

36. Skutnabb-Kangas, Tove (1996). The colonial legacy in educational language planning in Scandinavia - from migrant labour to a national ethnic minority? **International Journal of the Sociology of Language**. 1996. vol. 118. Dua, Hans (Ed.). Language Planning and Political Theory, 81-106.

THE COLONIAL LEGACY IN EDUCATIONAL LANGUAGE PLANNING IN SCANDINAVIA - FROM MIGRANT LABOUR TO A NATIONAL ETHNIC MINORITY?

INTRODUCTION

Finland and Sweden are neighbouring Nordic countries. Finland was colonised by Sweden for approximately 650 years, up to 1809 when it became a Russian Grand Duchy, to gain its independence in 1917.

Finland (338,145 km², population 5,03 million) has some 300,000 Swedish-speakers, circa 6% of Finland's population. Most of them are descendants of people who have traditionally lived in Finland (i.e. as long as the Finnish-speakers, or at least since the early colonisation); a few have arrived this century. Finland has until the last decade not had any labour migration (there is some now from Estonia), and very few refugees. The number of foreign nationals is small (at the beginning of 1992 37,573 people, 0,75 percent of the population) (1).

Sweden (449,964 km², population 8,64 million) has a Finnish-speaking population of probably roughly equal size to Finland's Swedish-speaking population. The numbers are not known, since Sweden has consistently refused to include a language question in its census, despite many requests for several decades. Some of them (40-50,000), in the Torne Valley on the Swedish side of the border river Torne/Tornio, are descendants of people who have traditionally lived in that area but who were left on the "wrong" (i.e. Swedish) side in 1809. A few (most have been assimilated) are descendants of Finns who started migrating as farmers in the 17th century, partly because of poverty and famine in Finland, partly because their methods of farming (fallowing, which was then not used by Swedish peasants) were considered beneficial for the spread of agriculture at that time by the Swedish administration. But the bulk of the Finnish-speaking population in Sweden represent labour migrants from the 1950s onwards.

In Sweden roughly 10 per cent of the population is estimated as having immigrant background but only 5.71 percent were foreign nationals at the beginning of 1992. Finnish-speakers have always been the largest immigrant group. Finns in Sweden are in fact the largest labour migrant minority in Scandinavia. There is a free labour market in the Nordic countries since 1954, i.e. Nordic citizens do not need work permits or resident permits in order to settle and work in other Nordic countries, whereas labour migrants from other countries have needed them. Officially there is no new labour migration into the Nordic countries, but the regulations about refugees and family reunion function as regulators of labour.

Thus both Finnish and Swedish are spoken natively in both Finland and Sweden. Swedish is by far the largest minority language in Finland, and Finnish likewise in Sweden (2). One might imagine that both minority languages have a roughly equal status in Finland and Sweden, maybe with somewhat fewer rights for Finnish in Sweden than Swedish in Finland because of the relative recency of part of the minority. Not so.

Swedish-speakers in Finland have possibly the best legal protection of any linguistic minority in the world (e.g. Jansson 1985). In legal terms they are considered an equal part of the population, not a minority. Swedish is one of the two official languages in Finland, and has exactly the same official rights as Finnish, in all aspects of official use (day care, pre-schools, schools, university, mass-media, courts, the military, religious life, administration etc etc). The study of the Swedish language is obligatory in Finnish-medium schools (and the study of Finnish in Swedish-medium schools) in Finland. The presence of 13 children of obligatory school age in a local authority is enough to make it mandatory for the authority to have a school where the minority children's mother tongue, if Swedish or Finnish, is the medium of education during the first nine years of obligatory schooling (see e.g. CER/ECALP/83.03: 15).

Finnish-speakers in Sweden have almost no linguistic rights (despite a Nordic Language Convention) and Finnish Skutnabb-Kangas

has no official status in Sweden. The study of the Finnish language is not obligatory even for the Finnish-speakers themselves in Sweden. Often it is not even possible. Few Finnish children get Finnish-medium education, mostly only in the lower grades of elementary schools. Even these classes can be stopped from one day to the next and the children spread out in Swedish-medium classes (currently a complaint about this is has been filed at the European Court of Human Rights which has not yet decided on its admissibility). This insecurity has led Finns to founding their own schools, something that has only recently become possible in Sweden, after a long struggle (Peura 1993). During the last 4 years, a dozen such schools have been started.

When a minority, created through migration, has resided in a new country long enough, it becomes nonsensical to see them as an "immigrant" group, except in a historical sense - the "second" and "third" generations have not "immigrated" but are born in the new country. The possibilities then are for the group either to assimilate, or to form an ethnic minority group. Since an officially recognised national ethnic minority has many more internationally coded rights than any immigrant group, it has been a natural development for Finns in Sweden to want to change their status from a migrant group to a national ethnic minority group, with corresponding legal rights.

This is what the main Sweden Finnish organisations did: 7 March 1992 they proclaimed Sweden Finns an ethnic and linguistic minority in Sweden, and demanded that the Swedish state accept Sweden Finns as a national minority (3). The party to negotiate with about the validity of this new status is the Swedish state. Until now, the answer of the Swedish state has negative and no official negotiations have taken place. Several government representatives have pronounced against the granting of an official minority status.

My claim is that Sweden, by preventing Sweden Finns and the Finnish language from achieving any kind of official status in Sweden and by making it difficult to use Finnish as a legitimate medium of education, are attempting to commit linguistic genocide, to kill the Finnish language in Sweden. It is not done openly, though, quite the opposite. There is a double speak situation, where Sweden in official reports and speeches accepts and celebrates multiculturalism, and expresses sadness and worry when young minority members no longer know or use or want to use their parents' languages.

In this article I will discuss some of the reasons for and means used when states prevent minority language rights, especially in education, and thereby commit linguistic genocide. I will use the struggle of Sweden Finns for recognition of Finnish in the Swedish educational system as an example of "modern" sophisticated forms of this linguicide.

LANGUAGE DEATH OR LINGUICIDE?

I will start by discussing the concept of linguicide, as compared to the more passive language death. Juan Cobarrubias (1983) has elaborated a taxonomy of policies which a state can adopt towards minority languages:

- (1) attempting to kill a language;
- (2) letting a language die;
- (3) unsupported coexistence;
- (4) partial support of specific language functions;
- (5) adoption as an official language.

The concept language death (Dressler 1988) does not necessarily imply a causal agent. Language death is by most of those who use the concept seen as occurring because of circumstances beyond the control of any agents. The "effects", for instance language death as a result of "modernization", are often regarded as inevitable concomitants of social change. Language death is seen as comparable to the evolution of natural organisms which develop, bloom and wither away, and therefore attempts to counteract it are seen as romantic or misplaced, trying to prevent a natural development.

When some liberal economists (e.g. Friedrich List, 1885: 174ff.) a century ago considered that nations had to be of a "sufficient size" to be viable, it followed that smaller nationalities and languages were doomed to disappear, as collective victims of "the law of progress". Their speakers were advised to reconcile themselves to "the loss of what could not be adapted to the modern age" (Hobsbawm 1991: 29-39). Several Western European liberal ideologists Skutnabb-Kangas

and Soviet language planners in the early part of this century held that nations (each with their own language) were but one phase in a development towards a unified world with a world language, coexisting with national languages which would be "reduced to the domestic and sentimental role of dialects" (ibid., 38).

This liberal ideology of development is still alive and well. When discussing "small ethnic groups and languages", we are warned not to "be idealistic and feel blind pity for everything which *in its natural course* is transformed, becomes outdated or even extinct", (Šatava 1992: 80; my emphasis). The concept of language death can be associated with this type of liberal ideology, whether in Eastern Europe, North America (the "English Only" movement), or in aid policies worldwide, these invariably supporting dominant languages. At the individual level, language death would within this paradigm be seen as a result of voluntary language shift by each speaker. The speakers of minority languages would simply be seen as viewing bigger languages as more useful and functional, and therefore shifting over, in their own best interest, when wanting to "modernize".

Linguicide (linguistic genocide), by contrast, implies that there is an agent involved in causing the death of languages. In the liberal ideology, described above, only an active agent with the conscious intention to kill languages (Cobarrubias' 1) would cause linguicide, whereas the next two (2 and 3) would fall within the domain of language death. In my view, the agent for linguicide can be active ("attempting to kill a language") or passive ("letting a language die", or "unsupported coexistence", also often leading to the death of minority languages).

What is linguicide, then? When the United Nations did preparatory work for what was to become the INTERNATIONAL CONVENTION FOR THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (E 793, 1948), linguistic and cultural genocide were discussed alongside physical genocide, and were seen as serious crimes against humanity. When the Convention was accepted, Article 3, which covered linguistic and cultural genocide, was vetoed by some nation states (the "great powers"), and it is thus *not included* in the final Convention of 1948 (see Capotorti 1979: 37). What remains, however, is a definition of linguistic genocide, which most states then in the UN were prepared to accept. Linguistic genocide is defined (in Art. 3, 1) as

"Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group".

This is what Sweden is doing: prohibiting the use of the Finnish language in daily intercourse and in schools. But why would anybody want to kill languages? I will discuss two reasons, one within a framework of linguicism, the other one within a framework of nationalism. Both are seen as regulating access to power and resources in the world (see Skutnabb-Kangas, in press, for a more detailed presentation).

LINGUICIDE AND DISTRIBUTION OF POWER & RESOURCES ON THE BASIS OF LANGUAGE

Just as colonialism has been superseded by more sophisticated forms of exploitation, crude biologically argued racism (Miles 1989) has, as official state ideology, largely been superseded by ethnicism (Mullard 1988) and linguicism (Skutnabb-Kangas 1988). Instead of superior "races", certain ethnic groups (or cultures) and languages are now presented as fitter to rule and expand. Others are expected to adopt these cultures and learn the languages for the sake of "modernisation", "development", "democracy" and the technology and values associated with dominant market forces, and to do it at the expense of developing their own languages and cultures, not in addition to them.

LINGUICISM, an analogous concept to *racism*, *sexism*, *classism* etc (and coarticulating with these), has been defined as "ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language" (Skutnabb-Kangas 1988: 13). Linguicide is the extreme end result of linguicism at a group level.

Seen from the perspective of a conflict paradigm, the causes of linguicism (and thus also language death and linguicide) have to be analyzed from both structural and ideological angles, covering the struggle for structural

power and material resources, and the legitimation, effectuation and reproduction of the resulting unequal division of power and resources between groups, based on language. The agents of linguisticism can also be structural or ideological. Examples of structural agents would be the state, e.g. Turkey vis-a-vis Kurds; an institution, e.g. schools or day care centres; laws and regulations, e.g. those covering linguistic rights or the position of different languages on time-tables in schools; or budgets, e.g. for teacher training or materials in certain languages). Examples of ideological agents would be norms and values ascribed to different languages and their speakers.

There is thus nothing "natural" in language death. Languages cannot be treated in an anthropomorphic way, as organisms with a natural life-span. Language death has structural and ideological causes, which can be identified and analysed.

A great many of the world's languages have been eliminated in recent centuries as a (direct or indirect) result of European settlement and colonisation. The remaining ones have, through linguistic processes, been hierarchized so that speakers of some languages and varieties have more power and material resources than their numbers would justify, simply because of being speakers of those languages and varieties.

But the hierarchization of groups and the control of access to structural power and material resources has changed form. Where colonisers earlier colonised land, water and natural resources (colonialism proper) or the bodies of the dominated (slavery), the focus is now on the colonisation of the mind, via the consciousness industry (education, mass media, religion, etc.). Understanding the language of the coloniser is a prerequisite for this type of control of the mind (and this is, of course, also the main reason for insisting that immigrant minorities learn majority languages, or the core English countries "helping" periphery English countries in teaching English). Where control was earlier accomplished through physically punitive means, physical violence, the focus is today more on psychologically punitive means (shame), remunerative means (bargaining for benefits and rewards) and ideological means (making the victims feel guilty if they do not obey, and persuading them to believe that it is in their best interest to do so, i.e. ruling them by their (partial) consent). Minorities are made to shift from their own languages to majority languages and cultures through this colonisation of their minds, by making the resources they have seem invisible or handicaps, by depriving their resources value on the linguistic and cultural market.

Resources can be material (capital, weapons, books, houses, cars) or non-material (language, cultures, experience, education, knowledge, time). Structural power one has by virtue of one's position (Galtung 1980). Both structural power and material resource power are unequally distributed between different groups in the world. There is an "A team", which has more power and resources than their numbers justify ("white" (i.e. pig-pink), middle class urban males with a high degree of formal education from majority groups in industrialized countries), and a "B team" which has less power and fewer resources than their numbers would justify ("black", "brown", "yellow" and "red" working class or rural women, orate or with no or little formal education from underdeveloped countries, often from minority groups).

According to Galtung (or Bourdieu, e.g. 1992), structural power and resource power are convertible into each other. If one has material resources (e.g. money), one can buy immaterial resources (e.g. knowledge, a "good education", time), and with a good education one can get money (a high salary), i.e. one can convert one type of resource (money) to another type of resource (knowledge, time). A high structural position makes it possible to accumulate more resources, and resources give enough knowledge about societal power structures (and money for e.g. an election campaign) for a person to be able to get into positions of structural power.

In order to participate in the conversion process, a person needs a starting capital of either resources or structural power. Children acquire their starting capital - or lack of it - via their parents and it reflects the parents' position on the A and/or B teams. A child with A team parents with middle class jobs, time to spend with the child, a big house, many books, etc. accumulates already in childhood many resources: care, enough food, linguistic book-oriented stimuli, help with home work, knowledge about how sectors of society, important from a power perspective, function, acquaintance with "important" people, travel, etc. After school the parents and their friends are able to support the youth via their connections and knowledge in finding the first job, which gives a fair salary (material resources) and new knowledge (non-material resources). These resources can later be converted into a better job, with a higher salary and a possibility to acquire more knowledge and connections which then can be converted, etc etc. Whereas a child with working class parents inherits the parents' lack of material resources and structural power,

Skutnabb-Kangas

and can therefore not convert the non-material resources that she possesses, to other resources or to positions of structural power.

In order to analyse the strategies which keep the A team in power, it is necessary (in contrast to Galtung but in keeping with Bourdieu) to analyse resources as social constructions. The "worth" a painting is seen to have, or the opinion of how a person has to speak in order to get a high status job (see e.g. Sato 1991, in press, and Crandall 1992 on court cases on language) has very little to do with "objective" criteria. To call a piece of paper "money" or "a check" and to be able to convert it to a house or a car whereas other pieces of paper cannot be so converted is likewise a social construction.

In my view, one of the most important A team strategies, used in all -isms, including linguicism, is to socially construct the A team's own resources, especially their non-material resources, so that these are seen as The Resources and are thus validated as convertible. This is done by glorifying the A team resources (see below). At the same time, the B team resources, especially the non-material resources, the linguistic and cultural capital embodied in the languages and cultures of the dominated, are being invalidated through the stigmatization process. They are socially constructed by the dominant groups as invisible or treated as handicaps rather than resources, as something to get rid of rather than to cherish. They are socially constructed as non-resources, as opposed to the languages and cultures of the dominant groups, which are through glorification constructed as valuable resources, to be learned by others.

Since only those non-material resources which are seen as valid and valuable, can be converted to material resources and to positions of structural power, the stigmatization of minority languages and cultures as non-resources leaves minority children without a starting capital at the outset. The only resources that their parents could give them (their languages, cultures, norms, traditions, etc), are invalidated, and the children are told by the educational system (where their non-material resources are invisible) to get rid of them because they prevent the children from acquiring majority resources. Under this false belief, many children abandon their languages, cultures, identities etc - but the educational system with its submersion programmes for minorities does not give them full access to majority resources either. This prevents minorities from getting access to their fair share of material resources and structural power, at the same time as it prevents them from constructing counterhegemonies, both structurally (through lack of resources) and ideologically (through the colonisation of their minds so that many of them are led to believe the false rationalisation claiming that the unequal division of power and resources is due to deficiencies in the dominated group itself, its linguistic and cultural characteristics, norms, traditions, etc).

LINGUICIDE AND THE NATION STATE

Linguicide is a logical expression of a belief in a monolingual nation state ("one nation - one language" seen as normal, desirable and inevitable). A common language for the state was a principle of the French Revolution, for reasons presented mainly under an instrumental guise, and Herder-inspired German romanticism, for more primordial reasons. Whenever definitions of STATE, NATION, or NATION-STATE specify anything about communication between the people belonging to the entity in question, they refer to a (common, unifying, developed, official) LANGUAGE for the entity. In order to form a nation or a state you have to have a language. Having a (national) language thus becomes symbolic of a nation and a state (and even a people), in much the same way as a national flag, a national anthem, etc. Every state "needs" a (highly developed) language which can function as its official language (regardless of whether this is formalized in its constitution or not). If it does not "have" one which is "developed" enough, it may borrow one from a "developed" state, often the old colonial power. This is also often done if there are several candidates, the implication being that a state only has one official language (or two or, at the most, three - see Pattanayak's critique of this Western idea, 1986). The other languages, which by implication are not "developed" enough, may then be ignored (let to die) or their existence denied altogether.

There are, according to current estimates, approximately 7,000 languages in the world, whereas the number of states is less than 250. If one was to believe in the myth of the nation-state as the most developed form of social organisation, and if the principle of self-determination were to be applied fully, so that every language group (every "nation") was to have its own nation-state, the present states would disintegrate into around 7,000 states. One way of avoiding the "threat" of disintegration has been to redefine and restrict the concept of self-determination as presently Skutnabb-Kangas

understood in international law. Another is to reduce the number of potential nations. This includes preventing groups from acquiring or maintaining their own languages, one of the central prerequisites "needed" for nation-building. Language and culture are central for the reproduction of any minority group as a distinct group (a people, a "nation"). If the group is allowed to reproduce itself as a distinct group, this poses a serious threat to the state. Since the "natural" development would be for every "nation" to have its own nation-state with its own language, the existence of unassimilated minority groups, of several "nations" within The Nation is seen, within a nation-state ideology, as leading in a "natural" way to fragmentation: a complete or partial disintegration of the nation-state, with the formation of several new nation-states or some kind of a federal structure as a result. Since a nation-state is "indivisible" (e.g. in the Constitution of the Republic of Turkey, 1982, Article 3 - see Note 4), this cannot be allowed.

Reducing the number of languages and thus potential nation-states is being attempted in a variety of ways, of which physical genocide is the most dramatic one. This was one of the routes chosen by Europeans in Australia and the Americas. It has resulted in the permanent loss of hundreds of languages. Even though the prevention and punishment of physical genocide is regulated by a UN Convention, physical genocide is nevertheless still attempted in relation to some groups in Latin America and Asia.

Committing linguistic genocide, killing a language without killing its speakers (as in physical genocide), is another way of reducing the number of potential nations. This is the means used by educational systems of many countries, including Sweden.

FORCING TO SHIFT: MAKING MINORITY LANGUAGES INTO HANDICAPS, OR MAKING THEM INVISIBLE

An analysis of linguicide also involves an ethical dimension. Whether humanity has a moral obligation to prevent linguicide (my view), or whether this would be interference in an inevitable process in which only the fittest survive (the liberal view, discussed above) has been debated at several levels, some partly inspired by primordial romanticism, some by functionalist/instrumentalist "modernism". An attachment to one's language or mother tongue as a central cultural core value seems, like ethnicity, to draw on primordial, ascribed sources but to be shaped and actualised by (achieved) economic/political concerns (Fishman 1989, Smolicz 1979).

This also means that language shift can be seen as "voluntary" at an individual level: a result of (a belief in) more benefits accruing to the individual who agrees to shift than to someone who maintains her mother tongue. But this belief also rests on a prerequisite belief of a subtractive learning of the majority language being the only possibility: a high level learning of L2 (a second/foreign language) has been presented as necessitating the unlearning of the mother tongue, L2 replacing L1 rather than being learnt in addition to L1.

A prerequisite for success in persuading individuals to replace their mother tongue by another language is the invalidation of their own languages and cultures. It is achieved through the ideological colonisation which presents minority languages and cultures as handicaps, or makes them invisible. Invalidating minority languages typically involves a pattern of stigmatization of dominated languages (mere "dialects", "vernaculars" or "patois", or as insignificant, not useful, etc.), glorification of the dominant languages, and rationalization of the relationship between the languages and their speakers, always showing the dominant group as a benefactor and the dominant one as the one to gain from language shift.

The dominant majority languages were therefore projected as "the language of God" (Sanskrit, Arabic in the Islamic world, Dutch in South Africa), "the language of reason, logic and human rights" (French both before and more generally after the French Revolution), "the language of the superior ethno-national group" (German in Nazi ideology), "the language of progress, modernity, and national unity" (English in much post-colonial discourse) or simply as the language of wider currency in the country concerned (most majority languages for immigrants). As other (minority, dominated) languages are explicitly or implicitly (presented as) deprived of such qualities and functions, it is "logical" that speakers of stigmatized languages can only benefit from using the "superior" languages.

Languages can also be made invisible qua languages, by labelling them dialects, vernaculars or patois. None of the definitions of a nation-state or state (see above) use DIALECT, VERNACULAR or PATOIS in their definitions, the implication being that speakers who form a dialect, vernacular or patois community do not and cannot form a nation or a state or a nation-state. It is thus possible to hierarchize different groups which might want to form a nation and therefore eventually a nation-state, through labelling them so that only some groups are seen as possessing the necessary prerequisite, a language, whereas others are labelled as not possessing a language, but only a way of communicating, an idiom, which is not a language. This idiom can then be called something else, in order to differentiate it from a language. Dialects (or vernaculars or patois) are not seen as developed enough to fulfil all the official functions of a nation or a state. The same linguistic policy which deprives them of recognition also deprives them of resources for building on their potential. In some states, some idioms may also be invisibilized by being designated national (as opposed to official) languages, thus confining them to the type of emotional role envisaged by liberal ideologists in the late 1800s.

The hierarchization, the creation of Us and Them, Self and Other, typical of most negative -ismic discourses, can be seen in how a language is defined, as opposed to how a dialect, a vernacular or a patois is defined, and how minority language speakers are labelled, as opposed to majority language speakers. Languages are defined positively or neutrally, as the general, abstract, unspoken norm, whereas dialects, vernaculars and patois are defined partly negatively, with connotations of some kind of deficiency, commonness, lack of cultivation and civilisation, partly as undeveloped or underdeveloped forms of communication, something to be got rid of, to be subsumed under languages (see e.g. the definitions of these in The Random House Dictionary of the English Language, Second Edition, Unabridged, 1987, New York: Random House, pp. 546-547, 1081, 1421 and 2114).

Just as the underdeveloped Other has tribes, we the developed Self have nations. The Other has chiefs, Self has presidents or kings. The Other has primitive rituals, Self has civilized ceremonies. The Other has medicine men (or sometimes even women), Self has doctors. When the Other comes to Our country, the Other's children become NEP- or LEP-children (No English Proficiency or Limited English Proficiency) or LOTEs (Languages Other Than English) or NESBs (Non-English Speaking Background), i.e. they are defined with Self (=majority language speakers) as the norm, negatively, in terms of what they are not, do not know or do not represent, whereas Self is taken as the self-evident norm. What the Others are, know and represent, is made invisible, negated, or reconstructed as a non-resource, a handicap, stigmatized as of less value. We, Self, speak languages, they, the Other, speak only dialects, vernaculars or patois.

THE STRUGGLE FOR LINGUISTIC RIGHTS IN EDUCATION

There is widespread evidence of linguistic genocide in education. Minority children have been subjected to corporal punishment for the "crime" of trying to use their mother tongue "in daily intercourse or in schools", for instance with the Celtic languages in Britain or France or Sámi or Finnish in Scandinavia. The same system was used in the Europeanised countries of the Americas and Australasia, and in colonial Africa. It has also often been the experience of immigrant children (for examples of all of these, see Skutnabb-Kangas & Phillipson 1989). This practice still continues for some groups, for instance Kurds in Turkey (see Skutnabb-Kangas & Bucak, in press).

By contrast, linguistic genocide in the educational systems is today mostly committed in more covert and sophisticated ways. Here the use of a minority language is prohibited more indirectly, by ideological and structural means. The use of a minority language is in fact prohibited "in daily intercourse or in schools" every time there are minority children in day care centres and schools, but no bilingual teachers who are authorized to use the languages of the minority children as the media of teaching and child care most of the time. This is the situation for most immigrant and refugee minority children in all Western European countries and in the US, Canada and Australia, and in Sweden. Immigrant minority education in these countries is thus guilty of linguistic genocide, as defined by the UN. (So is the education that most indigenous first nations have had and that many of them still have; see, for instance, on Latin America, Hamel in press).

Covert linguistic genocide (e.g. of the type that most Western states use in their educational systems) appears to be extremely effective, as compared with the overt version (as in Turkey). Within 2-4 generations, there are fewer speakers of most minority languages in these countries than in more openly linguistic countries. Kurds still speak Kurdish and Skutnabb-Kangas

resist linguistic oppression, whereas many former Spanish-speakers in the USA and many Finnish-speakers in Sweden have assimilated. It is often more difficult to struggle against covert violence, against the colonization of the mind, where short-term "benefits" may obscure longer-term losses.

Still, linguistic oppression and linguicism are being successfully resisted in many ways. Many national minorities are involved in counteracting linguistic oppression and demanding linguistic rights (for Europe, see Contact Bulletin of the European Bureau for Lesser Used Languages). Linguistic revitalisation movements among the Māori (Kāretu, in press), the Sámi (Magga, in press), the Cree, the Inuit and other indigenous peoples may benefit from the UN Universal Declaration on Indigenous Rights (see below). But immigrant and refugee minorities are less well placed, with fewer legal rights. I will mention a few of the legal instruments where we might find linguistic rights.

Obtaining substantial support from the human rights system and international law presupposes enforceable, codified linguistic rights which are both individual and collective. In principle, human rights should apply to everyone, without discrimination on grounds of, e.g., language. Most human rights are individual. There are as yet no binding international covenants specifically on linguistic rights. Most language-related rights are to be found in articles on minority rights, and these have so far also been individual. Collective minority rights are essential tools through which minorities can get access to those rights which majorities are granted through individual rights.

Article 27 of the UN Covenant on Civil and Political Rights (1966, in force since 1976) grants the best binding minority language protection so far:

"In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

This article has been one of the most important for the protection of linguistic minorities, as both Capotorti (1979, the UN Special Rapporteur on minorities) and more recent UN reports confirm. Both the UN Conventions on the Rights of the Child (1959 and 1989), and several Council of Europe and CSCE documents have used approximately the same formulation. Still, rights are only granted to individuals, not collectivities. And "persons belonging to ... minorities" only have these rights **in states which accept that the minorities exist.**

To assess the degree of linguistic rights in covenants, especially educational rights, we (e.g. Skutnabb-Kangas & Phillipson, in press) have developed a grid with two dimensions, the degree of overtness (from overt to covert) and the degree of support for minority languages (prohibition - toleration - non-discrimination prescription - permission - promotion). In our assessment, no legally binding clauses in any international covenants (including Art. 27 above) go beyond semi-overt non-discrimination prescription. What is needed for minority languages to be maintained over several generations in countries where obligatory education is enforced is overt promotion of these languages ("partial support of specific language functions" or "adoption as an official language" in Cobarrubias' taxonomy above).

There have been numerous suggestions for including binding language-related rights (i.e. not only recommendations, like, for instance, CSCE-process documents) in international human rights instruments. Thus far, this has not succeeded. It seems that it is often the same states objecting to international or regional instruments for protecting minority languages. The victorious states in the First World War who imposed clauses on language-related minority rights on the losers in the Peace Treaties, did not grant the same rights to minorities in their own countries, and voted down proposed internationally binding rights (Capotorti 1979: 16-26). The same countries vetoed Article 3 on linguistic genocide (see above) after the Second World War. Greece, Turkey and the United States, for instance, have not signed the UN Covenant on Civil and Political Rights (Art. 27 of which we have quoted). Germany, and the United Kingdom have not ratified its Optional Protocol. At the CSCE Copenhagen meeting on the Human Dimension (June 1990), France, Greece and Turkey did not go along with some far-reaching formulations for the benefit of minorities. When the Council of Europe's European Charter for Regional or Minority Languages was accepted (June 1992), France, Turkey and United Kingdom abstained, Greece voted against (Contact Bulletin 9:2, 1992, 1).

Among the bodies currently codifying language rights for minorities are the Council of Europe, the European Parliament, the CSCE, the UN and UNESCO. The European Charter for Regional or Minority Languages has great Skutnabb-Kangas

symbolic value, but explicitly excludes migrant languages. In addition, the countries signing it can decide which minorities they want to apply it to, i.e. even if they accept that a group in their country is a minority, they do not necessarily need to extend the rights to this group. The European Parliament's Directive on the education of the children of migrant workers (77/466/EEC of 25.7.77) is fraught with difficulties of interpretation and implementation, as the Parliament's own Report drawn up on behalf of the Committee of Inquiry into RACISM and XENOPHOBIA indicates (A3-195/90, PE 141.205/FIN, 111). The Council of Europe's European Commission for Democracy through Law, has drafted a Proposal for a European Convention for the Protection of Minorities (CDL 91 - 7), which could also apply to those migrants who have changed citizenship (see below), but it includes very little on language rights. The Conference on Security and Cooperation in Europe (CSCE) states unambiguously in its Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990) that national minorities should have the right to maintain their ethnic, cultural, linguistic or religious identity, the right to seek voluntary and public assistance to do so in educational institutions, and should not be subjected to assimilation against their will (CSCE 1990a: 40), but has so far not agreed on any binding conventions. A CSCE High Commissioner on Minorities was appointed in 1992. The UN Draft Universal Declaration on Indigenous Rights would give indigenous peoples "The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct and control their own educational systems and institutions." (Art. 10, E/CN.4/Sub.2/1988/25). It is in striking contrast to the UN Convention on Migrant Workers and Their Families, which accords minimal rights to the mother tongues and is assimilation-oriented (see Hasenau 1990). An international seminar under Unesco auspices in Recife, Brazil, in 1987, recommended "that steps be taken by the United Nations to adopt and implement a UNIVERSAL DECLARATION OF LINGUISTIC RIGHTS which would require a reformulation of national, regional, and international language policies." Follow-up gatherings were organised at Unesco in Paris in 1989, and Pécs, Hungary in August 1991. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the General Assembly in December 1992. It considers "that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live" (Preamble). This contests the popular but mistaken belief that the existence of minorities is divisive for nation states, as do several of the draft instruments in their preambles.

It is easy to see that it is necessary for immigrated minorities to become accepted as national ethnic minorities, if they want to use the human rights instruments in order to get educational linguistic rights - these simply do not exist for immigrants. Is it possible within the present legal system? How are minorities defined?

The definitions of both minority itself and different types of minorities (indigenous, national, regional, territorial, immigrant etc) are notoriously difficult (see e.g. Capotorti 1979, Andrysek 1989; see also UN:s Human Rights Fact Sheet No 18, Minority Rights, 1992: 8-10). Most definitions use numbers as a defining characteristics. Dominance is used in some but not others ("in an inferior and non-dominant position", Andrysek 1989: 60; "in a non-dominant position", Capotorti 1979: 96). The group has to possess ethnic or religious or linguistic traits, features or characteristics or cultural bonds and ties which are (markedly) different from those of the rest of the population, according to most definitions. A will/wish (if only implicit) to safeguard or preserve or strengthen the patterns of life and behavior or culture or traditions or religion or language of the group is specifically mentioned in most definitions (e.g. Capotorti 1979: 96). Language is included in some but not all of them (e.g. not in Andrysek's definition 1989: 60).

Most definitions in charters and covenants require NATIONALITY in the state concerned as part of the definition, i.e. minorities are defined so as to give national or regional minorities more rights than to immigrants and refugees (who, by definition, are considered non-national and non-regional). In contrast, academic definitions for research purposes often make no mention of nationality as a criterion (cf. Riggs 1985: 155, 102).

ARE SWEDEN FINNS A NATIONAL ETHNIC MINORITY, WITH LANGUAGE RIGHTS?

Finally, back to Sweden Finns. Are, then, Sweden Finns, a national ethnic minority or not? If an individual claims that she belongs to a national minority, or a group claims that they are a national minority, but the State claims that there are no national minorities in that State (e.g. Kurds in Turkey or Finns in Sweden), there is a conflict. The State Skutnabb-Kangas

may refuse to grant a minority person/group rights which it has accorded to granting to national minorities. In many definitions of minority, minority rights thus become conditional on the acceptance by the State of the existence of a minority in the first place, i.e. only exo-definitions (definitions by outsiders, not by the individual/group concerned) of minorities are accepted. Sweden Finns would thus not be a national ethnic minority, if Sweden is reluctant to accept them as one.

The most elaborate definition of minorities so far in legal multilateral instruments is the one used by Council of Europe Commission for Democracy through Law (see above), in their Proposal for A European Convention for the Protection of Minorities (91) 7, Art. 2:

"A group which is smaller in number than the rest of the population of a State, whose members, who are nationals of that State, have ethnical, religious or linguistic features different from those of the rest of the population, and are guided, if only implicitly, by the will to safeguard their culture, traditions, religion or language.

Any group coming within the terms of this definition shall be treated as an ethnic, religious or linguistic minority.

To belong to a national minority shall be a matter of individual choice and no disadvantage may arise from the exercise of such choice."

According to this definition, minority status does NOT depend on the acceptance of the State, but is either "objectively" ("coming within the terms of this definition") or subjectively ("a matter of individual choice") verifiable. Many of the definitions of indigenous minorities have this combination of "objective" characteristics and self-identification, an endo-definition (e.g. the definitions of Sámi for the purposes of voting rights to the Sámi Parliaments in Finland and Norway, see Magga, in press). The trend for numerically small groups in recent legal texts seems to be towards self-identification only (5).

Sweden Finns as a group fulfill all the other demands set in the first part of the definition except the nationality condition: many of them are Finnish nationals. But large numbers are also Swedish nationals, including all Tornedalen Finns. Almost 200,000 Finnish nationals have since 1950s become Swedish citizens, and all their children and grandchildren are also Swedish citizens. This group which is a majority of Sweden Finns (probably about two thirds), fulfills all the conditions, and should thus be "treated as an ethnic ... or linguistic minority." And when the minority exists, the rest of the group who are not Swedish citizens, can join, since "to belong to a national minority shall be a matter of individual choice".

Why, then, is it so difficult to negotiate the matter? In the last part of this article I will discuss some of the historical background of Swedish state-building in order to understanding the Swedish negotiation strategies used.

SWEDEN, A CONSENSUS-ORIENTED DEMOCRACY

Both Finland and Sweden are consensus-seeking societies in their general political decision-making, Sweden more so than Finland. Both can as states be seen as hybrids between east and west, historically and, to some extent, at present (at least up to a few years ago when the "westernization", one of the prerequisites for applying for membership in the European Union, rapidly started to increase). In Western Europe, the state developed within a system of a relatively free peasant population and a high degree of urbanisation which facilitated the emergence of an independent bourgeoisie, where Eastern Europe had serfs and a much lower degree of urbanization. Both Sweden and Finland had "free" peasants but a low degree of urbanization (Knudsen 1993: 7). The borderline between landed gentry, peasants and the early mine workers in the Swedish countryside was less sharp than in most other European countries, and the largest societal group, the peasants, were strongly involved in the state-building process. This is, according to many researchers, one of the reasons for the virtual overlap between the entire Swedish society and the state, and the high degree of loyalty and respect and the positive attitudes towards the state and its authorities that Swedes in general have (ibid., 8-9).

The peaceful continuity of the state (no wars in Sweden after 1809), the relative homogeneity of the population (no long-lasting social, ethnic or religious conflicts), and pragmatic reformism has led Sweden to a political process Skutnabb-Kangas

characterized by an active search for consensus, where the interests of large sectors of society and the state itself seemed (or rather were made to seem) to coincide. Consensus is being sought with the help of analysis of information, dialogue between experts from various bodies and authorities, representatives of different official and non-official organisations (ibid., 14-17). Since there until the early 1950s were relatively few and small groups which were not "integrated" in the system of these negotiations, a high degree of consensus was possible to reach. The methods developed for this often presuppose that solutions are agreed upon in advance, diplomatically, softly and negotiating behind closed doors (ibid., 16-19). Conflict avoidance is one of the most typical Swedish cultural traits (Daun 1984, 1989, Daun & Ehn 1988, Daun, Mattlar & Alanen 1989, Ehn & Arnstberg 1980, Knudsen 1993) and has been used extensively in Swedish diplomacy.

Since this type of consensual democracies presuppose more or less equal parties who negotiate a compromise, parties with a low degree of opposition to the basic rules for how consensus is reached, it may be difficult for groups who are less "integrated" into this delicate system of power balance, groups with a different understanding of how solutions are reached, to get a foothold and become, in the eyes of the Swedes, legitimate parties to negotiate with. If the other party is not seen as equal, it can be constructed as a helpless "other", who needs "help" and whom one then "grants" or "gives" this "help" (i.e. not rights) - the group is invalidated as a negotiation companion, constructed as handicapped, just in the same way as its language and culture are invalidated and made non-convertible. This is how immigrant minorities have been treated in the Swedish educational system: as deficient Others who need help and who do not possess convertible resources but only romanticized primordial relicts.

The other party can also be invalidated by constructing it as invisible in negotiations. Ingegerd Municio (in press) has studied how Swedish educational authorities treat Finnish parents and organisations when these try to negotiate about their children's education. The possibilities she discusses are to treat a group as a (legitimate) partner to discuss and negotiate with (the preferred Swedish model when seeking a solution with a Swedish party), to treat the other party as an adversary (something that Swedes normally try to avoid), or to treat the other party as a non-party whom one listens to, politely, agrees with in general terms, shows empathy towards - and ignores.

Municio shows that the Finnish parents in her study were often treated as a non-party: both they and the conflicts were ignored, and there was often a pretention that consensus had been reached or at least that a conflict did not exist. If Finnish parents or organisations in general, however, (dare to) question this, they are seen and treated as trouble-makers, who do not accept the tacit rules and who behave in an embarrassing, brutal and unacceptable way. They are not really treated as adversaries (which in some way would presuppose equality) but as misbehaved children who have to be softly socialised into civilised norms. Knudsen (1993: 19) talks about the "strongly paternalistic ("big-brotherly"), collectivistic overtones in the Swedish corporativism" and sees this as alien to the Danes too.

The Swedish Minister of Education, Per Unckel, in an interview given to the National Union of Sweden Finns Newspaper (1/1993), symbolises the problems discussed: "I do not support an official minority status for the Finnish language and Sweden Finns. But some sort of formal minority status is possible. It is to a large extent a legal question. The real question is what we can do in practice around this issue for the Finnish language and the Sweden Finns, and how we can develop their identity. At the same time I also want to emphasize, though, that multiculturalism also presupposes the learning of the Swedish language. It is not good if Sweden Finns in any way isolate themselves from society. Therefore, I am happy to know that the goal of Sweden Finns all the time has been bilingualism." (my translation and emphases)

What we can see here is

- positing the Swedish government and its Ministers as those who are the arbiters of whether or not Sweden Finns ARE a minority, i.e. a paternalistic self-glorifying attitude, without reference to international or European covenants, and without negotiation on an equal basis. If this is accepted, Sweden might grant "some sort of formal minority status" (just as other colonial powers "granted" to former colonies something that was theirs as a human right, namely their independence). The "some sort" of minority status will not be enough to qualify as a national minority to apply the European Charter for Regional or Minority Languages to. The linguistic human rights of Sweden Finns are thus constructed as something that the Swedes can grant or refuse at will.

- positing the Swedish government and its Ministers as those who help and support and do something for the Sweden Finns and even develop their identity. The "we" here is not an inclusive "we together", as can be seen from

Skutnabb-Kangas

"their identity". Sweden Finns are not seen as fit to do things themselves, or as equal partners, their identity has to be developed for them by the Swedes. They have to be reminded of the importance of the Swedish language (as if they did not know that!) and of what is good for them, and after the threat, Father is pleased and happy with the children. The glorification, stigmatisation and rationalisation (it is for your own benefit) are also clear here.

- the myth of the indivisible unity of the Swedish nation-state underlies the rationalisation about "isolation from society" not being good. "Society" is thus the Swedes (i.e. NOT the Swedes plus all the minorities), and Sweden Finns are not allowed to "isolate" themselves from this unity, otherwise they pose a threat to the nation-state.

Thus the same strategies which are used to make a minority's linguistic and cultural capital non-convertible, can be used to render their negotiation capital invalid. If linguistic human rights are to be negotiated, i.e. if they are not self-evident, then this is a problem. While the negotiations are drawn out, the linguicide in schools continue. In the end there may be few speakers of Finnish left, when they finally get the linguistic human rights which majorities take for granted for themselves.

Since language is the main differentiating factor between Swedes and Finns, the linguicide strategies which reflect the colonial legacy may be more sophisticated in their double-speak than those applied by more overtly linguisticist countries.

The nation-state is currently under pressure from globalization, transnational regionalization and local decentralization (democratic, root-seeking, environment-saving), and has probably outlived itself. States are by many researchers no longer seen as permanent constructions but negotiable. Linguicide as a strategy for preventing the disintegration of present day states should also become outmoded. Linguistic diversity at local levels is a necessary counterweight to the hegemony of a few "international" languages. "Preservation of the linguistic and cultural heritage of humankind" (one of Unesco's declared goals) presupposes preventing linguicide. This has been seen by some researchers and politicians as a nostalgic primordialist dream (creating employment for the world's linguists). The perpetuation of linguistic diversity can, however, be seen as a recognition that all individuals and groups have basic linguistic human rights, and as a necessity for the survival of the planet, in a similar way to biodiversity. Lack of rights is what leads to disintegration.

Notes:

1. The numbers are rapidly growing, though (e.g. residence permits granted for asylum applicant/refugees went up in Finland from 167 in 1987 to 2,321 in 1991 (as compared with Denmark, 1987: 4,193; 1991: 4,014, and Sweden, 1987: 14,042; 1991: 12,089).
2. Both countries have small indigenous Sámi populations, very small Roma and Jewish populations, speakers of sign language(s), and some other very small older minorities (Nyholm 1991, Svanberg & Runblom (red.) 1990).
3. The organisations were The National Union of Sweden Finns, The Sweden Finnish Teachers' Union, The Sweden Finnish Authors' Association, The Sweden Finnish Artists' Association, Finn-Kirja Publishing House and Axevalla Peoples' College.
4. Since 1991, when some of the laws prohibiting Kurdish were annulled, the Turkish government has attempted to persuade world opinion that the oppression of the Kurdish language has ended. Study of the Turkish constitution (1982) tells a different story - and the constitution is still valid. The language of Turkey is still Turkish. "The state of Turkey is in its state territory and state citizens an indivisible whole. Its language is Turkish." (Constitution, Article 3). Other formulations that prohibit the use of languages other than Turkish, are also still valid: "No language prohibited by law may be used for disclosure or publication of ideas and opinions. Written or printed materials, records, tapes, videotapes as well as other means of expression that are in violation of this prohibition will be confiscated..." (Constitution, Article 26/3). Both the constitution and the anti-terrorist law passed 12th April 1991, still prohibit Kurdish (for details of the laws mentioned, see Rumpf 1989 and Skutnabb-Kangas & Bucak, in press; see also Saado 1989).
5. Minority definitions can be compared to definitions of ethnic groups - see the discussions in Stavenhagen 1987, Skutnabb-Kangas 1987, 1990 and Riggs 1985.

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