

## **Afterword. Implications for Deaf Gain: Linguistic Human Rights for Deaf Citizens**

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307. In Bauman, H-Dirksen & Murray, Joseph J. (eds )(2014). *Deaf Gain. Raising the Stakes for Human Diversity. Foreword by Andrew Solomon. Afterword by Tove Skutnabb-Kangas*. Minneapolis: University of Minnesota Press, 492-502. <http://www.upress.umn.edu/book-division/books/deaf-gain?searchterm=Deaf+Gain>. ISBN 978-0-8166-9121-0 (hb); 978-0-8166-9122-7 (pb).

### *About this book*

Reading this revolutionary book, packed with new information that will change many people's lives and ways of thinking has been a major and wonderful learning and reflecting experience, as I am sure it will be for thousands of others. Most of us hearing people have been used to reading mainly about problematic aspects of being deaf, and the struggles the Deaf have waged, trying to get a voice and trying to get at least some basic rights. Then came articles and books where the Deaf were/are consciously trying to "find themselves", getting the right to define themselves and their needs, also in education, rather than being defined from the outside. The Deaf were "discovering" Deafhood and Deaf culture and starting to name them and getting rid of "handicap" and "victim" ideologies while at the same time using some of the few benefits that defining themselves ALSO as a "disabled" group may give. But this forward-looking book is the first one which has collected and consistently stayed with the positive gains that Deafness, sign languages, d/Deaf people and Deaf culture represent. Not "loss" (except in relation to those societal political issues which cause hearing people to believe in and act in audistic ways), but GAIN. And gain not only for the Deaf themselves (I will use the capital D from now on as a general term, except when d is warranted), but a gain for the whole of humanity.

In keeping with the gain for humanity is also the paradigm shift towards a position that is not only "routinely" talking about the value of "difference" and "diversity". This can be done in vague almost wishy-washy non-duty-inducing terms, found in many Prefaces of declarations, recommendations, charters, conventions, covenants. Some of us often call this Unescoese... In the paradigm shift that this book advocates, "normalcy" is questioned in much more intriguing and more theoretically AND empirically grounded ways than in most philosophical and cultural

writings. Likewise, some of the consequences of this questioning for all of us, deaf or hearing, are spelled out, and more are hinted at. The incredibly thorough and concise theoretical foundations, the solid empirical evidence and the really broad multi- and transdisciplinarity make the book absolutely unique. I don't think I have learned so much from one single book for many years, if ever.

### *Situating myself as the learner*

I felt humble and honoured when asked to write an Afterword about an area where I have been a frequent but pretty ignorant visitor for decades. First a few words about that. My first professional contact with Deaf people and Sign language (in this case Swedish Sign language) was when Inger Ahlgren asked me to come and talk to parents of deaf children about bilingualism (see my 1975 article which was one of the results). Some of the parents were d/Deaf themselves, and there was interpretation between spoken Swedish (one of my two mother tongues; the other one is Finnish) and Swedish Sign language. The discussions before, during and after the talk were a real eye opener. It started frequent contact with many Deaf people, groups, researchers and organisations in several countries, from Japan and India to Canada and the USA, from Australia and South Africa to the Nordic countries. Without them (and some signing but hearing friends) I would know nothing about deafness, and, especially, Deafness. They have shown endless patience and tolerance, decade after decade, in teaching this ignorant person, and gently correcting my many mistakes, prejudices and outright stupidities. Heartfelt thanks!

One summer I had decided to use double earplugs for a week or two, to get at least an inkling of what it feels like to be deaf, and how I would cope with other people, at home, in shops, banks, etc. I did not need to resort to earplugs – suddenly I lost my hearing completely for a few days and had exactly the experience I had wanted; later much of it came back. But now I am myself hard-of-hearing, and have used a hearing aid almost five years. Being hard-of-hearing has caused endless frustrations for me and my husband and, to a lesser extent, other family and friends. But it has also taught me a lot. It has also given me an opportunity to speak up. Many hard-of-hearing people say that they have wanted to say what I say, but they have not dared to do it; they don't dare to be as demanding as I am. Being an old professional woman, not afraid of speaking up, not easily embarrassed, I raise the issue at the beginning of every meeting and conference that I attend. I tell hearing people how they should speak if they want to make life easier for hard-of-hearing and even Deaf people. When I give a presentation at the conference (and this happens often), it

is obviously also in my audience's interest to speak so that I understand their questions and comments. I have also seen how difficult it is, even for very close friends who really want to do it and are trying hard, to change – they often forget in a minute or two. They mumble, look in other directions, have their hands in front of their mouths, don't speak up, expect me to hear when they have their back towards me, etc etc. – but I keep reminding them. All this is extremely well known to deaf people whereas most hearing people are completely unaware of these simple issues.

Back to some topics that this rich book has made me reflect on. Since you, the reader, have read the articles, and Dirksen's and Joseph's excellent and reflective Introduction, there seems to be little left for me to say. Therefore, I will discuss a few of the issues that I have worked with (see my home page [www.Tove-Skutnabb-Kangas.org](http://www.Tove-Skutnabb-Kangas.org) for some of the publications that I draw on here) but which the book does not cover. I will try to relate them to the Deaf, to sign languages, and, to some extent, this book and its unique message.

#### *The Deaf (and other signers) as frontrunners*

The Deaf people and their organisations, especially the World Federation of the Deaf (already with Jerker Andersson but especially Liisa Kauppinen and Markku Jokinen as Presidents) were among the first minority organisations in the world to start talking seriously about and demanding **Linguistic Human Rights** (hereafter LHRs), long before other linguistic minorities used the concept (see also my 1984). Paddy Ladd (see 2003, 2008), in addition to his path-breaking studies on Deafhood and Deaf culture, has also pointed out to me that a British Deaf organisation recognised very early the non-education of deaf children as a form of **linguistic and cultural genocide** (schools succeeding, in a few years, in submersion programmes (see below), in making perfectly normal children into “intellectual cabbages”, Ladd 2003). Likewise, both the Deaf themselves and many hearing signing people have made massive efforts to try to inform (other) hearing people about sign languages, about the hegemony of spoken languages and hearing people, and about strategies used in constructing the Deaf as disabled and unable to decide for themselves who they are and what they need. Jan Branson and Don Miller gave, for instance, a workshop at the 11<sup>th</sup> World Congress of Applied Linguistics in Jyväskylä, Finland, in 1996, called “What every applied linguist ought to know about Sign languages”. An eye-opener for many (see also their 1989, 1993, 2000, 2002).

### *Linguicism and audism*

In order to be able to demand Linguistic Human Rights (LHRs) and to plan for the positive measures that the new insights in this book must lead to, an analysis of the past and, unfortunately also present situation for most Deaf people in the world is necessary. I have named some of the issues in terms that may be provocative, but many Indigenous, Tribal, Minority and Minoritised (hereafter ITM) people recognise their own experience in them. Last week (May 2013) I spoke to a seminar of South Saami in Norway (an Indigenous people in two countries, numbering maximally around a thousand people). Those who had not heard or read me earlier said it was the first time in their life they heard somebody call a spade a spade – and, after a shock, they were delighted to recognise the concepts that they thought really described their own life-long experience and that of their often forcibly assimilated ancestors. It gave them self-confidence and encouraged their agency, they said.

First, in my view **audism** (see, e.g., references in Bauman 2004, 2008 ) is a type of linguicism. My old definition of **linguicism** (1988, 13) was 'ideologies, structures and practices which are used to legitimate, effectuate, regulate and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language'. In the case of Sign languages we are then talking about hierarchisation, reproduction of unequal power relationships, between spoken languages and signed languages, and between those people who use these two. Among both people who use spoken languages and those who use signed languages we can also distinguish subcategories. Those who (regardless of whether they are hearing or deaf) belong to a dominant population ethnically, socially, economically, in terms of how much formal education they have, gender- and age-wise, etc, have more power and resources than those who belong to dominated populations. Some of these distinctions have their own names for the –isms that discrimination on the basis of them represents: racism, ethnicism, classism, sexism, ageism. Linguicism, and thus also audism, are related concepts<sup>1</sup> In many cases, and certainly most if we think of deaf people worldwide, the deaf are situated in the economically, socially and politically lowest and worst-off parts of the population. Linguicism, and specifically linguicism/audism in education has effectively promoted their material and often also immaterial poverty, also through curtailing their capabilities in the non-education they have received, provided they have attended school at all.

### *Killer languages*

We also have to discuss **killer languages** (originally Anne Pakir's term from Singapore) in relation to linguisticism and audism. When "big" dominant languages are learned subtractively (at the cost of the mother tongues) rather than additively (in addition to mother tongues), they can become killer languages. "Being" a killer language is NOT a characteristic of a language. It is a question of how a language functions in relation to other languages. Any language can become a killer language in relation to some other language. Besides, "languages" do not kill each other. It is the power relations between the **speakers** of the languages that are the decisive factors behind the unequal relations between the languages which then cause people from dominated groups to learn other languages subtractively, at the cost of their own. Killer languages pose serious threats towards the linguistic diversity of the world. This linguistic and cultural diversity which is related both correlationally and causally to biodiversity (see [www.Terralingua.org](http://www.Terralingua.org)), and the relationship is one of the issues discussed in the Introduction of this book. There will be much more to say about it in the future.

English is today the world's most important killer language, but most dominant languages function as killer languages vis-à-vis smaller or less powerful languages. There is a nested hierarchy of languages, and glottophagy ("language cannibalism"). When speakers shift to another language, and their own language disappears, the incoming new language can thus function as a killer language. English may in some domains be functioning as a killer language even in relation to Danish, Finnish and other "big" Nordic languages ("big" here means that they are among the 150 languages with the largest number of speakers, of the world's almost 7,000 languages, see [www.ethnologue.org](http://www.ethnologue.org))

ALL oral languages can, through enforced oralism, function as killer languages, in relation to Sign languages. Official/national oral languages may be especially important killer languages vis-a-vis Sign languages. The American Sign Language may pose serious threats towards all other Sign languages, if it is learned subtractively. It may be the worst killer language among Sign languages. Thus it is really important that it is learned additively.

*Do language disappear "naturally"? Submersion education*

Many people think that languages that disappear, among them many small sign languages, do it "naturally" – they are deemed useless by their users, who shift, for instrumental reasons and because they (are made to) believe that it is useful for them to shift. Technical devices such as cochlear

implants may make all signed languages “unnecessary” within a few decades, some claim. But languages do NOT just disappear naturally. Languages do NOT “commit suicide”. In most cases, speakers/signers do NOT leave them voluntarily, for instrumental reasons, and for their own good. Languages are “killed off”. Most disappearing languages, including sign languages, are victims of linguistic genocide. One reason why we desperately need Linguistic Human Rights (LHRs) in education and elsewhere, and why maintenance of all the world’s languages is so vital, in addition to the reasons enumerated in the Introduction is that LHRs can counteract linguistic genocide, especially in education.

Today almost all Indigenous/tribal children and many linguistic minority children and children from other dominated minoritised groups are taught **subtractively**, in **submersion programmes** through the medium of a dominant language, which replaces their mother tongue. They learn the dominant language at the cost of the mother tongue. Very few of them are taught **additively**, in **mother-tongue-based multilingual programmes**, with good teaching of the dominant language as a second language, and other languages taught as foreign languages. This can make them high level bilingual or multilingual. There are Deaf children in all these groups (e.g. Deaf Native Americans, Deaf children in Africa from dominated groups. And all deaf people belong to a linguistic minority). Most Deaf children in the world are taught subtractively. Subtractive teaching replaces mother tongues, kills languages, and works for linguistic and other homogenisation, instead of supporting diversity. It prevents profound literacy. It prevents students from gaining the knowledge and skills that would correspond to their innate capacities and would be needed for socio-economic mobility and democratic participation.

According to Nobel Prize laureate Amartya Sen (e.g. Sen 1985), poverty is not only about economic conditions and growth; expansion of human capabilities is a more basic locus of poverty and more basic objective of development. Dominant-language medium education for ITM children, including Deaf children, often curtails the development of the children’s capabilities (Misra and Mohanty 2000a, b; Mohanty 2000; Mohanty and Skutnabb-Kangas, 2013). Thus it perpetuates poverty. Teaching ITM children through the medium of an alien dominant language can and in many cases does lead to negative results in terms of linguistic and cognitive competence, school achievement, self-confidence and identity development, and, later, access to the labour market and possibilities of democratic participation. Thus it may cause serious mental (and even physical) harm. It transfers or tries to transfer children to another linguistic group through enforced language shift. It also prevents access to education,

a human right that is granted in several human rights instruments (there are many examples in Skutnabb-Kangas and Dunbar 2010). Thus it can be genocidal, according to UN Genocide Convention's definitions of genocide.

*Linguistic genocide and crimes against humanity*

When people hear the term Genocide, most of them react negatively and completely emotionally and ask: Is the term not too strong? How can one use it about something that does not involve physical killing of groups? We have to define the term, in order for people to be able to decide whether the claim about genocidal education is true or not. The United Nations **International Convention on the Prevention and Punishment of the Crime of Genocide** (<http://www1.umn.edu/humanrts/instree/x1cppeg.htm>; E793, 1948) has five definitions of genocide. Only one of them is directly about physical killing, and two may indirectly lead to physical killing. But the remaining two fit today's ITM education:

Article II(e): *'forcibly transferring children of the group to another group'*; and

Article II(b): *'causing serious bodily **or mental** harm to members of the group'*; (emphasis added).

My claim is that oralism in Deaf education is genocidal according to these United Nations definitions of genocide. For oral minority students education through the medium of a dominant majority language leads to the students using the dominant language with their own children later on. Over a generation or two the children are linguistically and often in other ways too forcibly transferred to a dominant group; they are linguistically and culturally assimilated. Since there are no alternatives in formal education, namely schools or classes which teach mainly through the medium of the threatened Indigenous/tribal or minority languages, the transfer to the dominant language speaking group happens by force; it is not voluntary. For it to be voluntary, alternatives should exist, and parents would need to have enough reliable information about the long-term consequences of the various choices. This would also include information about the serious limitations of cochlear implants in situations where the advice from medical doctors and other health personnel is that deaf children should not be encouraged to learn a sign language – this advice is today official in Denmark. None of these conditions are usually fulfilled for ITM parents and children, i.e. the situations where children lose their first language, can often be characterised as genocide.

Since most Deaf children are born to hearing parents, their situation differs here from hearing children, though. Parents and children do not have the same mother tongue, and many of the Deaf children are in their turn going to have hearing children. In Table 1 (from Skutnabb-Kangas 2003) I have compared the forcible transfer that happens in education for two groups: oral Indigenous or minority children who are taught through the medium of a dominant or majority language, and Deaf children of hearing parents who are taught through oral methods, i.e. taught speechreading (earlier called lip-reading) and speaking in a dominant majority language, to the exclusion of a sign language. This is the predominant method in oralism which is still a dominant feature in the teaching of Deaf children in many if not most countries.

Table 1. Comparison between oral and Deaf minority children in relation to the UN genocide definition in Article II(e), 'forcibly transferring children of the group to another group'

Children are forcibly transferred	ORAL Indigenous or minority children in dominant/majority language medium submersion programmes (which exclude the minority languages)	DEAF minority children born to hearing parents in oralism-oriented dominant/majority language medium submersion programmes (which exclude sign languages)
FROM	the child's mother tongue (MT) by <b>origin</b> (=parents' MT)	the child's only possible MT by <b>competence</b> (= the language the child knows best; here: the only language that a Deaf child can express herself fully in)
TO	A dominant/majority (oral and written) language, which	
	Is NOT the parents' MT	IS the parents' MT
This leads to	forced assimilation	
and, without massive extra efforts outside formal education, to	risk of negative consequences for linguistic competence, school achievement, identity development, etc	grave risks in relation to cognitive and linguistic development, school achievement, identity development, etc

There is a wealth of research and statistics about the 'mental harm' that forced assimilation causes in education and otherwise (see, in addition to my 1984 and 2000, e.g., my (co)edited books from 2006 onwards). As most Deaf people would be prepared to witness, assimilationist submersion education where Deaf students are taught orally only and where sign



languages have no place in the curriculum, often causes mental harm, including serious prevention or delay of cognitive growth potential. Is this genocide? Yes, because

- *both groups, oral and Deaf minority children, are forcibly transferred to another language group, Article II(e)*
- *the subtractive education may cause serious **mental** harm to the children, Article II(b).*

For Deaf children the harm caused is obviously still much greater than for oral children. Why? Trying to force Deaf children to become oral only, to the exclusion of sign languages and preventing them from fully developing a sign language in formal education deprives them of the chance of learning through this education the only type of language through which they can fully express themselves. Since they do not share this mother tongue with their parents, they are completely dependent on formal education (in addition to peer groups where they learn everyday language) to really develop it to the highest possible level.

In both Dunbar & Skutnabb-Kangas 2008, Skutnabb-Kangas & Dunbar 2010 we conclude that when states persist in subtractive educational policies (as most states today do), implemented in the full knowledge of their devastating effects on ITM children, this can, *from an educational, linguistic, psychological and sociological point of view* be described as a form of linguistic and cultural genocide. However, to claim also legally that this education is genocide, some more court cases are needed to ascertain the precise interpretations of some concepts (e.g. “intent”) in the Genocide Convention’s definitions.

But there are several recent examples already where lawyers conclude that the “intent” need not be expressed directly and openly. No state declares: “we intend to harm children”. Instead, it can be deduced from the results, i.e. if the state organizes educational structures which are known to lead to negative results, this can be seen as “intent” in the sense of Art. 2. Ringelheim (2013: 104-105), for instance, discusses a landmark judgment where the European Court of Human Rights

makes clear that no intention to discriminate is required for the discrimination to exist: the sole fact that a measure has a disparate impact on a minority is sufficient to establish the existence of differential treatment – whatever the intent behind the policy. This opens the possibility of addressing structural or systemic forms of discrimination.

Since all forms of genocide can be seen as crimes against humanity, and oralism in formal education can be an instance of linguistic genocide, oralism in the formal education of Deaf children can also be seen as a crime against humanity, with a criminal responsibility. The most complete description of what constitute “crimes against humanity” is now set out in the *Rome Statute of the International Criminal Court* of 17 July, 1998 (the “ICC Statute”) (<http://untreaty.un.org/cod/icc/statute/romefra.htm>). Article 7, paragraph 1 of the ICC Statute defines “crime against humanity”. Two acts enumerated in its subparagraphs (g) and (k) are relevant here (see Cassese 2003: 738-54 and Cassese 2008 for the ICC, and Skutnabb-Kangas & Dunbar 2010 for a detailed discussion on their application to submersion education). In our view, it is possible to see the beginnings of an argument that certain forms of submersion education may, in some circumstances, constitute crimes against humanity.

### *Go to court!*

Thus most education systems worldwide for Indigenous/tribal peoples and minorities, including deaf children, reflect linguisticism, violate children’s right to education, and may represent (linguistic and cultural) genocide and crimes against humanity. This is something that Deaf organisations should try in court. This would be yet another way in which the Deaf could be frontrunners. Court decisions about all this might, in time, make it possible for more ITM children and their parents and organisations to start changing those (state-controlled) processes that have led to the suffering of many generations of ITM children. At the same time, claims for compensation for mother tongue loss should be raised in courts. Court cases about compensation (such as the Australian case<sup>ii</sup>) could be raised on grounds of not only loss of mother tongue and culture (as some First Nations people have done in Canada, partially successfully) but based on genocide and crimes against humanity. This could clarify concepts in international human rights law, for the benefit of not only Deaf but also other ITMs. At the same time, it might also start putting issues of normalcy into terms that could be used also legally, not “only” philosophically.

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Notes:

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<sup>i</sup> The only one where we do not have a label is discrimination on the basis of the amount of formal education that people have – classism does not cover all of it. Many Deaf people who have been fortunate enough to be able to be in contact with other signing Deaf people can be/are well-educated, despite never having attended school. School knowledge is just one type of knowledge and formal education is just one form of education. “Educationism”?

<sup>ii</sup> ”The Federal Court of Australia has found that the Queensland government discriminated against a 12-year old boy by not providing him with a sign language interpreter at school. The boy who, according to Deaf Children Australia, has the academic skills of a six-year old was awarded \$ 64,000 in compensation for future economic losses as a result of his inadequate education. The implications of this finding could prove to be a landmark decision for Deaf education in Australia as it establishes firmly deaf children’s right to an AUSLAN [Australian Sign Language] interpreter in school.” Source: *SIGN Matters*, June 2005.