

## Language rights and language justice in the constitutions of the world\*

Eduardo D. Faingold  
University of Tulsa

The author analyzes 187 constitutions from around the world for legal language defining the linguistic obligations of the nation and the language rights of its citizens. “Undivided” nations, e.g. Uruguay and the United States, adopt a “hands-off” constitutional policy toward language obligations and rights because such nations possess (or claim to possess) a strong sense of national identity and no groups of citizens having or seeking autonomy or secession. On the other hand, “divided” nations, e.g. Belgium, Canada and South Africa, adopt a “hands-on” constitutional policy, because they possess unassimilated language groups or groups having or seeking autonomy or secession.

The constitution of a nation is the body of principles and laws determining the duties of the government and guaranteeing certain inalienable rights to the people in it. In this sense, the constitutions of Canada, the United States, Uruguay, and South Africa, for example, all have a status of legal supremacy over the promulgation of new laws and the application of extant legislation. Nations that believe in language rights and language obligations, such as Canada and South Africa, specify those rights and obligations in their constitutions. Others, such as the United States and Uruguay, do not declare linguistic obligations toward, or language rights for, their citizens.

An *official language* is a language that a government uses for its day-to-day activities in the fields of legislation, judiciary, public administration, and teaching. A *national language* is a language that a nation adopts for symbolic purposes (in addition to, for example, the national flag or emblem). Thus, though Kenya’s national language is Swahili, its official language, which is used for administration, is English (Bamgbose 1991:29–30); likewise, Rwanda’s Constitution declares Kinvarwanda and French as official languages and Kinvarwanda as the national language; the constitutions of Costa Rica, Cuba,

and Venezuela accord official and national status to Spanish; Arabic has a similar dual role in the constitutions of Kuwait, Saudi Arabia, and Tunisia, and French in Burkina Faso, Côte d'Ivoire, and Togo.

In many regions of the world languages coexist uneasily. Whether real or apparent, a dominant-dominated relationship exists between speakers of many majority and minority languages. The drafting of major language legislation, especially in a constitution, highlights the existence of conflicts among languages coexisting within the same nation.

Ideally, the purpose of language legislation should be to solve such conflicts and differences by legally defining the status and use of coexisting languages (Tully 1995; Turi 1977, 1994). One or more languages can be targeted for promotion and development through the drafting of explicit language legislation that specifies both language rights for individuals and groups and language obligations by the nation according to law (*explicit legislation*). In practice, however, language legislation is sometimes used to enshrine the dominant rights of one language group over another, rather than to solve conflicts among speakers (see, for example, the 1956 Official Sinhala law in Sri Lanka).

One example of explicit language legislation is Title 7, Sections 16–22, of the Canadian Constitution, which specifies the right to public instruction of speakers of the two official languages of Canada, English and French (Burnaby 1996). Another example is the new Constitution of the Republic of South Africa, which came into effect in May 1994, in which eleven languages are listed as having official status nationally: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, and isiZulu. Moreover, in South Africa, many other languages, in addition to the official languages just mentioned, are promoted for development and use: Khoi, Nama, and San languages; South African sign language; German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telugu, Urdu, Arabic, Hebrew, and Sanskrit (Bernsten 2001, Reagan 2001, Ridge 1996).

In contrast, the United States has never had an official language; attempts to declare English the official language by constitutional amendment have been unsuccessful in the US Senate (King 1999). Similarly, such diverse nations as Uruguay, Japan, the Netherlands, and Myanmar have no explicit language legislation nor do they promulgate any official languages in their constitutions. This, of course, does not mean that these nations have no *implicit* language policies that promote the languages of the majority (e.g. English in the United States; see King 1999). It is worth noting that South Africa is one of the rare nations in the world that recognize as fundamental the linguistic rights of individuals and groups.

In other nations, universal linguistic rights — the right to speak and understand a language of one's choice — are recognized implicitly as a component of freedom of speech, or as a historic right for some linguistic minorities.

This paper offers a classification and analysis of world constitutions based on the kinds of language recognition they include. Its purpose is to aid nations with different political and geographical settings seeking to draft language legislation as a part of the construction or revision of their constitutions. The analysis, which captures the essence of language legislation found in 187 constitutions, is based on the status (i.e. *official* or *national*) of languages spoken in the nation as declared in the constitution, and on provisions written into the constitution to protect the language rights of the linguistic majority and/or minorities living within the geographical area controlled by the nation. As noted, certain constitutions do not mention any language rights and do not establish any official or national languages in their constitutions (e.g. Australia, Denmark, Gambia, Uruguay, USA); others do not mention any official or national language, but do provide provisions to protect the linguistic rights of minority languages (e.g. Argentina, Liberia, Mexico, New Zealand, Sweden). Still others establish the official and/or national status of certain languages but do not mention any provisions to protect those languages (e.g. Andorra, Cuba, Libya, Venezuela). In contrast, the constitutions of certain nations establish the status of official and/or national languages with explicit provisions to protect the language rights of the majority or minorities (e.g. Austria, Canada, Congo, Malta, Slovakia).

Some 187 constitutions were given an exhaustive screening to identify legal language defining the language obligations of the nation and the language rights of individuals and groups (MOST/UNESCO 2002).<sup>1</sup> The following 24 classifications begin with nations that do not have explicit language legislation in their constitutions — that is, nations that do not declare any official or national languages and have no provisions in their constitutions defining language obligations or language rights for their citizens. Subsequent classifications identify nations that do include explicit language legislation in their constitutions — for example by defining official and/or national languages, and/or establishing language provisions that define the linguistic obligations of the nation or protect the rights of citizens to use or develop majority and/or minority languages.

### Constitutional provisions

#### *Type 1: No official language; no national language; no provisions*

Some 29 nations are silent on language. They (1) designate no official or national language; (2) establish no language provisions granting language rights to individuals and groups, and (3) specify no linguistic obligations toward their citizens: Angola (1992), Australia (1900), Bhutan (1998), Chile (1980), Czech Republic (1992), Denmark (1953), Dominican Republic (1994), Gambia (1970), Ghana (1992), Guinea-Bissau (1996), Iceland (1991), Israel (1994), Japan (1946), Myanmar (1974), Netherlands (1983), Puerto Rico (1952), Republic of Korea (1948), San Marino (1926), São Tomé & Príncipe (1998), Sierra Leone (1991), Swaziland (1968), Taiwan (1946), Tanzania (1984), Tonga (1988), Trinidad & Tobago (1980), United Kingdom (1998), Uruguay (1997), United States of America (1992), Western Samoa (1920).

#### *Type 2: No official language; no national language; provisions for minorities*

Argentina (1998), Liberia (1986), Mexico (1917), New Zealand (1990), and Sweden (1975) (1) designate no official or national languages, but (2) do establish provisions to protect the language rights of speakers of minority languages.

#### *Type 3: No official language; no national language; provisions for all*

Some 20 nations (1) do not designate any official or national languages, but (2) do establish provisions to protect the language rights of all citizens: Bahamas (1973), Barbados (1966), Belize (1981), Benin (1990), Bolivia (1994), Bosnia & Herzegovina (1995), Botswana (1966), Eritrea (1996), Germany (1995), Jamaica (1965), Marshall Islands (1979), Micronesia (1978), Nauru (1968), Samoa (1962), St. Kitts & Nevis (1983), Surinam (1987), Thailand (1997), Tibet (1991), Tuvalu (1986), Vietnam (1992).

#### *Type 4: No official language; no national language; provisions for minorities; provisions for all*

Hungary (1996) and Italy (1947) (1) do not designate any official or national languages, but (2) do establish provisions to protect the language rights of linguistic minorities and (3) all citizens.

#### *Type 5: No official language; no national language; provisions for all; provisions for majorities*

Some 16 nations (1) do not designate any official or national languages, but (2)

do establish provisions to protect the language rights of linguistic majorities and (3) all citizens: Afghanistan (1987), Antigua (1981), China (1982), Dominica (1978), Fiji (1987), Greece (1975), Grenada (1973), Guyana (1996), Kiribati (1979), Korea (People's Democratic Republic) (1992), Malawi (1994), Mauritius (1968), Portugal (1976), Solomon Islands (1978), St. Vincent & Grenadines (1979), Zimbabwe (1979).

*Type 6: No official language; no national language; provisions for minorities; provisions for majorities; provisions for all*

Nigeria (1979), Norway (1814), and Papua New Guinea (1975) (1) do not designate any official or national languages, but (2) do establish provisions to protect the language rights of both linguistic minorities and linguistic majorities, and (3) all citizens.

*Type 7: Official language; no national language; no provisions*

Some 22 nations (1) designate one or more official languages, but (2) do not designate a national language, (3) do not establish any language provisions to protect the language rights of individuals or groups, and (4) do not assume any linguistic obligations toward their citizens: Andorra (1993), Bangladesh (1986), Burkina Faso (1977), Central African Republic (1995), Cuba (1992), France (1992), Indonesia (1945), Ivory Coast (1960), Laos (1994), Latvia (1998), Lebanon (1926), Libya (1969), Monaco (1922), Morocco (1992), Qatar (1970), Saudi Arabia (1992), Syria (1973), Togo (1992), Tunisia (1950), United Arab Emirates (1971), Venezuela (1961), Yemen (1994).

*Type 8: No official language; national language; no provisions*

Madagascar (1992) (1) declares a national language (Malagasy), but (2) does not designate any official languages, (3) does not establish any language provisions to protect the language rights of individuals or groups, and (4) does not specify any linguistic obligations toward its citizens.

*Type 9: Official language; national language; no provisions*

Algeria (1976), Burundi (1992), Comoros (1996), Liechtenstein (1921), Mauritania (1991), and Rwanda (1991) (1) designate one or more official languages and (2) one or more national languages, but (3) do not establish any language provisions to protect the language rights of individuals or groups, and (4) do not specify any linguistic obligations toward their citizens.

*Type 10: Official language; no national language; provisions for all*

Some 10 nations (1) designate one or more official languages, (2) do not designate a national language, and (3) do establish language provisions to protect the language rights of all citizens: Bahrain (1973), Colombia (1991), Djibouti (1992), Equatorial Guinea (1988), Egypt (1971), Ethiopia (1994),<sup>2</sup> Jordan (1952), Oman (1996), Somalia (1999), Sudan (1998).

*Type 11: Official language; no national language; provisions for minorities; provisions for all*

Some 15 nations (1) specify one or more official languages, but (2) no national language, and (3) do establish language provisions to protect the language rights of minorities and (4) all citizens: Albania (1998), Armenia (1995), Austria (1929), Belarus (1994), Croatia (1990), Guinea (1990), Iraq (1970), Kyrgyzstan (1993), Macedonia (1991), Namibia (1990), Nicaragua (1987), Poland (1997), Slovenia (1991), Uganda (1995), Yugoslavia (1992).

*Type 12: Official language; no national language; provisions for minorities; provisions for majorities; provisions for all*

Some 18 nations (1) specify one or more official languages, but (2) no national language, and (3) do establish language provisions to protect the language rights of minorities and majorities and (4) all citizens: Azerbaijan (1995), Ecuador (1998), Estonia (1972), Georgia (1995), India (1996), Iran (1979), Kazakstan (1995), Lithuania (1992), Mongolia (1992), Peru (1993), Romania (1970), Russian Federation (1993), Slovakia (1992), South Africa (1996), Tajikistan (1994), Turkmenistan (1992), Ukraine (1996), Uzbekistan (1992).

*Type 13: No official language; national language; provisions for national language; provisions for majorities*

The Maldives (1997), Seychelles (1993), and Singapore (1993) (1) designate one or more national languages, but (2) no official language, and (3) do establish provisions to protect the national languages and (4) the linguistic rights of majorities.

*Type 14: Official language; no national language; provisions for official language; provisions for minorities*

Brazil (1988), Bulgaria (1991), El Salvador (1983), Guatemala (1993), Panama (1972), and Paraguay (1992) (1) designate one or more official languages, but (2) no national language, and (3) do establish language provisions to protect the official language and (4) the languages of linguistic minorities.

*Type 15: Official language; no national language; provisions for official language*

Belgium (1994), Brunei (1959), Canada (1982), Costa Rica (1997), Finland (1919), Haiti (1987), Honduras (1986), and Spain (1972) (1) designate one or more official languages but (2) no national languages, and (3) do establish language provisions to protect these official languages.

*Type 16: Official language; no national language; provisions for official language; provisions for all*

Cambodia (1993), Cyprus (1960), Kenya (1963), Kuwait (1962), Mali (1992), and Zambia (1991) (1) designate one or more official languages but (2) no national languages, and (3) do establish language provisions to protect the official languages and (4) the linguistic rights of all citizens.

*Type 17: Official language; national language; provisions for official language and national language*

Cameroon (1996), Ireland (1973), Malaysia (1957),<sup>3</sup> and Switzerland (1998) (1) designate one or more official and national languages, and (2) establish language provisions to protect these official and national languages.

*Type 18: Official language; national language; provisions for official language and national language; provisions for minorities*

The Philippines (1987) (1) declares Filipino and English as the official languages and (2) Filipino as the national language, and (3) contains provisions to protect these official and national languages and (4) the linguistic rights of minorities.

*Type 19: Official language; national language; provisions for official language and national language; provisions for all*

Malta (1964), Sri Lanka (1978), and Turkey (1982) (1) designate one or more official and national languages, (2) establish provisions to protect these official and national languages and (3) the linguistic rights of all citizens.

*Type 20: Official language; national language; provisions for official language and national language; provisions for minorities; provisions for all*

Congo (1992)<sup>4</sup> and Congo Democratic Republic (1998) (1) declare one or more official and national languages, and (2) establish provisions to protect these official and national languages and (3) the linguistic rights of minorities and (4) all citizens.

*Type 21: Official language; national language; provisions for all*

Palau (1980) and Senegal (1963) (1) designate one or more official and national languages, and (2) establish provisions to protect the linguistic rights of their citizens.

*Type 22: Official language; national language; provisions for all; provisions for minorities*

Nepal (1990), Pakistan (1973), and Vanuatu (1961) (1) designate one or more official and national languages, and (2) establish provisions to protect the linguistic rights of minorities and (3) all citizens.

*Type 23: Official language; national language; provisions for all; provisions for minorities; provisions for majorities*

Moldova (1994) (1) declares Moldovan the official and national language, (2) establishes provisions to protect the linguistic rights of the Russian minority and (3) the Moldovan majority and (4) all citizens.

*Type 24: Official language; national language; provisions for national language*

Gabon (1991), Mozambique (1990), and Niger (1996) (1) designate a colonial language as the official language (French in Gabon and Niger; Portuguese in Mozambique), and (2) establish provisions to protect national languages.

We can distinguish two approaches to constructing the constitution of a nation: the “hands-on” approach, concerned with drafting language policy in the constitution to solve problems among languages that coexist in a nation; and the “hands-off” approach, based on the assumption that one should “leave language alone” (King 1999:9). We can also distinguish two types of nations: the “nation divided,” tending toward the “hands-on” approach to the constitution, and the “nation undivided,” which, in contrast to the “nation divided,” tends towards a “hands-off” approach.

### “Hands-off” and “hands-on” approaches

A careful study of the constitutions of the world reveals (1) three indicators of a “hands-off” approach in a constitution: (a) no official language, (b) no national language, (c) no language provisions; and seven indicators of a “hands-on” approach: (a) official languages, (b) national languages, (c) language



provisions for official languages, (d) language provisions for national languages, (e) language provisions for minorities, (f) language provisions for majorities, (g) language provisions for all people.

In a “hands-off” approach, a nation opts not to promulgate an official or national language; nor does it draft any language provisions that specify language rights or obligations of any kind by the government or its citizens. In a “hands-on” approach, the nation opts for the promulgation of one or more official languages and/or one or more national languages. It may also opt for drafting language provisions that specify the language rights of official languages, national languages, and other languages.

Table 1 applies the indicators of “hands-off” and “hands-on” approach in the constitution to the constitutional types identified above.

In Table 1, 29 nations (15% of the nations of the world) are deemed to be “undivided” because three “hands-off” indicators apply in the construction of these constitutions. In contrast, 158 nations (85% of the nations of the world) are regarded as “divided” because one or more “hands-on” indicators apply in the construction of these constitutions. The litmus test for “divided” nations is that they are literally divided in a geopolitical sense; that is, they all have unassimilated language groups possessing or seeking autonomy or secession. On the other hand, “undivided” nations have (or declare that they have) a strong sense of national identity; and further, such nations have no groups possessing or seeking autonomy or secession.

### Language justice in constitutions of the world

As noted earlier, ideally the purpose of language legislation in the constitution should be to solve conflicts and differences arising among speakers of different languages coexisting within the same nation to achieve language justice for all citizens (Tully 1995; Turi 1977, 1994). A nation seeking the construction or revision of a national constitution should select, in the quest for justice, a type

Table 1. Hands-off vs. Hands-on language policies

Type of Nation	Hands-off Indicators	Hands-on Indicators	Number of Nations	Types of Constitutions
Undivided	Yes	No	29 (15%)	Type 1
Divided	No	Yes	158 (85%)	Type 2–24

of constitution that is appropriate to a particular geopolitical situation. For example, “undivided” nations such as the United States (with its motto *E Pluribus Unum*) (Ricento 1996; Schiffman 1996, esp. Chapter 8), should adopt a constitution modeled on Type 1 (no official language; no national language; no provisions) because they all have (or declare that they have) a strong sense of national identity (cf. Chile, Denmark, Holland, Japan, Taiwan, Tibet, and Uruguay); further, such nations can choose Type 1 because they have no groups of citizens having or seeking autonomy or secession. In contrast, “divided” nations from around the world, such as Canada (Burnaby 1996, MacMillan 1998), Croatia (Poulton 1998), India (Schiffman 1996: Chapter 6), Slovakia (Votruba 1998), and South Africa (Bernsten 2001, Reagan 2001, Ridge 1996), would be better served with a “hands-on” constitutional policy because these nations include unassimilated language groups or regions having or seeking autonomy or secession (Types 2–24).

Thus, a “hands-off” approach to language legislation may be appropriate for some nations, while a “hands-on” approach is a better fit for others, given geographical and immigration differences. For example, a “hands-off” approach (i.e. no official language, no national language, no language provisions to protect the linguistic rights of individuals and groups) may be a good policy for the United States, given that its Spanish speakers, for instance, are mostly immigrants, and usually, like other immigrant groups, assimilate and learn English by the third generation. In contrast, a “hands-on” approach (i.e. official languages, national languages, language provisions to protect the linguistic rights of individuals and groups) may be best for Canada given that French-speaking Canadians in Quebec are native to the area. In short, hands-on may be good for some nations; others may need hands-off.

In some nations, however, language policy cannot be characterized as simply and as easily. For example, an “undivided” nation like Australia has strong pluralistic language policies but these policies have never been codified into law — especially with regards to language rights determining access to immigrant languages in the schools (Herriman 1996). In contrast, a “divided” nation such as India has failed to protect the language rights of some minorities. As Schiffman (1996: 168) notes,

Tulu, a Dravidian language spoken around Mangalore in the Karnataka state (...) possesses a grammar, a dictionary, and a folk literature of some amplitude, but it controls no territory and has no independent script, so Kannada script is used for whatever is written in Tulu, and Kannada is the language of literacy in the area. Similarly, further north, Konkani struggles for recognition as

a language separated from Marathi, though with less success. Maithili in the Hindi area is another candidate for language status, but has not been recognized.

Although the constitution of India singles out the principal languages of particular linguistic states for protection, Indian states did work out bilateral agreements that guarantee the rights of the largest linguistic minorities. Establishing bilateral agreements between states may not be a bad legal solution to protect the rights of minorities in such a complex multilingual situation as India. The plight of smaller linguistic groups such as the Tulu, the Konkani, and the Maithili, and the inclusion of other smaller linguistic groups in the Indian legal framework — whether in the constitution or outside it — awaits consideration by the Indian nation or by the states. While the Indian constitution certainly shows some evidence indicating a constitutional sin of omission regarding some of the smallest languages of India, it is hard to accuse the architects of the Indian constitution of a constitutional sin of commission, such as a willful denial of linguistic rights to minority groups (King 1997).

## Notes

\* Revisions of this manuscript have benefited from helpful comments by Prof. Reginald Hyatte, University of Tulsa. I am grateful to Dr. Njabulo Ndebele, President of the Congress of South African Writers, and Prof. Lani Guinier, Harvard Law School, for challenging me during my tenure as a fellow of the Salzburg Seminar (Schloss Leopoldskron, Salzburg, Austria, 1999) Session 372, “Race and Ethnicity: Social Change through Public Awareness”, to prove that not all countries should necessarily support King’s (1999) “hands-off” approach to the constitution (as in, for example, the Constitution of the United States). I am also grateful to Bishop Samuel Ruiz of Chiapas, Mexico, for insightful discussions about the plight of the disenfranchised non-Spanish-speaking inhabitants of Mexico. I thank the Kellogg Foundation for a generous grant that allowed me to participate in this important forum for political and social change. This classification and analysis of world constitutions seeks to aid nations drafting language legislation in their own constitutions.

1. Skutnabb-Kangas 2000:300 offers a classification based on other principles, and derived from several earlier sources.

2. The constitution of Ethiopia declares that Amharic is “the working language of the Federal Government.” It is my interpretation that “working language” here means the same as “official language,” because Amharic is the day-to-day language of the Ethiopian legislature, judiciary, and administration as stated in the constitution.

3. The constitution of Malaysia declares that “[the] national language shall be Malay.” It is my interpretation that “national language” here means the same as “official language,” because Malay is the day-to-day language of the Malaysian legislature, judiciary, and

administration as stated in the constitution; in addition, the constitution requires an adequate knowledge of Malay for naturalization.

4. The constitution of Congo declares that Lingala and Munukutuba are “[the] functional national languages” of Congo. It is my interpretation that Lingala and Munukutuba have official status in Congo.

## References

- Bamgbose, A. 1991. *Language and the Nation: The Language Question in Sub-Saharan Africa*. Edinburgh: Edinburgh University Press.
- Bernsten, J. 2001. English in South Africa: Expansion and nativization in concert. *LPLP* 25: 51–72.
- Burnaby, B. 1996. Language policies in Canada. In Herriman & Burnaby 1996: 159–219.
- Herriman, M. 1996. Language policy in Australia. In Herriman & Burnaby 1996: 35–61.
- Herriman, M. & B. Burnaby, eds. 1996. *Language Policies in English-Dominant Countries*. Clevedon: Multilingual Matters.
- King, R. 1997. *Nehru and the Language Politics of India*. Delhi: Oxford University Press.
- King, R. 1999. Lessons of public linguistics. *Southwest Journal of Linguistics* 18: 1–14.
- MacMillan, M. 1998. *The Practice of Language Rights in Canada*. Toronto: University of Toronto Press.
- MOST/UNESCO. 2002. National Constitutions. MOST (Management of Social Transformation Programs) Clearing House. <http://www.unesco.org/most/ln2nat.htm> (cited 2002).
- Poulton, H. 1998. Linguistic minorities in the Balkans. In B. Paulston & D. Peckham (eds.), *Linguistic Minorities in Central and Eastern Europe*. Clevedon: Multilingual Matters. 37–79.
- Reagan, T. 2001. The promotion of linguistic diversity in multilingual settings: Policy and reality in post-apartheid South Africa. *LPLP* 25: 219–235.
- Ricento, T. 1996. Language policy in the United States. In Herriman & Burnaby 1996: 122–158.
- Ridge, S. G. M. 1996. Language policy in a democratic South Africa. In Herriman & Burnaby 1996: 15–34.
- Schiffman, H. F. 1996. *Linguistic Culture and Language Policy*. London: Routledge.
- Skutnabb-Kangas, T. 2000. *Linguistic Genocide in Education — or Worldwide Diversity and Human Rights*. Mahwah, NJ: Erlbaum.
- Tully, J. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge: Cambridge University Press.
- Turi, G. 1994. Typology of language legislation. In T. Skutnabb-Kangas & R. Phillipson (eds.), *Linguistic Human Rights: Overcoming Linguistic Discrimination*. Berlin: Mouton de Gruyter. 111–119.
- Votruba, M. 1998. Linguistic minorities in Slovakia. In B. Paulston and D. Peckham (eds.), *Linguistic Minorities in Central and Eastern Europe*. Clevedon: Multilingual Matters. 255–257.

## Resumen

### *Derechos lingüísticos en las constituciones del mundo*

La presente es una clasificación y un análisis de las constituciones del mundo que tiene como objetivo proporcionar ayuda legal a aquellos países interesados en promulgar derechos lingüísticos en sus constituciones. El autor estudia 187 constituciones de todo el mundo en búsqueda de términos legales que definan las obligaciones lingüísticas del estado y los derechos lingüísticos de sus ciudadanos. Las naciones “unidas” (“undivided”), e.g. Uruguay y EEUU, adoptan una política constitucional de “manos abiertas” (“hands-off”) con respecto a sus obligaciones y derechos lingüísticos ya que estas naciones tienen (o declaran tener) un gran sentido de identidad nacional y, además, en su territorio no habitan grupos de ciudadanos que buscan la autonomía o la secesión. Por otro lado, las naciones “desunidas” (“divided”), e.g. Bélgica, Canadá y Sudáfrica, adoptan una política constitucional de “manos a la masa” (“hands-on”) ya que en estas naciones habitan grupos lingüísticos difíciles de asimilar o grupos que tienen o buscan la autonomía o la secesión.

## Resumo

### *Lingvaj rajtoj kaj lingva justeco en la konstitucioj de la mondo*

Tiu ĉi klasifiko kaj analizo de konstitucioj tra la mondo celas helpi naciojn, kiuj malnetigas lingvajn leĝaĵojn en la propraj konstitucioj. La aŭtoro analizas 187 konstituciojn el ĉirkaŭ la mondo por trovi jurajn difinojn de la lingvaj sindevigoj de la koncerna nacio kaj la lingvaj rajtoj de ĝiaj civitanoj. “Nedividitaj” nacioj, ekzemple Urugvajo kaj Usono, sekvas konstitucian politikon “manojn-for” rilate al lingvaj sindevigoj kaj rajtoj ĉar tiaj nacioj posedas (aŭ pretendas posedi) fortan senton de nacia identeco kaj neniuj grupoj de civitanoj, kiuj havas aŭ celas aŭtonomion aŭ malaliĝon. Aliflanke, “dividitaj” nacioj, kiel ekzemple Belgio, Kanado kaj Sudafriko, sekvas konstitucian politikon de engaĝiĝo ĉar ili posedas neasimilitajn lingvajn grupojn aŭ grupojn, kiuj ja havas aŭ celas aŭtonomion aŭ malaliĝon.

### *Author’s address*

Department of Languages  
University of Tulsa  
600 South College Avenue  
Tulsa, OK 74104–3189  
USA  
eduardo-faingold@utulsa.edu

*About the author*

**Eduardo D. Faingold** is associate professor of Spanish and linguistics at the University of Tulsa and the author of four books and numerous scientific papers on such topics as child language, creolization, multilingualism, and Romance grammar. He has held visiting appointments at UCLA, SUNY Stony Brook, the Technical University of Berlin, Hebrew University, the University of Hawaii, and the Max Planck Institute.

Copyright of Language Problems & Language Planning is the property of John Benjamins Publishing Co. and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.