policy attempts to answer? Language policy is generally defined as a policy that addresses the communal issues associated with human language. These issues include tranquillity of social inequality across languages, access to power, political and economic wealth, schooling, education, knowledge, information dissemination, job opportunities, acquisition of public and spiritual services, and maintenance of identity and culture. Language policy assumes various forms, the major ones being constitutional policy, statutory policy, and administrative and educational policy [7, 8].

Language Policy in Multilingual Societies

Proper language articulation is vital for a country's constitution and functions like education and administration. Independence alone does not ensure the preservation of linguistic diversity. There's a tendency for ethnically diverse nations to adopt a single Language Policy (MLP). In multiethnic regions post-colonialism, competing language ideologies vie for legitimacy. Over time, adopted languages can decline or die out as speakers abandon them for a standard language. The anticipated language shift to

new tongues might not occur, leading to a resurgence of multilingualism. In the former Soviet Union, language politics have resulted in only 20% of original speakers retaining their languages, causing conflicts in universities. Aggressive language politics, often led by self-appointed guardians, can harm marginalized language speakers. Conversely, some policymakers disregard linguistic diversity, favoring "proper language education" over online vernacular styles. Significant power disparities impact language policies, making language shifts unlikely. English holds semi-official status, overshadowing other languages despite being an imposed language. Confusion arises in film translations among India's indigenous tongues and neighboring languages. Historical language loss persists, hindering home language usage in early education. A step towards embracing diversity involves creating smaller regional offices where all voices are initially heard in a chaotic but inclusive manner [9, 10].

Legal Frameworks Governing Language Policy

The implementation of language policies and their legal frameworks is complex. While some aspects can be standardized, it is crucial to examine the political and social contexts of any activity. As countries evolve, existing models might need adjustment to remain relevant, affecting both implementation and monitoring. What succeeds in one region may not in another, requiring changes to monitoring frameworks. Language significantly influences Africa's development and inter-country cooperation. Thus, language policy relates to promoting local languages and resisting language imperialism. Language policy and its implementation involve political processes, necessitating educators to understand the broader implications of changes. Concerns for effective language policies should extend beyond formal government policies to include informal 'micro-level' practices that align with larger initiatives. The political aspect of language policy means that universal ideals may be selectively applied to perpetuate the dominance of a single language in resource control. Care must be taken regarding who participates in shaping language policy at various levels. Continuous monitoring of changes and their implications is vital, focusing on inequality, empowerment, and disempowerment rather than mere technical compliance. Investigations should address both quantitative and qualitative indicators of empowerment and disempowerment [11, 12].

Impact of Language Policy on Society

Social implications of language planning and policy issues such as standardisation, education, and language maintenance are highlighted by critical universities, which aim to explore the economic, political, cultural, and social consequences of university language choices on local societies. Higher education policy makers should assess local employment opportunities connected to the language of instruction. Successful interventions exist, and it is important to consider the roles of public and civil society in education and language use. Closer collaboration with local institutions is recommended to explore the implications of political changes. The impact of a rapidly changing world on safety and belonging has gained attention, necessitating a reflection on university responsibilities. Local legislation could have significant implications for students, and examples of lost choice stem from the dominance of a few lingua francas. The use of English as the official language of higher education has widespread consequences. This article emphasizes the economic, political, cultural, and social implications for local societies linked to this trend. Local and international employment prospects related to the language of instruction illustrate these implications. The analysis identifies numerous "anti-colonising" strategies for fruitful intervention at various levels to counter the negative effects of reduced local language usage as a lingua franca. A careful examination of envisaged lingua francas is essential, as both long-standing universities and various commercial entities engage in developing language policies, affecting individuals significantly [13, 14].

Challenges in Language Policy Implementation

The Phindangene Adult Education Centre is situated in Lamontville, a township on the outskirts of Durban in KwaZulu-Natal. The area and the Adult Centre drop down from the struggle against the Apartheid regime in South Africa and notwithstanding enormous strides, the socio-economic problems incurred by these decades still pervade. Many individuals are illiterate, especially amongst the women, the vast majority of whom speak isiZulu, which serves as the medium of instruction both in the home and in educational institutions. Unfortunately, language at once plays an enormous role in human development and in the socio-political construction of societies. Language planning must take serious cognisance of the role that language plays in the formulation, maintenance and resolution of personal, socio-political and economic problems. The Adult centre affords the opportunity to adult learners to succeed for the first time in their lives under the care of teachers who believe their involvement is a calling. Yet, teachers cite shortages of time, resources, relevant materials, and teacher training as some of the pitfalls of the current education system. Using Action Plan 2014 as the point of departure, hopes to facilitate an establishment of the needs of teachers at the Centre in the service of the implementation of the Directorate's speech for

the entrance into a new multilingual era in South Africa. Language policy, as it stands, can only be considered a triumph, if it is successfully translated from rhetoric to reality in administrative structures, classrooms, and ultimately society. In South Africa, the language policy is clear and the government has stated its plans to move from a monolingual to a multilingual space. In principle, this must be supported and acknowledged as a significant leap towards the democratisation of an uneven system. However, all is not well. There is still a long way to travel for the government to effectively implement what are, in their view, essential legislative changes. Language policy in the education sector, speaking specifically of adult education, is still mired in ambiguous rhetoric, with no means of communicating to the country or its citizens the importance of the monumental shift in the educational landscape to a more multilingual context. The poise and eloquence of the new language policy are starkly contrasted with an almost utter silence as to what should happen next and how the policy will be implemented [15, 16].

Language Policy and Education

Schools play an important role as agents of construction, maintenance and development of language identity. The significance of language extends to the school system, especially in the education of young people. Present education policies give a far greater status to African languages than was the case in previous educational policies. Many schools continue to use the language of the previous educational policy, excluding academic subjects through African languages. This is similar with respect to students' mother tongues. In South Africa, English is perceived as a language of order (to learn in), rapid social stratification, capitalism and globalization; a gateway towards being cosmopolitan whereas Afrikaans is perceived as a language of exclusion. The two were historically used in education and tended to heighten the distinctions between groups. This inequitable allocation of languages of order resulted in unequal educational outcome. Schools that progressed from being predominantly African, to mixed and then predominantly English desired not to enter the domain of Afrikaans. Concerns also pertained to the governance of schools coupled with fears of demographically induced school closure. The Education Department introduced policies to facilitate change in language policies. Schools were required to review and amend their language policy. No regulations, guidelines, or controlled choices were provided concerning the choices of languages to be emitted to the public to tamper with the lexicon of schools. Schools, at Band one, were left to establish their own language policies. Ironically, very little or no assistance was rendered to schools that were tardy with the language policy reviews. Many band three schools, predominantly English, tended to publicly scrutinize and castigate band one schools for supposedly not performing and suggested that they should learn from them. Schools became isolated, hence a fragmented language policy landscape, with no concerted effort to work towards bridging different orders of languages [17, 18].

Case Studies of Language Policy

Language policy is a contested and controversial area, both theoretically and practically. Despite the traditionally bipartite taxonomy of language policy into language-in-education and language in government, scholars are calling for a more comprehensive view that adopts an open-ended distinction. At the same time, attitudes towards language policy may be borrowed from historical antecedents, or language policies may be conceived of in elite terms, focusing on covert policies or judgements which operate beneath the level of conscious awareness. Thus, explaining where policies come from, how they are constructed or expressed, and whether a policy is enacted by law or by practice are all complex issues. On top of this, policy is seen as a process, not a product, and it has been asked who or what is being blamed or credited when we talk about language policy. Despite its political and social character, much language policy scholarship continues to try to describe or account for what must be inherently political, social and moral phenomena. While this is not to dispute the relevance of invoking a policy in very broad terms, it invites a concern of the degree to which such an invocation is a pale reflection of imposition and coercion. If language policy is a much broader, more socially constituted concern than is traditionally assumed, clearer distinctions must be drawn. There are classes of agents from whom such policies are unwritten, unmonitored and unalterable but which nevertheless affect the structure, function, use or acquisition of language; policies which fall into the category of such definitions being tacit, implicit and covert language policies. Such policies are outside the intended scope of this article. With this caveat, the proposals below may constitute a tentative first step towards gaining a more rounded and complex picture of how the language policy experience may be viewed [19, 20].

Language Policy and Human Rights

This paper deals with an aspect of language policy that has been a subject of concern for some time but remains under-explored today: the legal implications and human rights aspects of language policy. One of the most pressing contemporary conundrums is how to safeguard multilingualism in societies where no reliable mechanisms exist to do so, especially in societies interested in or with a past of multilingualism,

as alluded to above. In other words, how to safeguard or, more appropriately, to pre-emptively guarantee that no one language dominates other languages? This question brings with it additional questions regarding who the consummate arbiter(s) of such policies are. E-referendums can be widely used in this regard. Countries and states ultimately set their language policy. However, global organizations like the United Nations or the EU have the capacity to issue language policies as well. Language rights and other arguments are invoked to justify this. Implementing a balanced multilingual policy requires action on external, internal and political dimensions: political structures of a country favouring multilingualism; policies ensuring linguistic autonomy, diversity and equality; and not infringing on the rights of other states regarding confidentiality and sovereignty, which may favour panchronological. One of the elements of language policy and the arguments related to it not receiving the attention they deserve likely stems from how intangible language rights are and thus how abstract argumentation about them is. The claim to 'linguistic human rights' sharply contrasts with the demands of positive law, both international and domestic. In many cases, linguists are not even acquainted with the law in question. One further caution concerns the approach to language rights. It is certainly well-intentioned. The aim behind it is to secure the intergenerational continuity and transmission of minority languages to redress inequalities. However, 'linguistic human rights' must be interpreted as ideals and aspirations, not as entitlements recognized by international binding rules. To a large extent, language rights are political processes that may or may not result in legal processes [21, 22].

Future Directions in Language Policy Research

In recent decades, language policy research has expanded beyond national language policy, linguistic human rights, and bilingualism to include family language, religion, workplace, public space, hospitals, courts, and military. This discussion is increasingly driven by critical approaches, including critical language policy, planning, and discourse, which draw on social theorists like Bourdieu, Foucault, and Habermas. With globalization posing a challenge to social inequality, language policy is tied to historically constructed power dynamics in daily life. Consequently, critical focus shifts from processes that produce inequalities to those that reduce them, emphasizing themes like power, struggle, language colonization, and resistance. Existing hegemonic policies are criticized within various sociolinguistic contexts, highlighting the political and ideological nature of language policy as a tool for governing language use. Methods such as socio-historical structural analysis and governmentality examine language domination and social constructions of resistance. Although significant progress has been made, further exploration of new domains and social processes driven by critical approaches is needed. Current research reflects a shift from an exclusive nation-state focus to internationalization and globalization, both governed by similar legal frameworks [23, 24].

CONCLUSION

Language policy is far more than a technical exercise it is a deeply political and legal process that shapes access to education, justice, and identity. As this paper demonstrates, language policies often serve as instruments of power, either enabling inclusion or reinforcing marginalization. In multilingual and post-colonial contexts, the stakes are especially high. Legal frameworks governing language must be flexible, inclusive, and responsive to the needs of diverse linguistic communities. While constitutional and statutory protections exist in many countries, implementation remains fraught with challenges, particularly in the education sector where policy often fails to translate into practice. True progress requires a shift toward participatory language governance, where communities have a voice in policy formation and application. Moreover, legal systems must acknowledge the intersection between language, rights, and social equity, ensuring that language policies promote not hinder access to opportunity and justice. Addressing the legal implications of language policy is essential to building societies that are not only linguistically diverse but also socially and legally inclusive.

REFERENCES

1. Bianco JL. Making languages an object of public policy. *Agenda: A Journal of Policy Analysis and Reform*. 2000 Jan 1:47-61.
2. Wiley TG. Comparative historical analysis of US language policy and language planning: Extending the foundations. In *Sociopolitical perspectives on language policy and planning in the USA* 2008 Oct 21 (pp. 17-38). John Benjamins Publishing Company.
3. Lin SM. The impact of globalization and localization on language policies: The example of Taiwan. *American International Journal of Humanities and Social Sciences*. 2021;7(2):1-9. cgrd.org
4. Lee HY, Hamid MO, Hardy I. Language Policy at the Supranational Level. *Language Policy*;37.

5. Wickert C, Post C, Doh JP, Prescott JE, Prencipe A. Management research that makes a difference: Broadening the meaning of impact. *Journal of Management Studies*. 2021 Mar;58(2):297-320. [wiley.com](https://www.wiley.com)
6. Béland D, Schlager E. Varieties of policy feedback research: Looking backward, moving forward. *Policy Studies Journal*. 2019 May;47(2):184-205.
7. Mees O, Hermann L, Rosete-Beas E, Burgard W. Calvin: A benchmark for language-conditioned policy learning for long-horizon robot manipulation tasks. *IEEE Robotics and Automation Letters*. 2022 Jun 3;7(3):7327-34. [\[PDF\]](#)
8. Li X, Mata C, Park J, Kahatapitiya K, Jang YS, Shang J, Ranasinghe K, Burgert R, Cai M, Lee YJ, Ryoo MS. Llara: Supercharging robot learning data for vision-language policy. *arXiv preprint arXiv:2406.20095*. 2024 Jun 28.
9. Gay W. How pejorative language encourages physical violence. *Politics, polarity, and peace*. Brill. <https://brill.com/display/book/9789004541573/BP000014.xml>. 2023. [\[HTML\]](#)
10. Gay W. How Pejorative Language Encourages Physical. *Politics, Polarity, and Peace*. 2023 May 8;386:217.
11. Phillipson R, Skutnabb-Kangas T. Communicating in “global” English: Promoting linguistic human rights or complicit with linguistic imperialism. In *The handbook of global interventions in communication theory* 2022 Mar 10 (pp. 425-439). Routledge. [\[HTML\]](#)
12. Meighan PJ. Coloniallingualism: Colonial legacies, imperial mindsets, and inequitable practices in English language education. *Diaspora, Indigenous, and Minority Education*. 2023 Apr 3;17(2):146-55.
13. Schofer E, Ramirez FO, Meyer JW. The societal consequences of higher education. *Sociology of Education*. 2021 Jan;94(1):1-9.
14. Doiz A, Lasagabaster D, Sierra JM. 11 Future Challenges for English-Medium Instruction at the Tertiary Level. *English-medium instruction at universities: Global challenges*. 2012 Oct 12:213.
15. Garrett Delavan M, Freire JA, Morita-Mullaney T. Conscripted into thinking of scarce, selective, privatized, and precarious seats in dual language bilingual education: The choice discourse of mercenary exclusivity. *Current issues in language planning*. 2023 May 27;24(3):245-71. [academia.edu](https://www.academia.edu)
16. Cohen MI. Education Populism? A Corpus-Driven Analysis of Betsy Devos's Education Policy Discourse. *Education Policy Analysis Archives*. 2021 Feb 15;29(16):n16.
17. Fafunwa AB. African education in perspective. In *Education in Africa* 2022 Sep 1 (pp. 9-27). Routledge.
18. Lally M, Conway PF. Higher education in prison: a comparative policy analysis of five countries. *Higher Education*. 2025 Jul 7:1-20.
19. Palviainen Å, Curdt-Christiansen XL. Language education policies and early childhood education. In *Handbook of early language education* 2022 Mar 31 (pp. 167-192). Cham: Springer International Publishing. [researchgate.net](https://www.researchgate.net)
20. Cummins J. Evaluating theoretical constructs underlying plurilingual pedagogies: The role of teachers as knowledge-generators and agents of language policy. In *The Routledge handbook of plurilingual language education* 2021 Sep 21 (pp. 112-129). Routledge. [\[HTML\]](#)
21. Arora-Jonsson S. The sustainable development goals: A universalist promise for the future. *Futures*. 2023 Feb 1;146:103087.
22. Corney T, Cooper T, Shier H, Williamson H. Youth participation: Adulthood, human rights and professional youth work. *Children & Society*. 2022 Jul;36(4):677-90. [wiley.com](https://www.wiley.com)
23. Liddicoat AJ, Taylor-Leech K. Agency in language planning and policy. *Current Issues in Language Planning*. 2021 Mar 15;22(1-2):1-8. [griffith.edu.au](https://www.griffith.edu.au)
24. Phyak P. Epistemicide, deficit language ideology, and (de) coloniality in language education policy. *International Journal of the Sociology of Language*. 2021 Mar 26;2021(267-268):219-33.

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