

Language in the U.S. and the Law: A Corpus Analysis of the Language of Language Policy

By

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## Abstract

The aim of this thesis is to study the textual positioning and portrayal of English and other languages in U.S. language policy and to see what implications that positioning and portrayal has for understanding possible impacts and interpretations of U.S. language policies. In order to do this, I use corpus linguistic techniques to study the ways that the terms *English* and *other languages* collocate with other words in the way that the policies themselves are written. I further this analysis with a reading of the policies that looks for themes across multiple texts. This kind of textual positioning is analyzed in detail to show how the portrayals of English and other languages might differ and what that could mean for our understanding of the implications, intentions, or possible interpretations of the policies.

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## Language in the U.S. and the Law: A Corpus Analysis of the Language of Language Policy

### Introduction

Language policy in the United States, very broadly speaking, takes one of two different forms: English only, which is generally an attempt to make people learn English by making English the only language of the schools, and official English, the attempt to make English the only language of government and public policy (Stalker, 1988). Of course, both of these kinds of language policies are related to one another and come from a similar mindset: that people who speak other languages in the U.S. should learn English, and if they don't, perhaps they should be made to either through education or through not being able to participate in governmental processes. Although there is research into both types of policies (see, for example Baron (1990) *The English-Only Question* and Tatalovich (1995) *Nativism Reborn? The Official English Language Movement and the American States*), much of it tends toward discussions of English only and away from official English. One reason for this is that with its attention to education, English only comes across as far more insidious. The trouble with academic attention being paid to English only and not official English is that in general, English only policies are relatively rare<sup>1</sup>. However, thirty-two states in the U.S. currently have some form of official English policy. This shows that, although it doesn't get as much academic attention, official English gets quite a lot of political attention. The aim of this thesis is to provide much closer attention to and analysis of the official English laws that have been passed at the state level by closely examining the language of language policies. More specifically, I set out to examine the textual positioning and

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<sup>1</sup> During and slightly after WWI, for example, Nebraska banned teaching in all languages except English (Wiley, 1998). This policy was later deemed unconstitutional and the ban was lifted. Since then, an overly harsh English only policy that effectively banned bilingual education was passed in Arizona by a vote of 51% of voters in favor (Baron, 2001). This too was eventually repealed, and a new official English policy was put in its place. Other than that, full English only policies have not been put into place for a while.

portrayal of English and other languages to see what this portrayal can tell us about official English policies, and what implications these policies have for the languages spoken in the United States.

In order to study all of these policies in a systematic way, I constructed a corpus of all thirty-two of the language policies that have been passed at the state level, and used AntConc corpus software to assist in an analysis of the texts for collocations with the words *English* and *other languages*. To complement this collocation data, I also did a more general reading of the corpus in order to reveal patterns and themes across multiple policies<sup>2</sup>. This corpus assisted analysis provides a more quantitative form of analysis that can help us get much more in-depth in the language of language policy, and can help further investigations into the possible interpretations and impacts of official English policies. More specifically, this study concludes with a discussion of official English policies as a type of prescriptivism that could have an impact on the languages spoken in the U.S.

## **Background**

Language policy in the U.S. has, historically, promoted a convergence toward English for the nation's multilingual speakers through education, willing or forced assimilation, and cultural pressure to shift language use to English in schools and workplaces (see, for example Wiley & Lukes, 1996; Wiley, 1998; Shannon, 1999; Crawford, 2000; Wagoner, 2000; Wiley, 2005; Wiley & Garcia, 2016). Because of this, language policy in the U.S. can be read as attempts to give some control over the linguistic space to particular people (Shohamy, 2016; Spolsky, 2004, 2009) by restricting the use of other languages in particular domains (Stalker, 1988; Citrin, Reingold, Walters, & Green 1990; Ovando, 1990; Milroy, 2001; Pavlenko, 2006; Borden, 2014).

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<sup>2</sup> Paul Baker's (2006) *Using Corpora in Discourse Analysis* was very helpful in this methodology because it showed the way that corpus assisted analysis and more general reading can be blended to further analyze texts.

More specifically, U.S. language policy takes the form of Official English laws or state constitutional amendments that restrict language uses in the domain of public policy and governmental action to English. In this way, language policy like Official English implies some kind of a choice in the domain of governmental action between English and the other languages spoken in the U.S., and implies that some groups—specifically, politicians and state governments—have the authority to tell others which choice is sanctioned in particular domains (Spolsky, 2009).

One reason that language policy is created like this in the U.S. has to do with the dominant language ideologies in the United States, like the connections between language and what it means to be American (Bailey, 2010; Lippi-Green, 2012), and the fact that linguistic rights in the U.S are not entirely acknowledged as such apart from civil rights (Wee, 2011; Spolsky, 2004), meaning that languages themselves don't receive any special protection in the law unlike gender and country of origin. Languages have some indirect protection with a connection to civil rights; however, overall, the ideological thrust of U.S. language policy is that non-English languages are something that can, and in some cases, should, be given up for English so that speakers of other languages can participate fully in the broader culture (Baron, 1990). In this way, English, for these policies and their writers, is directly tied to the idea of what it means to be American (Tatalovich, 1995). This ideology is best summarized in the quote from one of Theodore Roosevelt's final addresses on Americanism: "We have room for but one language here and that is the English language, for we intend to see that the crucible turns our people out as Americans, and American nationality, and not as dwellers in a polyglot boarding house" (Qtd. in Bayley, 2010). Of course, with this ideology, language policy creation doesn't often have the multilingual reality of the U.S. in mind (Baron, 2001; Corson, 2001; Wiley,

2005). Much of the scholarly research into U.S. language policy has this kind of ideology as a direct focus and has not always studied the actual policies themselves.

When previous research into language policy in the U.S. does focus on the texts of the policies, it has tended to focus on individual policies or English-only activists themselves and has tended to take a discourse analysis approach to study those policies and activists (Mertz, 1982; Crawford, 2000; Gonzalez, 2000; Goldstein, 2001; Wiley, 2004; Pac, 2012; Johnson, 2013). While these studies have been very good at showing in detail some of the themes of the individual policies such as nativism and the connection between English and being American (Gonzalez, 2000; Lippi-Green, 2012); the fallacies that go into policy creation (Crawford, 2000); and language policies' Whorfian undertones (Mertz, 1982), what they have not been able to do is show much about the ways that multiple policies talk about language. This research has also been criticized for creating readings of the policies where the researchers have read their own interpretations of the policies into the texts and biased the results (Johnson, 2013). Although useful, much of the previous research into language policy is missing the more quantitative approach that corpus assisted analysis can provide. With this more quantitative approach, the criticism about biased interpretations of the texts can be lessened because the corpus can be used to establish repeated and identifiable patterns in the texts themselves that would be difficult to see by looking at only one or two policies.

My use of a corpus assisted analysis takes a different approach than much of the other language policy research; however, the findings, as will be further explained in the findings section, are actually fairly consistent with the work of other scholars and with language policy issues, such as those mentioned above, that have been highlighted in previous research. What this shows, then, is that the kinds of issues that are highlighted in one or two policies at a time

are actually incredibly widespread across multiple policies. Although this maybe isn't surprising, what the corpus method can show (that previous research cannot) is the extent of the potential problems created by U.S. official English policy. Thus, despite the fact that it isn't an established research method<sup>3</sup>, a corpus assisted approach to language policy allows us to analyze language policy in a new and more quantitative way that furthers and expands on language policy research and may be able to address Johnson's (2013) criticism that researchers using a discourse analysis method are merely finding the things they set out to find.

## Materials and Methods

In order to study all of the texts of the active language policies in the U.S., I created a searchable corpus out of every text of the official English policies from the thirty-two different states<sup>4</sup> that have voted on and passed language policies. Multiple states have proposed official English policies, and there have been several attempts made to create an official English policy at the federal level, but these have not all been written into law and will be beyond the scope of this study.<sup>5</sup> There are a number of differences between the policies in terms of length and the scope of their restrictions. The shortest policy in the corpus, for example, is from Illinois with 10 words, and the longest is from Arizona with 707 words. The difference in length is mostly due to the fact that some of the earliest policies just declared English the official language and

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<sup>3</sup> Two legal researchers, Thomas R. Lee and Stephen C. Mouritsen (2017), have a forthcoming paper in the *Yale Law Journal* that discusses the use of corpus linguistics to establish ordinary meaning of words in legal texts. Although this method is not used in language policy research, it does have some precedents in other kinds of legal research, and has started to attract attention in that field.

<sup>4</sup> The following states have official English policies: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wyoming.

<sup>5</sup> For example, H.R. 997: The English Language Unity Act, has been proposed to congress almost every year since 2003 (GovTrack, 2017). It has always moved from committee to committee and has never been passed; however, the proposal has come up repeatedly.

essentially said nothing else. Later policies, more specifically, the ones written after 1995, tend to be more detailed and are often split into multiple sections. The very long policy from Arizona, for example, has six sections: 1) definitions; 2) a declaration of English as the official language; 3) an explanation of why the policy is making English the official language; 4) a list of which actions are to be conducted in English; 5) the rules of construction for the policy; and 6) a section that gives citizens the right to sue in the event that the law is not upheld. Although not all of the longer policies have quite as many sections, they still have a number of different ways that the policies are divided.

A further difference that is important for the analysis is that two of the policies are not just official English policies: the language policies from Louisiana and Hawaii are actually bilingual in that they set up official English and French and official English and Hawaiian respectively. These are included in the corpus to show the full spectrum of language policy at the state level. Despite the differences, every state that has a current, active official English policy is represented in the corpus data. The corpus is very small at 6,544 words, but despite its size, it is fully representative of every state-level Official English policy that is active at the time of this thesis being written.

The texts of the policies were gathered from the various state government websites on which they are held. Analyzing the entire list of language policies was initially inspired by the discovery of a document on the website of U.S. English (an official English activist group that has been lobbying for official English since the early 1980s) ([www.usenglish.org](http://www.usenglish.org)) that had a mostly current list of all the language policies that have been passed, and the actual wording of almost all of those policies. The list proved somewhat faulty though because despite the fact that the list seemed to be showcasing the lobbyist group's work, it was incomplete in multiple ways.

For instance, the original had two policy summaries and not the actual text, and it never specified that the policies from Hawaii and Louisiana were bilingual. On a smaller scale, it also had spelling and formatting errors that put the list's credibility into question. Thus, using that list as a starting point to see which states had and which didn't have official English policies, I individually tracked down the wording of each policy that was current in the U.S. I then double checked all the states not on the list in order to ensure that nothing was missing before proceeding to my analysis.

A few minor changes were made to the texts. Nothing was changed that would affect meaning in any way, but due to some of the limitations of AntConc, the corpus software I used for this analysis, I had to make some changes to the originals. First, I removed the section symbol, §, anywhere it appeared in the texts and replaced it with the word *section*. Since that is what the symbol itself means, this did not affect the meaning in the texts. Also, the section symbol was unreadable with the software I used to search the corpus, so this change allowed the texts to be usable with AntConc. Second, I bracketed off section numbers and letters from the rest of the text so that they could be removed, when I needed to, from the overall frequency count. The reason for this was that when the text had a lettered section that started with the letter *a* or the Roman numeral *i*, the corpus software mistook that for an indefinite determiner and a personal pronoun respectively. Since that was not what those were, and since it was causing confusion with the frequency count<sup>6</sup>, the brackets allowed me to exclude those pieces of the text from the frequency count. Overall, nothing was changed in the texts that could affect meaning.

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<sup>6</sup> For example, before adding the brackets, the letter *a* was showing up the tenth most common word not because there were a lot of indefinite determiners, but because AntConc was reading the start of a lettered section as beginning with an indefinite determiner. Bracketing those pieces off, then, gave me a more accurate frequency count.

My first step in using the corpus software was to construct a word list from the texts. As can be seen from figure 1 below, two very frequent content words in the corpus were the words *English* and *language*. This was the starting point for my analysis since these words were so common in the text of the policies.

Concordance		Concordance Plot	File View	Clusters/N-Grams	Collocates	Word List	Keyword List
Word Types: 874		Word Tokens: 6544		Search Hits: 0			
Rank	Freq	Word	Lemma Word Form(s)				
1	494	the					
2	393	of					
3	255	or					
4	202	to					
5	198	and					
6	196	in					
7	183	language					
8	164	english					
9	142	state					
10	107	any					
11	101	this					
12	95	official					
13	91	be					

Figure 1: The word list showing the top 13 words

From here, I broadened out into what kinds of words collocated with *English* and *language*. Doing this helped me see the multiple ways that these policies position and portray both English and other languages that are spoken in the United States, and how this positioning and portrayal can help show possible interpretations and impacts of official English policies. Given the size of the corpus, the numbers that appeared in the collocation data are fairly small as well; however, despite the small size, the numbers highlighted in the findings were enough to show themes across texts, so they are still quite useful for understanding the texts. Also, at a certain point, the collocation data couldn't help me fully explore the ways that the texts position other languages, so the collocation data was complemented with a more general reading of the

contexts in which the phrase “other languages” appears in the texts of these policies. The findings of this study are explained fully in the section below.

## Findings

Within the texts of the policies, the word *English* is used 164 times making it the 8<sup>th</sup> most common word in the corpus, and the second content word to appear in the top ten words list. This was not particularly surprising given that these are official English policies; however, the commonness of the word itself (and the fact that this study is about the textual positioning of English) makes it worth further investigation. Despite how important the term is to the texts of the policies, it is very often not defined in any particular way. The texts do have definitions sections. For example, the texts have 13 different definitions across seven different policies that give information like a definition for what an official document means as in examples (1), (2); what official action means as in examples (3), (4); and the policy from Arizona, as seen in example (5), even defines the word *government*.

- (1) All documents officially compiled, published, or recorded by the state. (17. NH 1995<sup>7</sup>)
- (2) any document officially compiled, published or recorded by the state including deeds, publicly probated wills and any other document or record required to be kept open for public inspection pursuant to the open records act (27. KS 2007)
- (3) any action taken by the government in Iowa or by an authorized officer or agent of the government in Iowa (24. IA 2002)

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<sup>7</sup> In the citations for the examples, my file system for the corpus is used. Each file was arranged in chronological order by the date that it was passed, so the file system is number in the chronology, state abbreviation, and year passed. So (17 NH 1995) means that the text is referring to the 17<sup>th</sup> corpus file from New Hampshire that was passed in 1995.

- (4) the performance of any function or action on behalf of this state or a political subdivision of this state or required by state law that appears to present the views, position or imprimatur of the state or political subdivision (25. AZ 2006),
- (5) all laws, public proceedings, rules, publications, orders, actions, programs, policies, departments, boards, agencies, organizations and instrumentalities of this state or political subdivisions of this state (25. AZ 2006).

Not a single policy defines the word *English* despite the fact that the term is actually very important to the meaning and interpretation of the texts. This shows that the meaning of the term *English* in the texts of the policies would seem to be left up to whoever is reading the policies. Rather than leaving the meaning of the term open to discussion, I would argue that the policies are, by the lack of a definition, actually written in this way so that a common-sense definition of English can be put into the text in place of any real discussion. This is shown further by a fairly common collocate with the term *English*: the definite determiner *the* as in the following examples from Nebraska, California, North Dakota, and Virginia:

- (6) *The* English language is hereby declared to be the official language of this state (1. NE 1920).
- (7) This section is intended to preserve, protect and strengthen *the* English language (7. CA 1986).
- (8) *The* English language is the official language of the state of North Dakota (11. ND 1987).
- (9) School boards shall endeavor to provide instruction in *the* English language (20. VA 1996).<sup>8</sup>

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<sup>8</sup> All emphases mine.

This collocation was so common that 36 of the 164 times that English is mentioned in the texts, the definite determiner is used. This amounts to around 22% of the time English is referred to as “the English language” in the texts. The rest of the time, no determiner is used, and the text only refers to the language in question as English as in:

- (10) English is the common language of the people of the United States of America and the state of North Carolina (9. NC 1986).

Although the majority of the time, the texts don’t use a definite determiner to talk about English, for the size of the corpus, 22% is a fairly high number, and the use appears in 21 different texts.<sup>9</sup> The use of the definite determiner in these examples does not affect the meaning of the text in any particular way: English is still declared the official language regardless of whether or not the texts provide a definite determiner. However, to use of the definite determiner does draw symbolic attention to English and highlights that these policies are written in a way that treats English as a singular entity. The lack of an explicit definition and the use of the definite determiner in the texts show that when these policies are referring to English, they are actually highlighting a perceived singular meaning of the term *English*.

Without clearly defining what the term *English* means in this context, what these policies do is essentially leave the interpretation open, or they seem to indicate that the meaning is so self-evident that further definition is unnecessary. Given the pervasiveness and ubiquity of standard language ideology (as highlighted by J. Milroy, 1999; L. Milroy, 1999; Lippi-Green, 2012), what would most likely be used to fill in that term here would be something like a standard version of English. The definite determiners are particularly telling in this regard given their symbolic value in the texts, and since definite determiners are used to show shared context

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<sup>9</sup> It should also be noted that the use is not particularly consistent within individual texts either. California’s policy, for example, refers to English as both the English language and just English.

between reader and author. In other words, the definition of *English*, without further nuance or technicality, as presented in the policies, would probably just be understood as standard English.

Standard English is notoriously difficult to define mostly due to the fact that it may exist more as a series of beliefs in a standard rather than as a real variety of the language. However, this does not necessarily mean that standard English is entirely devoid of linguistic reality. Even if it is difficult to pin down precisely what standard English is, after all, many people (and even a few linguists) would still acknowledge that thinking about a standard variety of English is useful (Curzan, 2009). That being said, the belief in a standard variety of English is often explained as the belief that when there are multiple varieties of a language, only one is the correct variety. That variety also generally uses the written form as the example of the standard language (L. Milroy, 1999). In the texts of the language policies, the treatment of English as if it is a single entity shows that when the policies mention English, what they could really mean is standard English. Of course, English has never been and never really will be one thing; instead, English exists as series of variations, dialects, and mutually intelligible differences between speakers. At a very fundamental level, people seem to recognize this as fact (see Hartley & Preston, 1999, for example); however, that still doesn't seem to stop many people from believing and acting like English is a single entity. Thus, the policies can, without any issue, refer to English, or, in their words, the English language as if it really was one thing even when it isn't and never really has been.

The belief that when there is variety in English, only one variety is correct, of course applies to what often get called non-standard varieties of English; however, I would argue that the belief may extend further to encompass not just non-standard English, but non-English languages spoken in the U.S. as well. This seems to appear mostly as the pervasive belief in the

monolingualism of the United States as highlighted by Baron (1990) when he writes:

“Americans often assume that all the world speaks English, or that it should... They further assume that everyone in the United States speaks English, or should. Moreover, many English-speaking Americans tend to regard English not just as a language but as an essential human trait” (p. 1). Of course, the U.S. never has been and never really will be a monolingual nation, but the idea that it is, or more properly, that it should be is held very widely. This idea appears in the language of the policies as well with another collocate with English: the word *common*. Twenty of the times that English is mentioned (or around 11% of the times), it is referred to as the common language of the United States. This construction appears in 9 different policies, and shows up as it does in examples (11)-(14):

- (11) English is the common language of the people of the United States of America and the state of California (9. CA 1986)
- (12) English is the common language of the people of the United States of America and the state of North Carolina (14. NC 1987)
- (13) As English is the common and unifying language of the State of Oklahoma... (31. OK 2010).
- (14) The legislature shall make no law which diminishes or ignores the role of English as the common language of the state of Alabama (17. AL 1990)

By any measure, English is the most common language used in the United States, but that doesn't seem to be the sense in which the policies are using the word *common*. Instead, it seems that the policies are making this out to be a common trait for citizens of the United States: English is, according to the policies, what defines an American. This is consistent with the

findings of Gonzales (2000) who writes in the introduction to *Language Ideologies Volume 1* that:

The controversy over official English is an important site of... cultural wars and polymorphous social struggles waged over the 'essence' of America, over what forms of cultural and social life are valued and which are marginalized. The social ideologies promulgated by this movement have tapped into the nativist ideal of a homogenous, unified U.S. culture drawing symbolic dividing lines between those who do and those who do not belong in this country (p. xxx)

In fewer words, being American implies having the common trait of being an English speaker. The further modification in the policy from Oklahoma with the word *unifying*, although uncommon in the corpus, sheds some additional light on the issue of U.S. monolingualism. The policies essentially say that despite all of the cultural or institutional forces that bring a nation together, the piece of national unity that really matters is the use of English. By implication, of course, this means that to speak a language that isn't English in the U.S. is to somehow be unamerican, or at the very least, to speak a language other than English is to intentionally remove oneself from American culture. Wiley (2005) calls this one of the myths of monolingualism; however, despite the name, the belief in the connection between being American and speaking English is so widely held that it might not even strike the policy makers as even slightly problematic to refer to English as the common language.

An additional trouble with referring to English as a common trait for U.S. citizens is highlighted by Mertz (1982) who writes that there is a Whorfian undertone to a lot of language policy. Mertz further claimed that language policies are sometimes created by people who seem to have absorbed the folk theory that the ideas and institutions of a culture can really only be

understood and communicated in a single language. This finding from Mertz appeared in the corpus of language policies as well with the focus on English being the common, and in some cases, the unifying language of the nation. In other words, the logic of these policies is that to understand American culture, in fact, the only way to understand American culture, is to speak the language that everyone allegedly has in common. In other words, to be part of the culture is to speak the language and vice versa. One particularly illustrative example in this regard is the policy from Missouri in example (15):

- (15) English is the most common language used in Missouri and recognizes that fluency in English is necessary for full integration into our common American culture (30 MO 2008).

Although the majority of the policies are not that explicit in the ways that represent the connections between a common language and a common culture, most of them seem to imply a similar idea, thus further illustrating the Whorfian aspect of these policies that Mertz highlighted in 1982.

Along with an emphasis on a single variety of the language and an emphasis on English as the common language, the corpus also showed another facet of these policies based on what the policies are supposed to do for English or, as the policies would have it, the English language. Six different policies in the corpus have some version of the policies being written to preserve, protect, promote, enhance, or strengthen English. These words themselves are relatively rare in the corpus; however, since these texts don't necessarily have many lexical verbs to begin with<sup>10</sup>, the repeated use of these terms across multiple texts in the corpus warrants some further discussion. There are fifteen uses in total of these verbs: 5 for *preserve*, 4 for *protect*, 2 for

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<sup>10</sup> The texts have approximately 81 lexical verbs per 1,000 words

*promote*, 2 for *enhance*, and 2 for *strengthen*. Some examples of how these words show up in the texts can be seen in examples (16)-(18).

- (16) This section is intended to preserve, protect and strengthen the English language (9. CA 1986)
- (17) The people of the state of Alaska find that English is the common unifying language of the state of Alaska and the United States of America, and declare a compelling interest in promoting, preserving and strengthening its use (24. AK 1998)
- (18) The legislature and officials of the state of Alabama shall take all steps necessary to insure that the role of English as the common language of the state of Alabama is preserved and enhanced (17 AL 1990).

What exactly the terms preserve, protect, promote, enhance, and strengthen mean in the context of these policies is not entirely clear; however, the policy from Arizona actually provides something of a definition for us by saying what preserving, protecting and enhancing means as can be seen in example (19).

- (19) (a) Avoiding any official actions that ignore, harm or diminish the role of English as the language of government. (b) Protecting the rights of persons in this state who use English. (c) Encouraging greater opportunities for individuals to learn the English language. (d) To the greatest extent possible under federal statute, providing services, programs, publications, documents and materials in English (27. AZ 2006).

Of course, Arizona is particularly notorious for its language policy and for the extremes to which the policy can be pushed (See Tatalovich, 1995 for example<sup>11</sup>); however, based on the context of these terms in the other policies, it is likely that the terms are used in a similar way even if the definitions are not quite as spelled out as they are in the policy from Arizona. This emphasis on preservation betrays a concern among the writers of these policies: the English language, or at least the role of the English language, as they would have it, is under some kind of existential threat, thus requiring its protection. This shows what might be considered a genuine concern for the language, but it also shows an assumption built into these texts—namely, that English genuinely needs some kind of protection. Thinking about this wording should get us to ask a very particular question: what does English need protection from? The policies themselves are characteristically unclear in this regard since they never explicitly state what could possibly be causing harm to English. However, some inferences can be made when we take into consideration how other languages are referred to in the texts of the policies themselves.

Like most countries, the U.S. has never been, and it is probably fair to say, never will be a completely monolingual nation. That being said, the U.S. has also almost always had a difficult relationship with its array of minority languages, and how to deal productively with language difference is a question that still seems to have no solid answer (Baron 1990; Wiley, 2005; Baily, 2010). Some of this issue is created by the confluence of language ideologies (Lippi-Green, 2012), racial prejudice (Stalker, 1988), and nativism (Tatalovich, 1995; Gonzales, 2000), but there is also a pragmatic side to all of this: people have to be able to communicate, and more specifically for this study, the government has to communicate in some language. However, close analysis of the ways that these policies refer to non-English languages shows that these

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<sup>11</sup> Tatalovich spends a significant portion of his fifth chapter talking about official English in Arizona and how controversial that policy has been.

texts are decidedly not setting up official English only to answer the pragmatic question of which language the government should use for communication.

The texts of the policies themselves talk very generally about languages that aren't English. Of the thirty mentions of other languages in the corpus, only three are explicitly named: American Sign Language which shows up in example (20), the policy from Kansas; French, which shows up in example (21), the policy from New Hampshire, and in example (22) from Louisiana; and Hawaiian which shows up in Hawaii's bilingual language policy as an official language in addition to English:

- (20) Employees... may use a language other than the English language to...  
communicate in American Sign Language (29. KS 2007)
- (21) it may be necessary to conduct such proceedings between Quebec and New  
Hampshire wholly or partially in French (19. NH 1995)
- (22) Documents... may in addition be duplicated in the French language (2. LA 1968)
- (23) English and Hawaiian shall be the official languages of Hawaii (5. HI 1978).

Other than these three, no other languages are actually named in the corpus and are instead just referred to with the general term *other*. Occasionally, the texts would also refer to non-English languages as *foreign* as well. These two words *other* and *foreign* were the two most common collocates with the word *languages* in the corpus. Once again, there is a pragmatic side of the use of *other* to describe the various languages spoken in the U.S.: there are so many other languages<sup>12</sup> that to mention them by name would be nearly impossible; however, that they can all be lumped under the category of *other* does create a distinction between English, which is both named and given official status, and other, which is not. The use of the word *foreign* is

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<sup>12</sup> See for example, the Modern Language Association's language map: <http://arcmap.mla.org/mla/default.aspx>

particularly interesting in this regard since some of the other languages spoken in the U.S. aren't actually foreign at all. Native American languages come to mind here, but there are also good arguments for thinking about Spanish, French, and German as American languages as well (See Spolsky, 2004, for example).

However, this multilingual reality is not in focus in the texts because they are written in a way that is intended to separate English, the common language and the supposedly national language, from all others. This othering move in the texts could come from the fact that very often, discrimination between languages is actually a proxy for discrimination between people (Lippi-Green, 2012). The ideological aspect to this kind of writing in the policies is that there is really only one American language: English, and since it has the emblematic status of being American, everything else is emblematic of being different, foreign, or other. In other words, non-English languages are emblematic of being unamerican.

This ideological aspect of the texts also appears in the way that, unlike English, other languages are not treated as an inherent trait of people, and are instead treated as a stop along the way toward fluency in English. In other words, they are seen as transitional and not as particular traits in the way that Baron (1990), mentioned earlier, writes about English. This pattern becomes clear from analyzing the broader context of how other languages are situated within the texts. In fact, the theme of treating other languages as a stop along the way to fluency in English was so widespread in the texts that it appeared across 14 different policies (around 44% of the texts in the corpus). The following are some examples of how this theme appears in the texts:

- (24) This act does not prohibit any law, ordinance, regulation, order, decree program, or policy requiring educational instruction in a language other than English for the

purpose of making students who use a language other than English proficient in English” (14. SC 1987).

- (25) A state agency or political subdivision or its officers may act in a language other than the English language... To provide instruction designed to aid students with limited English proficiency so they can make a timely transition to use of the English language in public schools. (23. WY 1996).
- (26) Non-English speaking children and adults should become able to read, write and understand English as quickly as possible (28. ID 2007).

The fact that close to half of the policies have statements about learning English that are similar to these examples in them starts to show a pattern in the way that the writers of these texts think about multilingualism. Basically, speaking a non-English language isn't only the less preferable way to be, speaking a non-English language is also not a persistent state: it something that people should move away from so that they can learn English and learn it quickly. Additionally, the reference to other languages only being acceptable to use when teaching students English, as shown in (24), further shows that for these policies, non-English languages are not permanent; instead, they help facilitate transition to English.

As the example from Idaho also shows, this transition to English is not intended just for school children and students either: all people are supposed to be transitioning from speaking other languages to speaking English. Further examples of this theme come from Iowa and West Virginia which state:

- (27) In order to encourage every citizen of this state to become more proficient in the English language, thereby facilitating participation in the economic, political, and

cultural activities of this state and of the United States, the English language is hereby declared to be the official language of the state of Iowa. (26 IA 2002).

(28) ...officials are encouraged to use English as much as possible to promote fluency in English (32. WV 2016).

These examples show that for these policies and the people who write them, it isn't enough that students in schools should learn English; instead, everyone should. The reasoning given in the example from Iowa is fairly interesting as well since it implies that without English, somehow people are cut off from the rest of the nation. The example from West Virginia doesn't spell out anything about citizenship; however, it does say that it is essentially the job of officials to promote fluency. Without a specific person, this probably just means fluency in general for as many as possible. Again, much like in example (15) from Missouri, the connection between English and what it means to be American is on display in these policies.

Three other themes came out of examining the contexts in which other languages appeared in the corpus: a connection to crime and criminal justice, a connection to public health, and a connection to art. These all appeared in the exceptions sections of the texts as times when other languages could be used. Although like the section above, there wasn't collocation data for this information, these three themes showed up in multiple policies<sup>13</sup> and once again give good examples of the way that other languages are portrayed in a way that is decidedly different from the portrayal of English. The connection to crime is particularly interesting in these texts and appears, as in examples (29)-(31), which give particular instances of when the official English policy doesn't apply:

(29) when deemed to interfere with needs of the justice system (20. SD 1995)

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<sup>13</sup> 15 had the of the texts had something about crime, 11 of the policies had something about public health, and 7 of the policies had something about terms of art.

- (30) When the public safety, health, or justice require the use of other languages (21. GA 1996)
- (31) when necessary... to serve the needs of the judicial system in civil and criminal cases in compliance with court rules and orders (24. AK 1998)

Outside of their context, statements like this seem practical: everyone has the right to a fair trial, and one part of that might be translating information into other languages. All that being said, there might be something more insidious happening here. According to the policies, the laws of the state have to be written in English since those would constitute official action by some state agency. However, if those laws are broken, the criminal justice system itself, the places where the lawbreaker would be judged, can use other languages in communication with the person breaking the law. Basically, people in the U.S. who speak other languages are denied access to the laws and policies of the states until they break those laws, so justice can be served in other languages, but law itself must be in English. The focus in the examples is worth noting as well since it is not on the needs of people; instead, the focus is on the needs of the system. The implication is that other languages can be used when it is for the benefit of those who already speak English not for those who don't. Unfortunately, this is not an entirely new issue. Lippi-Green (2012) dedicates an entire chapter to language issues in the workplace and the judicial system, and although her focus is more on court cases regarding language discrimination in the workplace, her conclusion that the "courts become complicit" (p. 150) in discriminatory practice, is fairly clear. In the examples above, the focus on the needs of the judicial system over the needs of people is further evidence that for people who don't speak English, the judicial system is not always working in their favor.

The final two patterns that appear in the corpus are the connection to public health and the connection to art as seen in examples (32)-(35) that give further exceptions to the policies:

- (32) When the public safety, health, or emergency services require the use of other languages (19. NH 1995)
- (33) To protect the public health (23. WY 1996)
- (34) to use non-English terms of art (24. AK 1998)
- (35) To use terms of art or phrases from languages other than the English language in documents (23. WY 1996)

Once again, there is a practical side to these exceptions being in the policies: if there is news of some kind of outbreak or epidemic, it would clearly have to go out to the widest possible audience, which might mean translating that news into other languages. However, like the example with criminal justice, there is an issue in that regulations about public health would have to be written in English because of the law; however, communication to the public about those regulations might have to happen in multiple languages anyway. Thus the fact that these exceptions are here in the first place represents a flaw in the logic of the people writing these texts, because it raises the question of why language policy needs to be made in the first place if it has to have multiple, sometimes practical, exceptions. Thus, the policies acknowledge the multilingual reality of the U.S. when they have to, and ignore it the rest of the time.

The exception for terms of art seems to place a particular kind of emphasis on the use of other languages for technical terminology. Essentially the policies imply that other languages can be used as required for fields requiring specialized terms, but the work of government can only be in English, the language of the common people. In keeping with the theme, mentioned earlier, of othering in these policies, this is another way the policies treat languages that aren't English as

other, and another way that the policies set up particular exclusive domains where some languages are alright to use while others are not. Because of this separation into domains, one of the possible readings of these policies is as a kind of governmentally-backed prescriptivism that says which languages can be used and in which domains they can be used as well. This idea is discussed further in the implications section below.

### **Implications**

Previous research on language policy repeatedly mentions that the exact impact of language policy, much like other instances of prescriptivism, is not entirely clear. However, if we start to think about language policy as a type of prescriptivism that tries to fix or to standardize the language, some inferences and implications can be drawn from the analysis into how the policies are actually written. J. Milroy (2001) writes “the involvement of standardization in language change is not generally acknowledged as important or even relevant at all... even though it can affect linguistic form” (p. 535). More recent scholarship like the work that Curzan (2014) is doing has attempted to address the involvement of standardization (which she refers to as fixing) in language change:

The two meanings of *fix* productively highlight at least two major aims of prescriptive efforts: in some cases to resist language change and preserve an older and/or standard form that is seen as fully adequate if not superior; in other cases to improve upon the language, either by introducing new forms or distinctions or by proposing a return to older more conservative forms (p. 3).

I will argue along similar lines that language policy, as a form of prescriptivism via standardization, could have a real but often overlooked impact on English. From the texts of the policies, we can first see that U.S. language policies are written in a way that prescribes against

the use of languages that aren't English in the U.S. This goes without saying, to some extent, since even on the surface, these policies clearly limit the domains in which other languages can be used. However, I would claim the prescriptiveness goes deeper than this. The policies don't just say when and where languages other than English can be used; their wording, specifically, choices like *the* English language and referring to English as the common language, also implies what kind of English can be used. The complete lack of discussion of which English is getting official status leaves a gap that, given the wording, we can assume gets filled with a standard version of English that, at least ideologically, is very real. I would argue that this standard language ideology is encoded into these policies and helps to reinforce them. Further, I would speculate that this emphasis on a single, standard variety of the language has a potential impact on language change because these policies are essentially the power of the state government putting a limit on one domain of language use: the domain of public policy.

Again, this is speculative since the exact impact of any form of prescriptivism isn't clear; however, what this can show us is the extent that some people can go with prescriptivism—essentially going all the way to state governments as a way to preserve a language from the influence of other languages. Although being prescriptive might not be a conscious action on the part of the people writing these policies, the way the policies are written could be having a similar impact on the language as something like prescriptive grammars in that both are written as ways to preserve the language. This emphasis on preservation of the language is written into the policies as well.

There is a flaw in the logic here since if English is the most common language, and if it is as unifying as the laws claim, then it probably doesn't need preservation. On the other hand, if it needs protecting, then it might not actually be all that common and thus not quite as

indispensable for American culture. Logical flaws aside, there is clearly an idea in these policies that English is in need of some kind of preservation. The only thing that could conceivably affect English to the point where it actually needs outside preservation would be the other languages, and possibly the other dialects of English, that are spoken in the U.S. every day. As mentioned earlier, English is by far the most common language spoken in the U.S., so in all likelihood, it is going to be fine alongside the other languages that have always existed in the nation. However, in all likelihood what is at issue here is not really the language. Attitudes and ideologies about language are very often more about people who speak the language than they are about the language itself. As Lippi-Green (2012) writes: “While most public debate around language has to do with a deceptively simple question (which language?) the underlying conflict is far more complex and interesting” (p 250). The underlying conflict in the case of language policy has a lot to do not with the question of which language the government should use, but with the question of what it means to be American. Historically speaking, the question of what it means to be American and the question’s connection to language is nothing new. In fact, it has been part of the linguistic and ideological fabric of the United States since its founding, and the question is still very much alive today as shown in the findings above.

Going all the way back to the beginning of the nation, John Adams (the second president of the United States, and one of the signers of the Declaration of Independence) wanted to start an academy for the American language. Importantly, this was not an academy for *English*, but for *American*. At the time, this would have been a symbolic departure from British rule via a departure from British English (Bailey, 2003). From the very founding of the nation until today, language in the United States has been ideologically connected to what it means to be American, or to put it more explicitly, to be a “real” American.

Over time, these sentiments have found expression in multiple ways. In the 19th century, it found expression in the boarding school movement that took Native American children away from their families to put them in schools that had harsh restrictions against (and, sometimes, physically abusive punishments for) speaking Native American languages. At the same time, enslaved people from Africa were both forbidden from using their first languages and from learning to read and write in English (Wiley and Lukes, 1996). In the early 20th century, despite some changes in politics, the language ideology stayed the same, and several harsh restrictions against speaking German led to an incredibly rapid shift away from German for speakers of that language in the U.S. (Wiley, 1998). The ideology that leads to these kinds of restrictions has proven remarkably stable over time, and today we are still having many of the same conversations: the latest of the language policies in the corpus was passed in West Virginia in 2016. And the discussion is still current as well with the Trump Administration discussing immigration policies that have some attention being paid to ability in English as a prerequisite for immigration (Baker, 2017).

The ideology outlined in this brief history and in current U.S. language policy can be summed up fairly succinctly: being American requires English, and not just any English, it requires the standard variety of English. This means that anyone who speaks another language (Wiley, 2005), anyone who has a nonstandard dialect (L. Milroy, 1999), possibly even anyone with an accent (Lippi-Green, 2012) shows that they are not part of the common culture: they have not assimilated themselves into the melting pot, so to speak. To some extent, this could be the full reason that language policy exists the way that it does in the United States: it could be made not to unify into the common culture, and not to bring people together. Instead, U.S.

language policy may do now what it has always done in the past: separating people by prescribing which languages can be used, and where people are allowed to use them.

### **Conclusion**

Official English separates those that speak the language of the U.S. (which is supposedly English) from those that don't; it separates the supposedly real American from the foreigner; and it separates domains where some languages can, and others cannot, be used. It also separates the languages themselves into English and other; official and unofficial; a symbol of status and a transitional period. In this way, language policies, as they are written in the U.S., are an extreme imposition on the freedom of speakers to speak or write how they want to where they want to. Whether that imposition is justifiable is a question that is still open for debate; however, with more study and more attention to these policies, it is my hope that that these policies will be subject to more critique than they currently are.

Much of the research about U.S. language policy was carried out and written in the late eighties and early nineties when a rash of official English policies were getting passed.<sup>14</sup> Although research on the topic has slowed down recently, there is still much that needs to be said about these policies. Because the latest language policy was just passed in 2016, we can see that there is clearly political attention being paid to the issue even if there isn't much scholarly attention being paid right now. By showing how widespread some of the themes are in these texts, this study furthers much of the research that has been conducted by other scholars, and it is my hope that with the newer methodology that corpus linguistics can give to language policy research, some of the academic interest in this topic can be revived. After all, the U.S. does not have an official English policy at the national level. What it does have is a constant push and pull

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<sup>14</sup> Fifteen of the official English policies in the corpus were passed between 1986 and 1995.

of language ideologies that switch between tolerance and intolerance and between an emphasis on multilingualism and monolingualism. The language policies in this study are emblematic of these larger language ideologies, and can thus provide much insight into the impacts and effects of U.S. language ideologies.

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