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Abstract

The chapter addresses the problem of evaluating linguistic justice in different countries. It presents different approaches allowing a systematic comparative evaluation of the fairness of different language policies, proposing a public policy-based approach to design an index of linguistic justice. Furthermore, it discusses the operationalisation issues related to the design of indicators to evaluate linguistic justice, and presents a practical application of these (aggregated into an index) within a sample of countries. The chapter is structured as follows: first, it presents a definition of linguistic justice as a variable to be measured within a public policy analysis. It discusses some of the existing indicators to assess linguistic justice across different jurisdictions. The indicators to assess linguistic justice are identified in relation to public goods provided by the state. Following a “sufficientist” approach, namely the aim of identifying a minimum threshold of linguistic justice, they examine government language policy in three domains: law and order, public administration, and essential services. Secondly, the chapter provides an assessment of the validity, the comparability, and practical applicability of the indicators. The chapter includes a discussion about how the indices of linguistic justice can be used as tools to preempt conflict related to linguistic diversity.

Resumo

La ĉapitro traktas la problemon pri taksado de lingva justeco en diversaj landoj. Ĝi prezentas malsamajn alirojn permesantajn sisteman komparan taksadon de la justeco de malsamaj lingvopolitikoj, proponante publikan politiko-bazitan aliron por prilabori indekson de lingva justeco. Krome, ĝi diskutas la funkciigadtemojn ligitajn al la prilaboro de indikiloj por taksi lingvan justecon, kaj prezentas praktikan aplikon de tiuj (agregate en indekso) ene de specimeno de landoj. La ĉapitro estas strukturita jene: unue, ĝi prezentas

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difinon de lingva justeco kiel variablon mezunda ene de publikpolitika analizo. Ĝi diskutas kelkajn el la ekzistantaj indikiloj por taksigi lingvan justecon trans malsamaj jurisdikcioj. La indikiloj por taksigi lingvan justecon estas identigitaj rilate al publikaj bonoj provizitaj de la ŝtato. Sekvante «sufiĉisman» aliron, nome la celon identigi minimuman sojlon de lingva justeco, ili ekzamenas registaran lingvopolitikon en tri kampoj: leĝo kaj ordo, publika administrado kaj esencaj servoj. Due, la ĉapitro disponigas takson de la valideco, la komparebleco kaj praktika aplikebleco de la indikiloj. La ĉapitro inkluzivas diskuton pri kiel la indeksoj de lingva justeco povas esti uzataj kiel iloj por antaŭeviti konflikton rilate al lingva diverseco.

Introduction: Language planning as public policy

Language policy is a form of public policy that aims to influence the form of a language, its social use, and its acquisition. In the literature, a corresponding distinction is made between corpus planning, status planning and acquisition planning (Cooper 1989, see also Edwards 2024). Note that the terms “language policy” and “language planning” are often used synonymously, and the corresponding field of research is called Language Policy and Planning.

Corpus planning concerns interventions on the form and structure of a language, e.g. the codification and standardisation of a variety. It may include, where necessary, the development of terminology. In general, corpus planning is not an end in itself; instead, it is preparatory to status and acquisition planning, in the sense that it aims to prepare the ground for greater language use and learning in society (Fishman 1991). It is therefore worth focusing in this chapter on status and acquisition planning because compared to the former type of planning, they involve more political and social considerations.

Status planning concerns measures to influence the status of a language in relation to other varieties present in the territory. Unlike the measures affecting the language itself, in status planning the object of language policy is the social use of the language, its prestige and formal status. Usually, status planning includes official or formal support, but it does not end with the provision of a legal basis or a set of norms. At a more substantive level, status planning consists of a set of language policy measures that aim to change the environment in which individuals make choices about which languages to use and transmit to new generations. Status planning encompasses, for instance, the public provision of goods and services in a certain language, such as official documents, institutional government Internet pages, street signs and place names; it includes the right to use a certain language in dealings with the public administration, the courts and social services; it can also include the direct provision or funding of radio and television content and cultural products such as theatre plays and books, and the promotion of the symbolic status of a language through information campaigns.

Acquisition planning, which for some authors is just one area of status planning, concerns interventions that influence language acquisition in education systems at all levels and in adult training. Although language acquisition, typically the native language, is normally an informal procedure that takes place in the family and the environment around the individual, language policy may subsequently add other languages to people’s repertoire. Acquisition planning can

have several objectives, including teaching foreign languages in the public education system or providing bilingual education to children who speak (also) a minority and threatened language at home, ensuring that the school reinforces skills in a declining or neglected variety. It can also cover adult language training, e.g. language training and certification of civil servants called upon to work in two languages, and language integration of migrants.

Language policy is thus a complex and often cross-sectorial public policy in which the government, in its various institutional forms (from the national to the local level), is the central, though not exclusive, actor. Contrary to Spolsky's claim (2004), among others, individuals and families do not make language policy. They make decisions that result in practices and habits, whereas governments make decisions that result in explicit or de facto language policies. This does not mean that individuals cannot influence or even promote language policy; think of the case of lexicographers. Individuals, however, do not have the resources, organisation and policy instruments to make and implement collective decisions (for a discussion see Gazzola *et al.* 2024, and Gazzola, Gobbo, *et al.* 2023, chapter 3).

What characterises language policies compared to other forms of public policies is that language policy cannot be entirely avoided (Kymlicka 1997). The government must use at least one language in the administration of civil and criminal justice, of the police and the courts, in public administration in general such as the registry office and the tax office, as well as in public services that are part of modern welfare state systems such as health care and education. The choice of which languages to use in a certain territory, however, is not a neutral act in as much as the population on a territory speaks different native languages (May 2005). The government can decide to use exclusively the language of the majority or, alternatively, to adopt official multilingualism either in the entire country or in some regions only; it can establish that the official language is a minority language (e.g. in postcolonial contexts) which is not spoken by the majority of the population. The range of language policies and their objectives, therefore, is broad. There are language policies that protect and promote diversity, and other examples of policies that actively suppress and reduce diversity at different degrees and institutional levels. At one extreme, the government can deny rights to minorities by imposing the use of the majority language and actively suppressing a minority language, but this can come at the price of creating resentment and disputes that can lead to political disenfranchisement and conflict. At the other extreme, the government can grant very extensive rights to minorities who, however, may have little incentive or interest in learning and using the majority language. This in turn can lead to the emergence of parallel societies within a

country, which can potentially undermine national cohesion and political stability (Deen and Romans 2018). To make things even more complex, we should consider that, beyond traditional territorial minorities, there are also groups of speakers who are lawfully resident in a country as a result of migration, as well as asylum-seekers and refugees who had no other choice than fleeing their country. These people are not necessarily proficient in the official language of the host country, and at least during a certain time may find it difficult to make themselves understood, e.g. in hospitals or courts. To avoid alienation from the host society, they may need temporary linguistic supporting measures such as translators and interpreters (Shorten 2022).

Language policies, therefore, can promote inclusion and social equity, but also fuel or cause conflict. It is important, therefore, to evaluate their effects. This chapter aims to contribute to the literature on language policy and conflict (Medda-Windischer and Carlà 2022, Ulasiuk *et al.* 2018, Ramallo 2014; see also Kontra and Csernicskó; Darquennes; both in this volume) from the perspective of language policy evaluation (Grin and Gazzola 2013, Gazzola and Grin 2017). The chapter is organised as follows. The first part recalls some central aspects of the relationship between language and conflict; it presents some important international instruments and guidelines that promote an approach to language policies aimed at reducing and preventing conflict and promoting peaceful coexistence between speakers of different languages. A central theme of these international instruments and guidelines concerns the need to strike a balance between the practical needs and symbolic claims of the majority and the linguistic minorities, by promoting fair language policies. This allows us to establish a connection with the current research on language justice, and in particular with contributions focusing on its operational and evaluative aspects. The second part of the chapter, therefore, presents indicators, synthesized into two indices, that measure the degree of linguistic justice of a language policy. The indices, albeit with the limitations we will clarify later, make it possible to assess the extent to which a language policy can be defined as fair and thus, at least potentially, contribute to preventing political conflicts associated with linguistic diversity. The final section summarises and concludes.

1. Language planning, conflict prevention, and linguistic justice

It is well known that languages fulfil (at least) two central functions in individuals' lives, and that these two functions are interrelated. On the one hand, language is a central tool in our socialisation and the creation of a sense of belonging or identity (Kraus 2024, Edwards 2009).

Through language we learn about the complex web of social relations in which we are embedded and make sense of them, including from an historical perspective; we also learn to appropriate this web of relationships, pass it to the next generation on and understand what makes it different from others. Language is therefore a central element in defining an individual's sense of belonging, which of course can change over time while conserving certain traits. Language has therefore an identity function that demands to be understood and respected as a matter of dignity of all individuals. On the other hand, language also has a practical and communicative function within a political community (and indeed at the international level too), which makes it a tool for navigating the administrative, economic, and social structures and institutions of a country. In the case of the national languages spoken by the majority of the population in modern nation-states inspired by the European model, the two functions are covered by the same language (or languages in officially multilingual countries). This, however, does not apply, or does not necessarily apply to the same extent, to members of linguistic minorities and recently immigrated groups.

The contact between languages, and therefore between different groups of speakers, can be peaceful and characterised by mutual respect, understanding and cooperation. Sometimes, however, the coexistence of languages on a territory can be difficult, generate tensions and in extreme cases lead to conflict (Nelde 1987, Ulasiuk *et al.* 2018). Conflicts between groups can be related to both dimensions of language. There can be conflicts between groups arising from practical language-related difficulties or discrimination in political, economic, and social life, but also conflicts due to real or perceived inequalities in the symbolic recognition of one group in relation to others. As Haslinger notes “In the political process the statuses assigned to different language communities are projected onto their languages. Language conflicts are therefore first and foremost socially, economically and politically motivated and carried out via the secondary attribute of language” (Haslinger 2022: 134).

Language legislation and policy are very important in this respect because they can “reinforce or diffuse conflicts, tensions or social unrest between language groups, they can accelerate language loss or facilitate revitalisation, and they can be instruments of inclusion or exclusion affecting the stability and security of the society” (Medda-Windischer and Carlà 2022: 114). Not necessarily all conflicts, however, are violent and lead to military confrontation. In a democratic society, for instance, institutional shared procedures exist to peacefully channel discontent and confrontation between diverging interests and needs. At the international level, there are different instruments, legally binding or not, as well as years of interpretative

jurisprudence of international judicial bodies, which set out norms and principles to protect linguistic minorities (for a detailed discussion, see de Varennes and Kuzborska 2019; Dunbar 2023; Medda-Windischer and Constantin 2024).

Within the system of the United Nations, we should mention the International Covenant on Civil and Political Rights (ICCPR) of the United Nations (1966), and the non-binding Declaration on the Rights of Members of National or Linguistic, Ethnic and Religious minorities (1992). In Europe, the most important binding legal instruments to protect language rights and linguistic minorities are the European Charter for Regional and Minority Languages (ECRML) adopted in 1992, and the 1995 Framework Convention for the Protection of National Minorities (FCNM), both initiated and administered by the Council of Europe. Both instruments provide a more detailed level of protection than the Council's European Convention on Human Rights (1950). The European Union (EU) lacks general sets of rights specifically dedicated to linguistic minorities, but its Charter of Fundamental Rights (EUCFR) – which was given the same binding legal effect as the treaties in December 2009 with the entry into force of the Lisbon Treaty – includes articles that prohibit discrimination based on languages. In addition to these treaties and non-binding declarations, “the analysis of main case law of international judicial bodies such as the European Court of Human Rights (ECtHR), the Court of Justice of the European Union (CJEU), and the UN Human Rights Committee (UNHRC) provides valuable interpretative principles and guidelines for language policy and planning as emerging from real-world situations and major ambits in which language has a particular relevance” (Medda-Windischer and Constantin 2024: 293).

At the regional level, the Organisation for Security and Co-operation in Europe (OSCE) has played an important role in the development of contemporary standards to protect linguistic minorities. These take the form of soft law instruments rather than binding obligations (Dunbar 2023). These standards have been developed through the Office of the OSCE High Commissioner on National Minorities (HCNM), established in 1993. While the treaties and declarations presented in the previous paragraphs are inspired by a human rights approach, the HCNM was established as an explicit policy instrument of conflict prevention through “early warnings” and “early action” when tensions involving national minorities arise in the OSCE member countries. As part of its mandate, the HCNM provides a series of recommendations to

devise policies that can prevent conflict along ethnic lines.¹ For this reason, we devote more attention to it in this chapter.

Language issues have been at the core of the HCNM's analysis and action since issues concerning languages and minorities "are seen and examined through the prism of security and conflict prevention: i.e., they are treated as factors for security and conflict" (Rotta and Balan 2022: 202). The HCNM's experience has shown that ethnic and linguistic disputes are often the mask hiding deeper conflicts of power, prestige, and legitimacy, and this not only on a symbolic level but also on a practical level (e.g. the availability of official documents and place names). In the approach followed by the HCNM (see in particular HCNM 2012 and HCNM 1998), language policy can contribute to preventing conflict and creating stable, cohesive and peaceful societies if it is "balanced". In HCNM's terms, this means that language policy ought to pursue two fundamental objectives at the same time, i.e., the promotion of the state language/official language, and at the same time it allows the members of the national minorities to maintain and develop their language and culture. In this approach, a stable, integrated society is one in which all the different components of society commit to their effective participation in the political, economic and social life of a country. In practice, this implies striking a balance between pursuing effective multilingualism and allowing national minorities to use their language and the need for all members of society to learn and speak official and unifying languages (see Ulasiuk *et al.* 2018).² This involves making sure that the members of the national minorities have the concrete opportunity not only to develop a reasonable command of the state language, but also to learn and use their language in private life, the administrative and judicial apparatus, education and public services, and economic activities. By contrast, "the mere provision of rights to members of national minorities, particularly when those minorities are geographically concentrated, risked segmenting societies into parallel and unconnected components, often resulting in ethnic distance and alienation" (Rotta and Balan 2022: 199).

¹ See the Hague Recommendations Regarding the Education Rights of National Minorities of 1996, the Oslo Recommendations Regarding the Linguistic Rights of National Minorities of 1998, the Lund Recommendations on the Effective Participation of National Minorities in Public Life of 1999, the Guidelines on the Use of Minority Languages in the Broadcast Media of 2003, the Ljubljana Guidelines on Integration of Diverse Societies of 2012, and the Tallinn Guidelines on National Minorities and the Media in the Digital Age of 2019.

² See also Grin *et al.* (2018) and Grin *et al.* (2022) for a rich analysis of policies promoting inclusion in a context of national and international mobility.

In terms of status and acquisition planning, therefore, the recommendations and guidelines of the HCNM require supporting minorities in acquiring a reasonable command of the state language and providing them, when numbers warrant, with the opportunities they need in their native language in different domains of social life. The symbolic and/or official recognition of the cultural value of languages and therefore of the dignity of their speakers is certainly important in this respect, but not sufficient. Language policy, in HCNM's approach, must also include substantive interventions aimed at providing linguistic mediation services (translators, interpreters, and cultural mediators) and/or public goods and services in the minority language in addition to the majority language, for example, public signages and place names, official documents, bilingual public offices – which implies training bilingual public servants –, tribunals and courts, and in political elections. It can also involve the provision of goods that are private in nature but that in many countries are publicly provided for social equity reasons such as bilingual education and health care services (Wickström *et al.* 2018).

It is worth noticing that the central general principles underpinning the approach followed by the HCNM are the equal rights for members of the majority and the minority, and the fair accommodation of the language needs of the majority and the minority when it is reasonable and justified in terms of the proportion of minority language speakers and resources available. The HCNM analysis, therefore, establishes a relationship between the implementation of fair language policies and the prevention or reduction of conflict involving national minorities. The theme of fairness in relations between languages (and therefore speakers) and in language policies has been addressed in the literature on "linguistic justice". Although this literature, to our knowledge, does not explicitly address the issue of conflict, it provides useful input that can inform decision-makers involved in conflict prevention.

The roots of research on linguistic justice to be traced to the work in political theory (Pool 1991), language rights (May 2000, Skutnabb-Kangas 2006, Mowbray 2012), and political philosophy (Kymlicka and Patten 2003). Philippe Van Parijs is the first political theorist to use the term "linguistic justice" (2002). It is not possible to review the burgeoning literature here (see detailed overviews by Alcalde 2018, and Morales-Gálvez and Riera-Gil 2019).³ For the

³ A minimum bibliography would include the book by Kymlicka and Patten (2003), Van Parijs (2011), and Patten (2014), and their critical discussion and comments collected in De Schutter and Robichaud (2016), and Morales-Gálvez and Stojanović (2017). Further contributions from normative political theory can be found in the volumes or journal special issues edited by Peled, Ives, and Ricento (2015), Léger and Lewis (2017), Bonotti and Mac Giolla Chríost (2019), Peled and Weinstock (2020), as well as Soler and Morales-Gálvez (2022).

purposes of this chapter, suffice it to recall that within normative political theory, some contributions have addressed the conceptualisation of linguistic justice as the linguistic aspect of socio-economic disadvantages; this refers to the existence of a mismatch between the structure of linguistic environment and what individuals can do in society with their language repertoire, drawing on the capability approach and the Rawlsian theory of justice as fairness (Lewis 2017, Shorten 2017, Brando and Morales-Gálvez 2023, Gialdini 2023a). Recent research also addresses the linguistic justice of migrants and the necessity to strike a balance between encouraging them to learn the language of the majority and preserving their native language through the use of interpreters and translations to access basic public services (Bonotti and Willoughby 2022, De Schutter 2022, Shorten 2022).

In addition, the evaluation of the fairness of language policy has been discussed in several contributions in economics and public policy evaluation (Grin 2004, Wickström 2007, Gazzola *et al.* 2016, Gazzola *et al.* 2018, Gazzola, Wickström, *et al.* 2023). These contributions focus on the identification of the distributive consequences of language policy, both in terms of outcomes and costs. A further important input to the study of linguistic justice comes from the field of sociolinguistics, where the concept of “linguistic unease” (“*disagio linguistico*”, in its original Italian version) has been developed (Agresti 2012; Iannàccaro *et al.* 2018). The concept of linguistic unease refers to “a situation in which speakers feel that their pragmatic linguistic competence is not fitting the communicative requirements of the linguistic act they are about to perform – or even that the symbolic value of their speech acts is perceived as misplaced [...]” (Iannàccaro *et al.* 2018: 367). The concept of linguistic unease is useful for studying sociolinguistic situations in which emic or perceived language-related inequalities arise that can potentially have an impact on the socioeconomic and political condition of the speakers in a certain linguistic environment.⁴ The link between language barriers on the one hand, and social injustice and power imbalances on the other hand has been discussed from a sociolinguistic perspective by Piller (2018) and Quadri *et al.* (2023), who identify the discriminations as rooted in a hierarchical structure among languages. Piller (2018) also defines linguistic justice as multidimensional, derived from language but an intersection of numerous other factors such as class, race, and gender. The debate in the literature on linguistic justice briefly sketched here, therefore, includes the study of the political, social, economic and social inequalities associated with linguistic diversity as well as the study of the principles and criteria

⁴ See Gazzola and Iannàccaro (2024) for a more detailed discussion about the relationships between linguistic justice and linguistic unease and their operationalisation through indicators.

to justify (or not) language planning to protect minority languages and promote the integration of immigrants. To our knowledge, however, it has not engaged with conflict pre-emption and management yet. One of the difficulties in evaluating language policies aimed at preventing conflict is that they are effective if nothing happens. As Van der Stoel, a former HCNM, notes, “It is hard to quantify successful preventive diplomacy because if it works nothing happens. But it is certainly easy to spot failure.” (Van der Stoel 2000: 16). One possible way to overcome this problem is to develop indicators that reflect the degree of fairness of language policies adopted by governments in various spheres of social life, and then to assume that a higher degree of fairness corresponds to a lower probability of tension and conflict. In such a system of evaluation, language planning measures leading to a lower degree of linguistic justice will be spotted as measures that potentially can create the conditions for the emergence of tensions or even conflict. In the remaining part of this chapter, therefore, we explore how two recently proposed indices to empirically evaluate linguistic justice could inform the planning of language policies to reduce or prevent conflict.

2. Two Indexes of Linguistic Justice

There are different theories of what linguistic justice means, and therefore people may disagree about whether any kind of linguistic inequality or disadvantage leads to injustice. Because of this, there is a lack of shared measurable indicators that would make it possible to evaluate the extent to which language policies decrease (or conversely increase) linguistic justice. In recent years, however, this question has been addressed from the point of view of public policy, and two indices have been developed. Both are based on a specific approach and do not claim to be conclusive, but they have the merit to initiate the transition from the theory to the operational needs of empirical research. The two indices presented here have been developed from theory, and not to operationalise the legal standards or guidelines briefly presented in the previous section. There are, however, several common points between the former and the latter. Therefore, the indices lend themselves to being adopted and modified according to the needs of the evaluation.

2.1. The “minimum threshold” index of linguistic justice

The first index has been developed by Gazzola, Wickström and Fettes (2023). It is made of ten indicators, each of which can take a value between zero and one. The indicators are then aggregated in a synthetic index through simple summation. Instead of considering many aspects of linguistic justice in society, the authors focus on the role of the state. As already

mentioned in the introduction to this chapter, language policy cannot be entirely avoided, because the government must choose what language to use in its activities and the provision of public services. This is called by the authors of the index “the government fundamental language policy”. Some policy areas pertain to the exclusive or prominent sphere of government action (as opposed to private actors such as businesses and associations). There are three such spheres, i.e., law and order, public administration and essential public services. The first describes the minimum infrastructure necessary for the functioning of a country, i.e., legal authorities such as courts and public security systems such as police and prisons. Legal texts and decrees or other official communications also belong to this category. The second is public administration. This includes the offices necessary for the proper functioning of the state such as the tax office, the registry, and the immigration office. The third sphere refers to essential public services, which are found in most countries of the world. Examples are the public health system (hospitals) and the migration crisis centres for asylum seekers and refugees.

Because of its role, the government is directly responsible for the language-related inequalities resulting from its language policy. To assess the level of linguistic justice, the authors use as a benchmark a theoretical situation in which all individuals have the same rights to their preferred language, regardless of their knowledge of other languages. Deviation from this theoretical situation causes lower values of indicators. Individuals can belong to the majority, traditional minorities, groups of speakers originating from immigration, refugees and asylum-seekers.

Gazzola, Wickström and Fettes (2023), therefore, embrace a narrow concept of linguistic justice concentrating on the distributive outcomes of government language choices rather than examining general linguistic environment characteristics. By focusing on public services that are exclusive or predominant competence of the government (without neglecting, of course, the importance of other domains), the index establishes, as a starting point for the evaluation of the fairness of language policy, a “minimum threshold” of linguistic justice to which governments can necessarily and directly be held responsible for.

Education stands as another crucial public service, although it can be private too. The government can influence individuals’ linguistic repertoire, encompassing children and adults through acquisition planning, including linguistic assimilation. Nevertheless, assessing the linguistic outcomes of public education, distinct from inputs such as the variety of language classes offered, presents theoretical and methodological challenges in indicator design. These

challenges are exacerbated by the long-term effects of education, whereas the index developed by Gazzola, Wickström and Fettes aims to capture a snapshot of a given moment in time.

The indicators making up the index reflect three dimensions of linguistic justice, that is toleration, accommodation, and compensation. The first two dimensions build on Kloss's (1977) distinction between toleration-oriented and promotion-oriented rights (see also Patten 2009). Toleration refers to the presence or not of explicit or implicit language policies aimed at interfering with individuals' private language choices. The second dimension is accommodation, which refers to the extent to which language planning measures and support in the three key domains of government action already described are available and accessible to people who do not understand the official language. Gazzola, Wickström and Fettes (2023) introduce a third analytical dimension, that is, compensation. It refers to the implementation of language planning measures in favour of the minority language even when if its speakers are reasonably proficient in the official language. The idea is that minority language speakers face various types of costs (material and symbolic) to adjust to the fundamental language policy, so compensation is required to satisfy their language preferences irrespective of their actual language skills in the de jure or de facto official language.

Concerning the first dimension, i.e., tolerance, two indicators are proposed:

Indicator 1. Absence of legislation or measures restricting the use of any language in the private life of residents in the jurisdiction examined.

Indicator 2. Absence of legislation or measures forbidding the written public use of any language by businesses provided that a translation in the local dominant language is available.

Both indicators are dichotomous, and the formula "Absence of legislation or measures " allows a positive value of 1 to be given to the indicators.

The third and fourth indicators refer to the accommodation dimension. Indicator N. 3 refers to law and order, while the fourth indicator refers to essential public services.

Indicator 3. Existence of the right to assistance in one's first language during trials in criminal procedures.

Indicator 4. Proportion of centres for asylum seekers in the jurisdiction examined employing staff or linguistic mediators fluent in at least one non-official language

relevant to the asylum seekers (corrected for the total number of asylum seekers and the total population of the country).

The rest of the indicators refer to the dimension called compensation. Indicators Number 5 and Indicator N. 6 reflect the general practical and symbolic recognition of a minority language by the government.

Indicator 5. Aggregate indicator of recognition of languages traditional minorities. Potential implementation of explicit legal or administrative rights such as to receive official information and to address and receive answers from authorities in one's first language (e.g. a letter).

Indicator 6. Aggregate indicator of recognition of languages of resident migrants, asylum-seekers and refugees. Potential implementation of explicit legal or administrative rights such as to receive official information and to address and receive answers from authorities in one's first language (e.g. a letter).

Indicator 5 and Indicator 6 analytically are the same; what changes is the target group. The “indicator of recognition” has been defined in a mathematical formula in Wickström and Gazzola (2020). It considers the relationship between the costs of production of a language-related good and the number of beneficiaries of the policy, as well as the size of the minority in absolute terms and the total size of the population in the jurisdiction. This indicator involves the definition of a critical (or threshold) value n^* of the size of the minority for which the provision of some administrative or public services is estimated to be efficient (i.e. benefits are equal to or exceed the costs of the publicly provided language-related good). This threshold is set by the analyst.⁵ The “indicator of recognition” defines justice as a fair compromise between equality and efficiency. Equality, in its extreme form, requires that all languages on a territory be treated equally no matter the costs; efficiency requires that bilingual services can be provided only when the production costs are at most equal to the benefits for the population. In this view, a society that does not provide linguistic recognition to minorities when benefits exceed the costs of language policy is unduly discriminating against minorities, while a society that provides recognition to a minority when its size is above a certain threshold receives a higher score. In between, we find societies that do not provide linguistic recognition to

⁵ Research has shown that thresholds based on percentages can be easily manipulated via gerrymandering, and they are not an effective instrument to protect minorities (Wickström 2020). Thresholds based on the absolute numbers of speakers, by contrast, are a better instrument to plan language policy to support minority languages.

minorities because they are too small in size, and bilingualism is not efficient. Since lack of recognition, however, is compensated by an increase in efficiency the score of the indicator is higher than in the first case.

Indicator 7 refers to law and order, Indicators 8 and 9 to public administration, while the last one refers to the domain of essential public services. The indicator of recognition is used as a weight in the calculation of these four indicators.

Indicator 7. Proportion of legally binding documents such as laws and regulations published online per year in the languages spoken in the jurisdiction examined (weighted across citizens and the indicator of recognition of the individual languages).

Indicator 8. Proportion administrative forms of the tax office and the population registry released/published online per year in the languages spoken of the jurisdiction examined (weighted across citizens and the indicator of recognition of the individual languages).

Indicator 9. Proportion of toponyms (street and place names) available in the languages of the jurisdiction examined (weighted across citizens, the indicator of recognition of the individual languages, and administrative sub-units).

Indicator 10. Proportion of public hospitals and clinics in which consultations are available in the languages of the jurisdiction examined (weighted across citizens, the indicator of recognition of the individual languages, and administrative sub-units).

The index allows for comparisons among jurisdictions that vary in size and the demographic composition of their majority and minority populations. Half of the indicators (1–3, 7, 8) intentionally involve status planning measures that exhibit costs that are independent of the number of beneficiaries and the size of the jurisdiction, simplifying the comparison process. For instance, the marginal cost of translating web pages into additional languages is determined solely by the number of pages to be translated, and not by the number of beneficiaries. The indicators referring to essential services (indicators 4 and 10) language planning measures that are spatial, that is, their costs depend on the size of the territory, and rival in consumption due to congestion issues. For example, the additional costs of providing services in different languages at a centre for refugees depend on the number of centres, influenced by both geographical factors and the number of individuals assisted. Indicators 5, 6 and 9 are in between these two extremes. It's crucial to consider the spatial dimension when comparing countries of varying sizes and geopolitical locations. All indicators were elaborated to be fed by desk

research using official data and documents. The last two indicators may, however, require sample surveys.

The index has been critically reviewed and tested by Gialdini (2023b, 2024). The first study (Gialdini 2023b) tested the data availability and made a commentary on the validity and the comparability of the ten indicators. The second one (Gialdini 2024) attempted to populate the indicators with data from a selected sample of countries, comprising Belgium, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Poland and Spain. The two analyses have outlined the robustness and validity of most of the indicators, sanctioning them as a useful resource for comparative research, and research-informed policymaking. However, some indicators have presented criticalities in the formulation that resulted in difficulties in seeking quality data. Some of these difficulties can be easily solved by using proxies (for instance, Indicator 3 has been populated with “Norms or guidelines on the right to interpretation in a court of law”, as the right to assistance in one's first language during trials in criminal procedures exists as part of human rights). For others, a reformulation of the scope of the indicator is necessary. Collecting data on the language skills of staff in refugees' reception centres to feed Indicator 4 may pose methodological challenges due to privacy issues. Shifting the focus to the availability of interpreters during asylum hearings is proposed as an alternative approach. As for Indicator 6, which mirrors Indicator 5 but is applied to new minorities, upon conducting a comprehensive review of the data from the sampled countries, it became apparent that there is inconsistent implementation of Indicator 6, primarily at the regional or municipal level. Potential alternatives could include assessing the presence of multilingual webpages by migration offices or examining language provision by tax offices.

2.2. The multidimensional index of linguistic justice: Capabilities and language policy

This section delves into the application of the capability approach (CA) within welfare economics, specifically exploring its multidimensional nature, to operationalise and evaluate linguistic justice. Developed by Amartya Sen and refined with Martha Nussbaum, the CA views well-being as a complex interplay of "doings and beings" and emphasizes the importance of public policies in removing barriers to individual capabilities (Sen 1999). The CA, originally conceived as a response to utilitarian and resource-centric perspectives on well-being, posits that individuals can achieve a full and flourishing life by transforming potential opportunities (capabilities) into concrete actions and states of being (functionings). This transformation is influenced by personal, social, and environmental factors. Within the CA, the state's role is to

facilitate this transformation by crafting public policies that create an enabling environment (Nussbaum and Sen 1993; Alkire 2005; Robeyns 2005; Comim *et al.* 2008). Some scholars have addressed language under the CA to look at educational policies, in particular to challenge current pedagogies of language for traditional minorities (Adamson 2021, Mackenzie 2022, Vaughan 2022), and to promote education of migrants' mother tongue in host countries (Sayers 2024).

However, few contributions have examined *linguistic justice* as a variable within the CA, and the ones who have done so are mostly related to the normative realm, such as Andrew Shorten's conceptualization of "capability deprivation" (Shorten 2017) in linguistic justice and Hue Lewis's consideration of language as a marker of identity alongside gender, race, and religion (Lewis 2017) or Brando and Morales-Gálvez's (2023) analysis language-related capabilities within Nussbaum's central list.

The index presented in this section has been developed by Gialdini (2023a). It operationalizes the definition of linguistic justice according to the CA, building on the contributions from normative philosophy, but creating a definition that can be transposed into indicators and assigned numerical values. In particular, drawing from the conceptual groundwork laid by Brando and Morales-Gálvez (2023), Gialdini (2023a) defines "language-based capabilities" as those potential beings and doings requiring a language as a fundamental conversion factor for access to linguistic resources. This terminology emphasises the functional role of language in converting capabilities into real opportunities.

Similarly to the index presented in the previous section, the selection of the indicators is based on a series of basic capabilities that can be influenced by the provision of language-related public goods, where the government has exclusive (or semi-exclusive) intervention power. Many public goods the state provides have a linguistic dimension. This element limits the scope of action but makes the taxonomy much more feasible. The state intervenes in the conversion process by adopting more or less *just* language policies. According to Shorten's (2018) narrow definition of linguistic justice, the capabilities ought to be measured according to two criteria: (i) they necessarily need a shared language and (ii) can be linked to public goods and services provided exclusively by the state. To select the dimensions of the index, hence the language-based capabilities to measure, Gialdini examines various lists of basic capabilities (Vizard and Burchardt 2007, Burchardt and Vizard 2011, Nussbaum 2011). The capabilities in the list have subsequently been analysed according to criteria (i) and (ii). As a result, language-based

capabilities that satisfy both criteria are the following: 1) identity, 2) health, 3) judicial security, 4) education, 5) equal opportunities and social inclusion, 6) participation in the public sphere. Table 1 summarises the correspondence between the dimensions of linguistic justice, language-based capability and the functioning that can be activated by each individual according to their preferences.⁶

Dimension of Linguistic Justice	Language-Based Capability	Functioning
<i>Identity</i>	<i>Expression of one's individual or group identity</i>	<ul style="list-style-type: none"> • Individuals speak their preferred language within their repertoire without suffering from discrimination • Possibility to speak the language without suffering from group-targeted discrimination (especially in conflict and post-conflict countries) • Recognition of the language as having an official or special status in the public space
<i>Health</i>	<i>Access to healthcare with no discrimination</i>	<ul style="list-style-type: none"> • Access to healthcare services in one's preferred language
<i>Judicial Security</i>	<i>Access to the judicial system and court proceedings</i>	<ul style="list-style-type: none"> • Following a criminal trial
<i>Education</i>	<i>Access to education</i>	<ul style="list-style-type: none"> • Attending bilingual schools⁷ • Learning the preferred language of each one's repertoire as a second language L2

⁶ On the satisfaction of individuals' preferences in linguistic justice, see Carey (2019).

⁷ Bilingual schools are intended as schools where the minority language is used as a mean of instruction but also where the minority historical narrative is present in the curriculum. Historical narratives are understood as a particular way to explain historical events, usually different among different linguistic and ethnic groups. Narratives indeed are strictly connected with collective identity and hence the language of that group, and they can become a critical element of discussion in post-conflict countries (see Bekerman and Zembyla 2011).

<i>Equal opportunities and social inclusion</i>	<i>Access to public administration and essential services</i>	<ul style="list-style-type: none"> • Access to the services offered by public offices (post offices, tax and revenue, jobs and benefits, electoral ballots, etc.) • Access to semi-public services (public transport, museums, dedicated expat offices)
<i>Participation in the public sphere</i>	<i>Access to public deliberation</i>	<ul style="list-style-type: none"> • Participating in political life and expressing an electoral preference through voting • Representing the interest of one linguistic group

Table 1: Table of Dimensions of Linguistic Justice

The language-based capabilities identified are assigned a quantifiable indicator, which responds to a series of criteria, such as data accessibility and straightforward computations, making it an effective yet quick index to populate. An exploratory investigation, considering data availability and index robustness, determined that the indicators listed in Table 2 represent the various language-based capabilities.

Dimension of Linguistic Justice	Language-Based Capability	Corresponding indicator(s)
<i>Identity</i>	<i>Expression of one's individual or group identity (non-discrimination and recognition)</i>	I1 – Existence of laws and regulations enforcing the principle of non-discrimination on the grounds of language I2 - Existence of laws and regulations protecting the status of the linguistic minority I3 - Presence of double toponyms (place names) OR presence of toponyms in the language of the minority
<i>Health</i>	<i>Access to healthcare with no discrimination</i>	Information on the official website available in the minority language on the

		<p>following areas of basic preventive medicine:</p> <p>H1 – Emergency language planning (i.e. material about the COVID-19 pandemic)</p> <p>H2 - Basic Health Assistance</p>
<i>Judicial Security</i>	<i>Access to the judicial system and court proceedings</i>	J1 – Presence of court-appointed translator(s) and interpreters for the minority language
<i>Education</i>	<i>Access to education</i>	<p>E1 - Existence of bilingual public schools (schools where both the dominant and the minority language are used as the medium of instruction)</p> <p>E2 – Possibility of teaching of the minority language as a second language in non-bilingual schools</p>
<i>Equal opportunities and social inclusion</i>	<i>Access to public administration and essential services</i>	<p>Availability on the official websites of the following forms in the minority language:</p> <p>PA1 - Benefits (e.g. universal credit)</p> <p>PA2 – Income statement form (e.g. Tax report)</p>
<i>Participation</i>	<i>Access to public deliberation</i>	PP1 - Presence of political party (or parties) which operates and campaigns in the minority language

Table 2: Table of indicators of linguistic justice

All indicators can be fed with a yes or no answer. The values of the different indicators are finally aggregated through arithmetic mean, resulting in a unique number that represents the Multidimensional Linguistic Justice Index (MLJI) for a given jurisdiction. If the state's actions

in a given public policy area allow the capability to be accessed and enjoyed, the value of the indicator is yes. The Y/N answers are then normalised into 0/1 values and aggregated through the arithmetical mean for each linguistic group, resulting in a final MLJI value for that group. The MLJI makes a distinction between two groups, that is, autochthonous and allochthonous minorities. For autochthonous minorities, it considers all 11 indicators presented in Table 2, which are aggregated through the following formula:

$$MLJI_{Mn} = (I1 + I2 + I3 + H1 + H2 + J1 + E1 + E2 + PA1 + PA2 + PP1)/11$$

$MLJI_{Mn}$ represents the value of linguistic justice in the eleven dimensions for the linguistic for the generic autochthonous minority Mn .

Ideally, both allochthonous and autochthonous minorities should enjoy equal linguistic rights. Nevertheless, in practice, these groups are not granted identity or political rights within the current paradigm. They are, however, entitled to what are sometimes defined “supplementary linguistic measures” (Shorten 2022) or “minimal linguistic assistance” (De Schutter 2022) which include access to healthcare, education, social housing, benefits and other social benefits. Hence, six indicators are relevant when considering the generic allochthonous linguistic minority Mm who is part of the long-term migrant groups. These related to the dimensions of health (H1, H2), judicial security (J1), education (but only E2), and access to essential needs are provided by the public administration (PA1, PA2). The corresponding formula would then be:

$$MLJI_{Mm} = (H1 + H2 + J1 + E2 + PA1 + PA2 + PP1)/6$$

The numerical values taken by the MLJI (any value between 0 and 1) are then distributed onto four equal tiers: low (i.e. values from 0 to 0.24), medium-low (0.25 to 0.49), medium-high 0.50 to 0.74, and high (values from 0.75 to 1) levels of linguistic justice. The score of the MLJI corresponding to each minority within a country is depicted using a boxplot. The choice of this visual representation is driven by its accessibility and the capability to compare disaggregated data among diverse linguistic groups. The outcome is a four-tiered box resembling a traffic light. Upon visually examining scatter plots across various jurisdictions, distinct levels of linguistic justice become apparent. Each dot on the plot corresponds to a unique linguistic minority, facilitating the identification of potential asymmetries in the treatment of different linguistic communities.

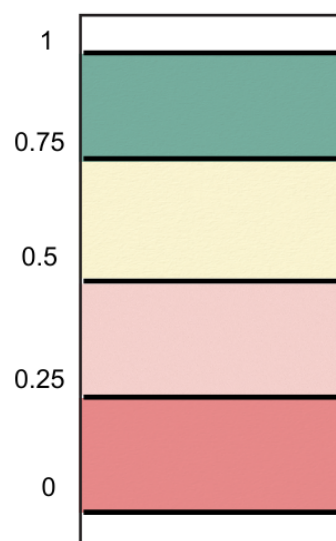
The data is then organised into four slots or tiers:

Low MLJI: values from 0 to 0.24

Medium-low MLJI: values from 0.25 to 0.49

Medium-high MLJI: values from 0.50 to 0.74

High MLJI: values from 0.75 to 1.



The MLJI is crafted for policymakers, civil servants, and academics, employing a CA-based approach and data plotting to offer an overview of the extent of linguistic justice within jurisdictions. The four-tier system facilitates a rapid analysis that can promptly stimulate discussions regarding the distinct requirements of a linguistic group. Every state makes crucial linguistic choices influencing the lives of its residents: specific language decisions by governments result in more pronounced disparities, and certain policies prove more adept at mitigating or eradicating linguistic disadvantages than others.

3. Conclusions

Policy evaluation instruments are essential for enhancing the effectiveness of the policy process. In this regard, when public policies are designed to mitigate conflict, indicators offer substance, measurement, and guidance for adhering to international and national guidelines concerning language, peace, and stability. They provide practicality and direction for policymakers. Consistent with the recommendations outlined by the HCNM of the Organization for Security and Co-operation in Europe (OSCE) and the Oslo and Ljubljana Recommendations, there is a growing recognition of the importance of language policies as a means to ensure political stability. The 2012 Ljubljana Recommendations of the HCNM, for example, specifically advocate for striking a balance between the promotion of common language(s) and the preservation of linguistic diversity, including the protection of minority linguistic rights. The indices proposed in this chapter serve as a response to the urgent need for measurable indicators to assess the degree of fairness of language policy. The fairness of these

policies has been pointed out as important to increase political stability and broader security within nations. These indicators can be utilised to assess linguistic justice, in the sense clarified in this chapter, serving as a barometer for potential conflicts and as a means to promote political stability.

The Minimum Threshold Index, conceived by Gazzola, Wickström, and Fettes (2023), takes a focused approach by focusing on the role of the state in linguistic justice. Recognising the inevitable influence of language policy in crucial governmental spheres such as law and order, public administration, and essential public services, this index establishes a baseline for evaluating linguistic justice. By concentrating on specific policy areas directly under government control, the index captures the impact of language-related inequalities resulting from state language choices. The three dimensions of toleration, accommodation, and compensation provide a nuanced understanding of linguistic justice, emphasising the recognition of minority languages and the provision of essential services.

On the other hand, the Multidimensional Index, rooted in the capability approach (CA), explores linguistic justice through the lens of well-being and individual capabilities. Developed by Gialdini (2023a), this index draws on the CA's emphasis on removing barriers to capabilities, and translating potential opportunities into concrete actions and states of being. The language-based capabilities identified, ranging from identity expression to participation in the public sphere, reflect the diverse ways in which official language policy can influence individuals' lives. By operationalising linguistic justice within the CA framework, this index provides a nuanced understanding of language's role in facilitating or hindering various capabilities.

Both indices make significant contributions to the ongoing discourse on linguistic justice, peace, and reconciliation. While they are not exhaustive, they provide a starting point for analysing linguistic justice within countries and offer tools for cross-country comparisons. Additionally, these indices can complement each other, providing a more comprehensive understanding of linguistic justice.

Policymakers, researchers, and advocates can utilise these tools to evaluate current language policies, identify areas for improvement, and advocate for more inclusive and just language practices. By being compatible with international guidelines set forth by organisations such as OSCE and the Council of Europe, these evaluations become integral in fostering political stability and advancing linguistic rights on a global scale.

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