

43b A long version of what became:

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## **Human rights and language wrongs - a future for diversity?<sup>i</sup>**

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### **Abstract**

Homogenization, standardization and centralization (including monolingualism or subtractive "world language" learning and McDonaldization) are often presented as necessary prerequisites for large single markets, efficiency and consumerism. Physical violence as a means of control, increasingly seen as unacceptable between states (but not yet within states), is in the process of being replaced by carrots and ideas (remuneration and persuasion). Hegemonic ideas, spread through the consciousness industry (education, mass media, religions) to manufacture consent, are mainly spread via language. A common language (preferably learned in a subtractive way) is (presented as) the most important prerequisite for ruling and control via ideas. Territorial integrity and political sovereignty of present states are often presented as being in conflict with the human rights principle of self-determination. Therefore, many states strive, through homogenizing forced assimilation, towards eradicating distinct groups which could demand self-determination. The article examines international law on human rights and shows that, despite fine declarations of intent to promote diversity, it reflects denial of linguistic human rights, especially in education.

### **Introduction: Language rights + human rights = linguistic human rights**

Throughout history people have struggled for language rights. This includes the era of the League of Nations, lawyers writing constitutions and the "World" War 1 Peace Treaties. But what language rights really might mean has not been clarified properly, and certainly not by language experts, including linguists.

"Human rights" is a much more thoroughly studied and clarified but still contested concept which has been at the centre of a field of both study and politics involving international organisations, international lawyers, courts, tribunals, research institutes, states, monitoring bodies of different kinds, and NGOs - but, again, so far, very few language experts. As language rights and human rights have been brought together as linguistic human rights only very recently, further scientific and political work is still needed in this new multidisciplinary field.

I have six main points to make in this article:

1. the most important linguistic human rights are still absent from human rights instruments;
2. language gets much poorer treatment in human rights instruments than other important human

attributes;

3. Western states have tried to prevent acceptance of linguistic human rights;
4. the role of language in the exercise of power and control is growing in several ways, which is partly why the resistance to granting linguistic human rights is so strong;
5. all enforceable rights must include a dutyholder and a beneficiary;
6. our duty and responsibility as researchers is to transcend intellectual knowledge and analysis and contemplation: become multiparadigmatic, enter the battlefield, take a moral responsibility.

## **Human rights and language wrongs**

The concept of rights has often been paired with at least two other concepts, namely wrongs (as in 'rights and wrongs'), and **duties** (as in 'rights and (corresponding) duties'). I shall come back to duties at the end of the paper.

For the maintenance and development of languages, educational linguistic rights are absolutely vital. I would in fact not hesitate in calling educational language rights the most important linguistic human rights if we are interested in maintaining linguistic and cultural diversity on our planet.

Language rights in education are important because intergenerational transmission of languages is the most vital factor for their maintenance. If children do not get the opportunity to learn their parents' idiom<sup>ii</sup> fully and properly so that they become (at least) as proficient as the parents, the language is not going to survive. And language learning in this sense has to continue at least into young adulthood and, for many language functions and domains, throughout life. When more and more children get access to formal education, much of the more formal language learning which earlier happened in the community, must happen in schools.

In the title of this paper, I claim that what we have now is limited human rights and extensive language wrongs. Despite fine declarations of the intent to promote diversity, including linguistic diversity, binding international law on human rights still denies linguistic human rights, especially in education. This is not only in contrast to the spirit of the human rights instruments, but is also in contrast to how several other human attributes fare in human rights law. A special, negative treatment is given to language. In many international, regional and multilateral human rights instruments language is mentioned in the preamble and general clauses as one of the characteristics on the basis of which discrimination is forbidden, together with "race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status" (e.g. both Art. 2, Universal Declaration of Human Rights, and Art. 2.1, International Covenant on Civil and Political Rights).<sup>iii</sup> The four original basic characteristics cited in Art.13 of the United Nations Charter are "**race, sex, language, or religion**" with signatories committing themselves to promote

... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

This suggests that language has been seen as one of the most important characteristics of humans in terms of human rights issues in the key documents that have pioneered the post-1945 UN effort. But when we move in the human rights instruments from the lofty non-duty-inducing

phrases in the preambles to the real business, namely the binding clauses, and especially to the educational clauses, something strange happens. All or most of the non-linguistic human characteristics are still there and get positive rights accorded to them: the clauses and articles create obligations and contain demanding formulations, where the states are firm dutyholders and are obliged to ("shall") act in order to ensure the specified rights (i.e. positive rather than negative rights) and here modifications, opt-out clauses and sliding-scale alternatives are rare. Many of these non-linguistic characteristics are also treated in specific conventions which are often very detailed - this happens, for instance, in relation to the prevention of racism and sexism, while freedom of religion is specifically mentioned in multilateral treaties already in the nineteenth century.

However, in binding clauses, and especially in binding educational clauses, two things often happen. One is that language disappears completely. This happens, for instance, in the **Universal Declaration of Human Rights** (1948) where the paragraph on education (26) does not refer to language at all. Similarly, the **International Covenant on Economic, Social and Cultural Rights** (adopted in 1966 and in force since 1976), having mentioned language on a par with race, colour, sex, religion, etc. in its general article (2.2), omits any reference to language or linguistic groups in the educational Article 13, which does, however, explicitly refer to "racial, ethnic or religious groups" (see Skutnabb-Kangas, forthcoming, for additional analyses):

... education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups...

Secondly, when language-related rights are specified, the Article dealing with these rights, in contrast to the demanding formulations and the few opt-outs and alternatives in the articles dealing with other characteristics, is typically so weak and unsatisfactory that it is virtually meaningless. For example, in the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, adopted by the General Assembly in December 1992, most of the Articles use the obligating formulation "shall" and have few let-out modifications or alternatives - except where linguistic rights in education are concerned.

Compare, for example, the unconditional formulation in Article 1 with the education Article 4.3:

1.1. States *shall protect* the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and *shall encourage* conditions for the *promotion* of that identity.

1.2. States *shall* adopt **appropriate** legislative *and other* measures *to achieve those ends*.

4.3. States **should** take **appropriate** measures so that, **wherever possible**, persons belonging to minorities have **adequate** opportunities to learn their mother tongue **or** to have instruction in their mother tongue. (From The **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, adopted by the General Assembly in December 1992; my emphasis)

Clearly the formulation in Art. 4.3 raises many questions. What constitute "appropriate measures" or "adequate opportunities", and who is to decide what is "possible"? Does "instruction in their mother tongue" mean through the medium of the mother tongue or does it

only mean instruction in the mother tongue as a subject?

Similarly, in the **European Charter for Regional or Minority Languages** (22 June 1992), a state can choose which paragraphs or subparagraphs it wants to apply (only a minimum of 35 is required). Again, the formulations include a range of modifications including "as far as possible", "relevant", "appropriate", "where necessary", "pupils who so wish in a number considered sufficient", "if the number of users of a regional or minority language justifies it", as well as a number of alternatives, as in "to allow, encourage **or** provide teaching in **or** of the regional or minority language at all the appropriate stages of education" (my emphasis).

While the Charter demonstrates the unquestionably real problems of writing binding formulations which are sensitive to local conditions, just as in the UN Declaration above, its opt-outs and alternatives permit a reluctant state to meet the requirements in a minimalist way which it can legitimate by claiming that a provision was not "possible" or "appropriate", or that numbers were not "sufficient" or did not "justify" a provision, or that it "allowed" the minority to organise teaching of their language as a subject, at their own cost (see the analysis of the Charter in Skutnabb-Kangas & Phillipson 1994, 90-91).

A new Council of Europe **Framework Convention for the Protection of National Minorities** was adopted by the Committee of Ministers of the Council of Europe on 10 November 1994. We again find that the Article covering medium of education is much more heavily qualified than any other:

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, **if there is sufficient demand**, the parties shall **endeavour** to ensure, **as far as possible** and **within the framework of their education systems**, that persons belonging to those minorities have **adequate** opportunities for being taught in the minority language **or** for receiving instruction in this language. (Article 14.2; my emphasis).

Thus the situation is not improving despite new instruments in which language rights are mentioned, and even treated in detail.

Even where linguists have participated in drafting new or planned instruments, the results are far from perfect. The **Draft Universal Declaration of Linguistic Rights**, handed over to UNESCO in June 1996 is a vast document which has already gone through 12 drafts<sup>iv</sup>. Its 52 Articles are wide-ranging and specify many linguistic rights. Some of these Articles illustrate the drafting problems and indicate some of the future areas for research. The Declaration grants rights to three different entities: **individuals** (= 'everyone'), **language groups** and **language communities**. When the beneficiary is 'everyone' unconditionally, the rights are individual ("inalienable personal rights", Art. 3.1). When the beneficiary is the language group or community, the rights are collective. And when the beneficiary is a member of a linguistic group or community, the rights are in most cases individual but conditional. Even in this Declaration, it is clear already in Article 3.1 that educational language rights, in contrast to cultural rights, are not seen as inalienable:

This Declaration considers the following to be inalienable personal rights which may be exercised in any situation:

- the right to the use of one's language both in private and in public<sup>v</sup>;...
- the right to maintain and develop one's own culture;...

These individual rights (including the rest of Art. 3.1) are the only ones which apply to all without any conditions.

Collective rights in the Declaration apply to a (historical) language community (which includes both traditional national minorities<sup>vi</sup> and also all numerically small peoples, such as indigenous peoples, in addition to dominant linguistic majorities) or to a language group, which is

any group of persons sharing the same language which is established in the territorial space of another language community but which does not possess historical antecedents equivalent to those of that community. Examples of such groups are immigrants, refugees, deported persons and members of diasporas (Art. 1.5).

Communities have more rights in the Declaration than the other two categories. For communities, Article 8.2 says that

All language communities are entitled to have at their disposal whatever means are necessary to ensure the transmission and continuity of their language.

This could be interpreted to mean that all language communities are entitled to receive from the state the funds needed to organise mother tongue medium education from kindergarten to university. But when we read Article 8.2 alongside the other Articles in the same section, we see that it belongs to the category of pious preamble which everybody can applaud but which carries no legal obligations. No dutyholders are specified for granting the "means" mentioned in Article 8.2 above or the "equal rights" or "necessary steps" mentioned in Articles 10.1 and 10.3 below:

All language communities have equal rights (Art. 10.1).

All necessary steps must be taken in order to implement this principle of equality and to render it real and effective (Art. 10.3).

And when we come to the Articles dealing with education, the same piety prevails while no dutyholder is specified:

All language communities are entitled to have at their disposal all the human and material resources necessary to ensure that their language is present to the extent they desire at all levels of education within their territory: properly trained teachers, appropriate teaching methods, text books, finance, buildings and equipment, traditional and innovative technology. (Art. 25).

All language communities are entitled to an education which will enable their members to acquire a full command of their own language, including the different abilities relating to all the usual spheres of use, as well as the most extensive possible command of any other language they may wish to know (Art. 26).

The language and culture of all language communities must be the subject of study and research at university level (Art. 30).

In many ways these "rights" sound like a dream - and I am afraid that this is what they will

remain. They are at present completely unrealistic for anybody except, maybe, a few hundred of the world's language communities, most of them dominant linguistic majorities.

Groups have fewer rights than communities. Article 3.2 spells out collective rights for groups:

This Declaration considers that the collective rights of language groups **may** include... the right for their own language and culture to be taught (my emphasis).

For groups, collective rights to one's own language are thus not seen as inalienable. In addition, Article 3.2 says nothing about where the language should be taught (whether only in private schools, or after school, or in state-financed schools) and for how long. Again, no duty-holder is specified.

Only education in the language of the territory is a positive right for "everyone". There is no mention of bilingual or multilingual territories in the Declaration. Every territory seems to have only one "language specific to the territory", i.e. territories are seen as monolingual. This means that for those who speak a language other than the language of the territory, education in their own language is not a positive right. In addition, the Declaration grants members of language communities the right to "the most extensive possible command" of any **foreign** language in the world, whereas the rights granted to "everyone" include only the right to "oral and written knowledge" of one's **own** language. This is clear in a comparison of the formulations at the end of Article 26 on language communities with Article 29 which spells out the (negative) right of "everyone":

All language communities are entitled to an education which will enable their members to acquire a full command of their own language, including the different abilities relating to all the usual spheres of use, as well as **the most extensive possible command of any other language** they may wish to know (Art. 26 on rights of language communities).

1. Everyone is entitled to receive an education **in the language specific to the territory where s/he resides**.
2. This right does not exclude the right to acquire **oral and written knowledge of any language** which may be of use to him/her as an instrument of communication with other **language communities**. (Art. 29 on rights of "everyone", my emphases).

Besides, Art. 29.2 is formulated so as to suggest that "everyone's" own language can be learned only if it is a useful instrument when communicating with other language communities. This means that it could in principle be excluded if it is not known by any entity defined as a language community, or if it is not used as a **lingua franca** between people where some represent language communities. If it is 'only' known and/or used by language groups or by individuals representing "everybody" it can be excluded from any provision in Article 26.

It is likely that the lack of rights in the education section will force all those not defined as members of language communities to assimilate. This interpretation of indirect assimilation through education is strengthened when looking at the reservations in Articles which otherwise might grant "everyone" more language rights. According to Art. 23.4, "... everyone has the right to learn any language". "Any language" could also be interpreted as the mother tongue of those who otherwise are not granted positive mother tongue learning rights - except that this right prevails only "within the context of the foregoing principles" (Art. 23.4) which support only the

languages and self-expression of language communities, i.e. not the languages of "groups" or "everyone":

1. Education must help to foster the capacity for linguistic and cultural self-expression **of the language community of the territory where it is provided.**
2. Education must help to maintain and develop **the language spoken by the language community of the territory where it is provided.**
3. Education must always be at the service of linguistic and cultural diversity and of harmonious relations **between different language communities** throughout the world.
4. Within the context of the foregoing principles, everyone has the right to learn any language. (Article 23; my emphases).

The Declaration thus clearly gives language communities very extensive rights but leaves "everyone" with very few rights. This makes the Declaration vulnerable in several respects. As we know, there are many states which claim that they do not have minority language communities, and which do not want to grant these communities any language rights. Self-determination is not an unconditional right in international law, neither internally, in terms of autonomy of some kind, nor externally (see contributions to Clark & Williamson (eds.) 1996). This means that a Declaration which gives most of the rights to linguistic communities, without specifying firm dutyholders, makes these communities completely dependent on the acceptance of their existence by states, an acceptance that many states are not willing to grant. "Language groups" are in a still weaker position - these may by many states be seen as individuals only, not representatives of any "group". And those individuals who are not members of any language communities or groups even according to the fairly vague definitions of these entities in the Declaration are in the weakest position. It is for these reasons that the existence of firm individual rights is enormously important. But such rights are the weakest part of the Declaration.

The new Universal Declaration thus does not give any positive educational language rights to every individual, regardless of which category s/he belongs to - and this is exactly what individual human rights are supposed to do. An individual human right is, by definition, an unconditional, fundamental right which every individual in the world has simply because that individual is a human being. It is a right which no state is allowed to take away. But even if the Declaration suggests a monitoring body to be set up by the United Nations, and suggests sanctions against states that interfere with their citizens' rights, it is still at present only a draft recommendation that is in no way legally binding.

In addition, even the educational language rights for language communities are formulated in such a way that the whole Declaration runs the risk of being seen as full of pious, unrealistic wishes which cannot be taken seriously. For most African, Asian and Latin American countries, the rights in the Declaration are at present practically, economically and even politically impossible to realise, as was clearly expressed at the first UNESCO meeting where the Declaration was discussed. It therefore seems extremely unlikely that it will be accepted in its present form<sup>vii</sup>. Despite such reservations, it is the first attempt at formulating language rights at a universal level which has reached a level which enables serious international discussion to start.

## Some positive developments

There might be some hope, though, in two promising recent developments. The UN ICCPR (International Covenant on Civil and Political Rights; 1966, in force since 1976) Article 27 still grants the best legally binding protection to languages:

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.

In the customary reading of Art. 27, rights were only granted to individuals, not collectivities. And "persons belonging to ... minorities" only had these rights in states which accepted their existence. This has not helped immigrant minorities because they have not been seen as minorities in the legal sense by the states in which they live.

Until recently, the Article was interpreted as

- excluding (im)migrants (who have not been seen as minorities);
- excluding groups (even if they are citizens) which are not recognised as minorities by the State (in the same way as the European Charter does);
- conferring only some protection from discrimination ("negative rights") but not a positive right to maintain or even use one's language, and
- not imposing any obligations on the States.

More recently (6 April 1994), the UN Human Rights Committee adopted a General Comment on Article 27 which interprets it in a substantially more positive way than earlier. The Committee sees the Article as

- protecting all individuals on the State's territory or under its jurisdiction (i.e. also immigrants and refugees), irrespective of whether they belong to the minorities specified in the Article or not;
- stating that the existence of a minority does not depend on a decision by the State but requires to be established by objective criteria;
- recognizing the existence of a "right" (rather than only a non-discrimination prescription), and
- imposing positive obligations on the States.

What are the possible implications of the General Comment on the educational linguistic human rights of (im)migrant minorities? The answer is that we do not know yet. Neither does the Human Rights Committee (Eide 1995b). It remains to be seen to what extent this General Comment will influence the State parties. If the Committee's interpretation ("soft law") becomes the general norm, and if the Western European countries where migrant and refugee minorities live start observing this norm, the educational linguistic rights situation might improve.

The second positive development is the new educational guidelines issued by The Foundation on Inter-Ethnic Relations for the OSCE (= Organisation for Security and Cooperation in Europe) High Commissioner on National Minorities, Max van der Stoep, The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note (October 1996). These guidelines were worked out by a small group of experts on human rights and education (including the author of this paper). I shall quote some of the central Articles relating to the issues discussed above.

In the section "The spirit of international instruments" it is stated that

1) The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.

3) It should be borne in mind that the relevant international obligations and commitments constitute international minimum standards. It would be contrary to their spirit and intent to interpret these obligations and commitments in a restrictive manner.

In the section on "Minority education at primary and secondary levels", mother tongue medium education is recommended at all levels, including bilingual teachers in the dominant language as a second language (Articles 11-13). Teacher training is made a duty on the state (Art. 14):

11) The first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

12) Research also indicates that in primary school the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Towards the end of this period, a few practical or non-theoretical subjects should be taught through the medium of the State language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

13) In secondary school a substantial part of the curriculum should be taught through the medium of the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Throughout this period, the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child.

14) The maintenance of the primary and secondary levels of minority education depends a great deal on the availability of teachers trained in all disciplines in the mother tongue. Therefore, ensuing from the obligation to provide adequate opportunities for minority language education, States should provide adequate facilities for the appropriate training of teachers and should facilitate access to such training.

Finally, the Explanatory Note states that

Submersion-type approaches whereby the curriculum is taught exclusively through the medium of the State language and minority children are entirely integrated into classes with children of the majority are not in line with international standards (p. 5).

This means that the children that the Recommendations apply to might be granted some of the central educational linguistic human rights. The questions now are to what extent the OSCE countries will apply the Recommendations and how they will interpret the scope<sup>viii</sup>. The

Recommendations could in principle apply to all minorities, even the "everyone" with very few rights in the **Draft Universal Declaration on Linguistic Rights** discussed above.

At present, though, while we can hope that these two positive developments might have some effect, overall there is not much reason to be optimistic. My conclusion is that we have still to work for education through the medium of the mother tongue to be recognized as a human right. At present, we are still living with linguistic wrongs which are partly symptoms of what I have called the ideology of monolingual stupidity or monolingual reductionism. This ideology consists of several myths: believing that monolingualism at both individual and societal levels is normal, unavoidable, sufficient and desirable, and that the granting of linguistic and cultural human rights inevitably leads to the disintegration of present states (see Skutnabb-Kangas 1996a and 1996b for an elaboration). Unless we work fast, excising the cancer of monolingual reductionism may come too late, when the patient, the linguistic (and cultural) diversity in the world<sup>x</sup>, is already beyond saving. In order to get at this cancer, we have to analyse the source from which it has spread, and this is what I turn to next. My questions are: Have Western states supported linguistic human rights? If not, why not?

### **Have Western states supported linguistic human rights? Linguistic and cultural genocide**

Although Western states have been more responsible for the formulation of human rights instruments than other states, most of them have not seriously supported linguistic and cultural diversity and linguistic rights. On the contrary, following their earlier histories, in the twentieth century most have tried to prevent the acceptance of legally binding international conventions and charters on or incorporating linguistic rights. Many have developed educational systems which attempt linguistic and cultural genocide in relation to minorities and indigenous peoples (see Skutnabb-Kangas, forthcoming). There is, therefore, a deep gap between the Western "posture" policy and reality.

The most dramatic way of reducing the number of (potential) nations is genocide. Physical genocide has been and is attempted in relation to some groups despite a UN Convention (1948) outlawing **physical** genocide and stipulating the punishment of offenders.

Another way of reducing the number of possible nation-states is to commit **linguistic** genocide, (actively) 'to kill a language' (without killing its speakers as in physical genocide) or (through passivity) 'to let a language die'. These are the first two policies in Juan Cobarrubias's (1983) taxonomy of policies which a state can adopt towards minority languages, viz. 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. (Unsupported coexistence mostly also leads to minority languages dying). When the United Nations did preparatory work for what later became 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 (see Capotorti 1979). When the Convention was accepted, Article 3 covering linguistic and cultural genocide was vetoed by some states (the "great powers"), and it was thus not included in the final Convention of 1948. 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.

The use of a minority language can be prohibited overtly and directly, through laws, imprisonment, torture, killings and threats, as in Turkey today vis-a-vis the Kurds (Human Rights in Kurdistan 1989; Helsinki Watch Update 1990; Besikci 1990; "Silence is killing them" 1994, Skutnabb-Kangas & Bucak 1994 and references in it). The use of a minority language can also be prohibited covertly, more indirectly, via ideological and structural means, as in the educational systems of most European and North American countries.

Every time there are minority children in day-care centres and schools with no bilingual teachers authorized to use the languages of the children as the regular teaching and child care media, this is tantamount to prohibiting the use of minority languages "in daily intercourse or in schools".

This is the situation for most immigrant and refugee minority children in all Western European countries and in the US, Canada and Australia. Immigrant minority education in these countries is thus tantamount to 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 e.g. Hamel 1994; Jordan 1988, Fettes, in press).

Linguicism (see p. xx) is a major factor in determining whether speakers of particular languages are allowed to enjoy their linguistic human rights. Lack of these rights, for instance the absence of these languages from school time-tables, makes minority languages invisible. Alternatively, minority mother tongues are seen as non-resources, as handicaps which are believed to prevent minority children from acquiring the majority language (= the only valued linguistic resource), so that minority children should get rid of them in their own interest. At the same time, many minorities, especially minority children, are in fact prevented from fully acquiring majority resources, and especially majority languages, by disabling educational structures in which instruction is organised through the medium of the majority languages in ways which contradict most scientific evidence (see e.g. Corson 1992; Cummins 1984, 1989, 1994, 1996; Cummins & Danesi 1990; Cummins & Swain 1986; Genesee 1987; Hakuta 1986; Hernández-Chávez 1988, 1994; Ogoa 1994, Padilla et al 1991; Padilla & Benavides 1992; Pattanayak 1981; Ramirez et al 1991; Skutnabb-Kangas 1984, 1988, 1990, forthcoming).

A covert way of making languages disappear at the same time as the state retains its legitimacy in the eyes of (most of) its citizens and the international community seems thus to be for a state to observe (or to be seen as observing) several of the basic human rights for all its citizens, including minorities, but to deny minorities those human rights which are most central for reproducing a minority group as a distinctive group, namely linguistic and cultural human rights, and especially educational language rights. This has been the preferred strategy of most Western states. It can be seen in their opposition to any binding, promotion-oriented linguistic rights, especially in education, in international and European covenants.

It can also be seen in the fairly irrational and scientifically unsound opposition in Western states to any type of maintenance education for minorities, especially migrant minorities. The lack of linguistic and cultural rights has as its aim the assimilation of minorities and the consequent reduction of possible nation-builders. The opposite strategy, granting (some) linguistic and cultural human rights to minorities but denying them (many) economic and political rights seems to have been used in many of the former communist or socialist countries, or, for instance, to some extent in South Africa and earlier in Namibia (see e.g. Rannut 1994, Phillipson, Skutnabb-Kangas & Africa 1985). This has been thought to lead to a voluntary merging of languages and cultures, with first the elites from the minority groups and later others assimilating into the larger

community in order to gain access to more political power and material resources. Here also a reduction of possible nation-builders has been attempted.

The difference between the way in which such countries as Turkey and, for instance, Sweden, the US or Canada commit linguistic genocide lies in the more open and brutal means employed in Turkey (see Skutnabb-Kangas & Bucak 1994). A more covert and sophisticated means is employed in Sweden, the US and Canada (Skutnabb-Kangas 1991; see also Schierup 1992 and Ålund 1992 for critical accounts of Swedish multicultural policy). Covert linguistic genocide of the type that most Western states use in their educational systems appears to be extremely effective when compared with the overt version practised in Turkey). Within two to four generations, there are fewer speakers of most minority languages in these countries than in more openly linguicidal countries. Kurds still speak Kurdish and resist linguistic oppression, whereas many former Spanish-speakers in the USA and Finnish- and Sámi-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.

Monolingual reductionism/stupidity could then be characterized as an ideology which is used to rationalize the linguistic genocide (in education) committed by states which "see" the existence of (unassimilated) linguistic minorities as a threat leading to the potential disintegration of nation-states. The arguments used by U.S. English in suggesting laws and amendments to make English the official language in the United States, to the exclusion of other languages, typically play on this fear.

There have been numerous suggestions for including in international human rights instruments binding language-related rights rather than recommendations such as are found in, for instance, CSCE-process (CSCE, now OSCE, see above) documents. Thus far, this has not succeeded. It seems that the same states fairly consistently object to international or regional instruments for protecting minority languages. I shall mention just a few examples; many more could be enumerated (see de Varennes 1996). 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 participated in voting down Article 3 on linguistic genocide after the Second World War. Greece, Turkey and the United States, for instance, have not signed the UN Covenant on Civil and Political Rights (with Art. 27, still the best legally binding formulation for protecting linguistic rights). Germany, and the United Kingdom have not ratified its Optional Protocol which gives access to complaint procedures. Of the almost 120 States which have ratified ICCPR, the United States and Haiti are the only ones who have failed to ratify the UN Covenant on Economic, Social and Cultural Rights (Eide 1995a, 23), which contains some (admittedly not many) linguistic and educational rights. At the CSCE Copenhagen meeting on the Human Dimension (June 1990), Bulgaria, France, Greece, Rumania and Turkey "did not agree with some far-reaching formulations for the benefit of minorities" (Suppan & Heubergerová 1992, 68). 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).

Thus the United States, Britain, France, Greece and Turkey have often prevented, or tried to prevent, the granting of linguistic human rights. This has not prevented Britain, France and the United States from presenting themselves as protectors of human rights and minorities, and from criticizing other countries for their treatment of minorities.

The Western states have also created a myth of themselves as guardians of human rights in the

world, including the myth that they respect human rights themselves. In relation to educational linguistic rights, this is simply untrue - the West is responsible for most of the linguistic and cultural genocide in the world. But why? In my view, the denial of linguistic human rights, linguistic and cultural genocide and forced assimilation through education are being used by states for three main reasons, one essentially economic and two essentially political.

The economic reason has to do with homogenization. Homogenization, standardization and centralization which include monolingualism or subtractive "world language" learning (see below) and McDonaldization<sup>x</sup> (see Hamelink 1994, 1995, Phillipson, this volume) are often (probably) falsely presented as necessary prerequisites for large, single, "free" markets, efficiency and consumerism. Apart from the fact that diversification and decentralisation can be both economic and efficient, the greatest risk that our planet faces today is a market that "requires" ecologically untenable measures, or largeness, in production, agriculture, culture and communications, be these material (aircraft, tunnels, motorways, hypersupermarkets which replace more ecological smaller-scale production and movement/transport) or non-material (where one of a few world languages and cultures replaces linguistic and cultural diversity, exchange and translations).

The principle of the territorial integrity and political sovereignty of contemporary states is often presented as being in conflict with another human rights principle, that of self-determination, both of which are important principles in international law. The first political reason for the denial of linguistic human rights is to try to "resolve" this conflict. Minorities with educational linguistic rights, reproducing themselves as minorities, are seen as a threat to the present states because they are expected to demand first internal self-determination and then independent status, external self-determination. Therefore, many states strive, through homogenizing forced assimilation, towards eradicating distinct groups which could demand self-determination. By denying them linguistic human rights and by committing linguistic and cultural genocide in education and otherwise, the states seem to "hope" that there will eventually be no groups left to demand self-determination. The states will be homogenized as a result of the forced assimilation. The second political reason has to do with changing forms of power and control, and I shall mention three of them. The role of language in exerting power and control worldwide and in reproducing existing unequal power relations is rapidly growing. Language is a key dimension, along with class and gender, and partially replacing "race", in the complex processes of hierarchising groups in society and maintaining and reproducing patterns of dominance. Language is used increasingly, instead of or in addition to other means of control, in maintaining, legitimating, effectuating and reproducing an unequal division of both structural power and material resources between two groups, the A-team, the elites of the world, and the B-team, the dominated, the ordinary people. The haves and the have-nots are partly constructed with the help of language, so that the way we label, talk about and attribute characteristics to individuals and groups and thus construct them, legitimates this unequal division of power and resources. The first change in the role of language is in the change from biologically argued racisms towards culturally/ethnically argued racism (ethnicism) and linguistically argued racism (linguicism).<sup>xi</sup> The haves and have-nots are not only constructed through language. They are also partially constructed on the basis of their ethnic origins and culture (their cultural capital) and on the basis of what languages they know or do not know (their linguistic capital). These new -isms, culturally and ethnically argued racism - ethnicism, and linguistically argued racism - linguicism, are akin to and in the process of replacing traditional biologically argued racisms. People are no longer divided into those with more and those with less access to material resources and

structural power on the basis of their skin colour ("race") but on the basis of their ethnicity and culture<sup>xii</sup>, and on the basis of their language (their mother tongue, and their competence, or lack of competence, in official and/or "international" languages).

There is also a second change, from colonizing the land, water and natural resources of the dominated (as in colonialism proper) and from colonizing the body of the dominated (as in slavery, or, in Australia, anthropologists' desecration of Aboriginal graveyards, or, in the United States today, in the DNA-sample research from indigenous peoples<sup>xiii</sup>), towards colonizing their minds by means of the consciousness industry: education, mass media, religion, etc. The colonisation of the consciousness is done through language, through the ideological messages of the coloniser, as the distinguished Gikuyu writer Ngũgĩ wa Thiong'o so aptly observes about the role of education through the medium of the English language. Here he is talking about the meeting in Berlin in 1884, when Africa was divided between the European empires:

Berlin of 1884 was effected through the sword and the bullet. But the night of the sword and the bullet was followed by the morning of the chalk and the blackboard. The physical violence of the battlefield was followed by the psychological violence of the classroom. But where the former was visibly brutal, the latter was visibly gentle ... The bullet was the means of the physical subjugation. Language was the means of the spiritual subjugation. (Ngũgĩ, 1987, 9).

A similar colonisation play as in the scramble for Africa is in a way being re-enacted at the moment with the scramble for Eastern Europe, where market economy, democracy, human rights and the English language are marketed as The Panacea, especially by Britain and the United States (see Phillipson & Skutnabb-Kangas 1994). Representatives of organisations in these countries are also presenting the English language as a preferable and neutral medium for resolving conflicts, for instance between the Russians and the title nations in the Baltic countries - despite the fact that very few of them know English... (see Phillipson, this volume).

The third change works in the same direction. Physical violence as a means of control is increasingly seen in international rhetoric as officially unacceptable between states (but not yet within states - most of today's wars are, as we know, intra-state wars). Physical violence between, and to an increasing extent also within states, the big stick, is in the process of being replaced by carrots or ideas. Hegemonic ideas, spread through the consciousness industry to manufacture consent (see Herman & Chomsky 1988), are mainly spread via language (Table 1).

Table 1

**Exerting power: means, processes and sanctions: STICKS CARROTS IDEAS**

<b>TYPE</b>	<b>PUNITIVE</b>	<b>REMUNERATIVE</b>	<b>IDEOLOGICAL</b>
<b>MEANS</b>	sticks	carrots	ideas
<b>PROCESS</b>	(physical) force	bargaining	persuasion
<b>SANCTIONS</b>	negative external (punishment)  (shame)	positive external (rewards, benefits, cooptation)	internal (guilt, good or bad conscience)

(from Skutnabb-Kangas 1990, 16, mostly based on Galtung 1980)

There is thus a change from physically punitive means of control, or threat of it, towards psychologically punitive means (shame), remunerative means (benefits, rewards, cooption), and ideological means of control (colonizing the consciousness, of the dominated through the dominant group's ideas).

Ideas are mainly mediated through language. In order to enable the colonization of the mind, minorities have to learn the dominant official languages: proficiency in the dominant language in each state and/or in a few "international" languages, gives the "common language" which is the most important prerequisite for ruling and control via ideas. To enable global control through ideas, everybody has to learn (at least some) English. Star wars are a primitive and more expensive means of control, as compared to the consciousness industry. And if minorities learn the dominant language and ordinary people in underdeveloped countries learn English in a subtractive way, at the cost of their own languages, ideas of and the analysis needed for resistance to hegemonic control have more difficulty in being created and in reaching people. The message in this colonisation of consciousness does what it has always done: it makes invisible or invalidates the non-material resources of the dominated or to-be-dominated through the three-part process of glorification, stigmatization and rationalisation (Table 2):

Table 2

**Reproduction of unequal power relations through colonizing the consciousness: glorification, stigmatization and rationalisation**

- 1. GLORIFY the majority/dominant group**, its language, culture, norms, traditions, institutions, level of development, observance of human rights etc.
- 2. STIGMATIZE and devalue the minorities/subordinated groups**, their languages, cultures, norms, traditions, institutions, level of development, observance of human rights etc so that they are seen as traditional, backward, not able to adapt to a postmodern technological information society.
- 3. RATIONALIZE their relationship** economically, politically, psychologically, educationally, sociologically, linguistically, etc., so that what the dominant group/s do/es always seems functional, and beneficial to the minorities/subordinated groups (the majority is "helping", "giving aid", "civilizing", "modernizing", "teaching democracy", "granting rights", "protecting world peace", etc.

Through glorification, the non-material resources of the dominant groups, including the dominant languages and cultures, are presented as better adapted to meet the needs of "modern", technologically developed, democratic post-industrial information-driven societies. They tend to be projected as the languages of modernity, science and technology, success, national "unity", and other such positive features.

Through stigmatization, non-material resources of the dominated groups, including their languages and cultures, are presented as being traditional, backward, narrow and inferior; they are marginalized and deprived of resources for their development and use. In this way they are made invisible, or socially constructed as handicaps rather than resources.

Lastly, the relationship between the dominant and the dominated, the A-team and the B-team, is

rationalized so as to legitimate and reproduce unequal access to power and resources and present those with more access as "helping"<sup>xiv</sup> those with less.

A clear example of the arguments used to glorify a language, stigmatize others and rationalise the relationship in the contemporary world can be seen in the way English is being marketed (Phillipson 1992, this volume, Pennycook 1994, Tollefson 1991). English has been projected in the colonial and post-colonial world so effectively that it is seen as linked to favourable characteristics, whereas indigenous languages are stigmatized. In practice, language policies underdevelop indigenous languages and cultures, and the consequent linguistic and cultural underdevelopment parallels and supports the maintenance of economic and political underdevelopment. Culturally the hierarchisation of languages represents a tragic rejection of authentic local values and their substitution by values that are convenient for global incorporation externally and for social stratification internally. Instead of being multiply additive, the language policy in education has been subtractive, and learning the dominant language has been falsely presented as necessarily leading to the loss or the underdevelopment of the children's mother tongue. This fits the few to succeed and the many to fail.

Firstly, indigenous peoples and minority groups are, both structurally and through colonising their consciousness into believing in the ideology of monolingual reductionism, prevented from developing their languages as one of the most important bases for being and for reproducing themselves as distinct groups wanting to "freely determine their political status and freely pursue their economic, social and cultural development" (as self-determination is defined in the common Article 1 of the UN Covenants on Human Rights). Secondly, peoples are denied self-determination because it is claimed that they do not possess one of the prerequisites for nationhood, a language; they only speak a dialect or a vernacular. Thirdly, groups are invisibilised and invalidated with the help of the labels used about them. And fourthly, people are made to believe that both this and the unequal division of power and material resources in general is fair, through colonising their minds with the A-team's ideas, mediated through (the A team's) language.

Compared to physical colonisation, physical violence and biologically argued racism, these are a more sophisticated and a more vicious means of widening the gaps in the world, of turning the have-nots to never-to-haves, and of concealing the responsibility of the A-team for the increasingly fast progress it is making in destroying the planet. Many scholars foresee the killing (or, as many of them call it, death) of most of the world's close to 7000 oral languages within our children's lifetime (e.g., Krauss 1992) - and nobody has even made predictions of how many sign languages are doomed to extinction.

The rest of the world of course does not take this lying down - there is resistance and building of counterhegemonies everywhere, and in multiple forms. I shall limit myself to alternatives to the denial of linguistic human rights.

### **Granting linguistic human rights as satisfying the state's self-interest**

The absence of economic and social rights between the two "world" wars, and "widespread unemployment and poverty" led, according to Asbjørn Eide (1995a, 29-30) of the UN Human Rights Commission, to "political upheavals and the emergence of totalitarian regimes".

Recognizing this led, according to Eide, to a genuine interest in securing economic and social rights, not only for their own sake but also for the preservation of individual freedom and

democracy. Economic and social concerns are "equally important in the present time" (ibid.) and have therefore, predictably, received a lot of international attention.

Linguistic and cultural identity are at the core of the cultures of most ethnic groups (Smolicz 1979). When threatened, these identities can have a very strong potential to mobilize groups. Yet, as Eide points out, cultural rights have lacked importance and received little attention both in human rights theory and in practice, despite the fact that today "ethnic conflict" and "ethnic tension" are seen as the most important potential causes of unrest, conflict and violence in the world.

Just as the absence of economic and social rights in the period between the "world" wars promoted the emergence of totalitarian regimes, I claim that the absence or denial of linguistic and cultural rights are today effective ways of promoting this "ethnic" conflict and violence. This has been acknowledged by many researchers from several fields. For example, Jurek Smolicz (Australia) formulates the argument as follows:

... attempts to artificially suppress minority languages through policies of assimilation, devaluation, reduction to a state of illiteracy, expulsion or genocide are not only degrading of human dignity and morally unacceptable, but they are also an **invitation** to separatism and an **incitement** to fragmentation into mini-states. (Smolicz 1986, 96; my emphasis)

There are, therefore, strong reasons why states should support rather than try to eliminate linguistic and cultural diversity. The A-team should support linguistic rights out of self-interest, not only for human rights reasons. One of our duties as researchers is to show this to the elites of the world.

We must deconstruct several of the myths, including the myth that granting linguistic and cultural human rights to minorities leads to the disintegration of the state. The gulf between the good intentions expressed in preambles to human rights documents and the de facto dearth of LHRs in the West can be understood as symptomatic of the tension created by this myth. I see lack of linguistic rights as one of the potential causes of conflict but only in situations where groups lack linguistic rights and/or political/economic rights, and where at the same time political and/or economic power and material resources are unevenly distributed along linguistic and ethnic lines. Denial of linguistic human rights is an efficient way of promoting conflict, which, despite multiple causes, all too easily can take ethnically and linguistically defined or articulated forms.

An alternative to linguistic genocide is the granting of linguistic human rights. Granting linguistic and cultural human rights to minorities reduces the potential for "ethnic" conflict instead of creating it, prevents the disintegration of (some) states and may avoid anarchy in which the rights of even the elites will be severely curtailed by conditions that increasingly resemble civil war, especially in inner cities.

The nation-state is currently under pressure from globalization, transnational regionalization and local democratic, root-seeking, environment-saving decentralization, and has probably outlived itself. Many researchers no longer see states as permanent constructions but as negotiable entities. If states demand rights but refuse to deliver the corresponding goods and to do their duties to minorities, they in any case lose their legitimacy. Linguicide as a "strategy" for preventing the disintegration of present day states should become outmoded. Linguistic diversity at local levels is a necessary counterweight to the hegemony of a few "international" languages. When global control to an increasing degree happens by means of language rather than physical

violence (despite some of the signs of the opposite today), linguodiversity is a necessary prerequisite for democracy and informed participation. It is not only biodiversity which is a necessity for the planet. Access to both one's own and other languages is a necessary (but not sufficient) prerequisite for identity and analysis, for empowerment of the B-team and for counterhegemonies. Granting everyone linguistic human rights is a necessary (but not sufficient) prerequisite for this access.

## Challenges

Finally, I shall list a few conceptual challenges I think we have to work on. Firstly, we have to consider the status of "a language". Peter Mühlhäusler (1996) seriously questions some of our basic concepts in his work on sustainable language ecologies. Mühlhäusler claims that the existence of separate languages may be a Western myth and substantiates this with examples from the Pacific. He goes on to claim:

that successful communication depends on having a shared grammatical and lexical code is a Western assumption, not a fact.

This means that forcing people to accept shared grammatical rules or excluding certain words or ways of pronouncing, in general, standardizing language, does not necessarily make oral communication more successful - on the contrary, it can harm it. This may of course be different in the case of some written communication.

Now if Mühlhäusler is right in his claims about the doubtful existence of the very object we are discussing in linguistic human rights, namely "a language", what are the consequences for analysis and political action? Can we struggle for linguistic human rights and, as part of this struggle, demand linguistic human rights, if we cannot properly define what the very "languages" are that these rights should pertain to? Both Pennycook and Coulmas (this volume) express similar worries. The same conceptual clarification, including prerequisites for hierarchization, is of course needed in relation to the existence and access to regional and social varieties **within** languages.

Secondly, we might have a somewhat similar problem when discussing the concept of "mother tongue", as Lachman Khubchandani and others have pointed out. Western definitions, including my own, are an insufficient basis<sup>xv</sup> for discussing mother tongue related rights, as I have formulated them. This conceptual problem should also be seriously approached, especially by those researchers who, like myself, have grown up with more than one mother tongue. The questions have a lot to do with the relative eurocentricity (and Europe here includes Neo-Europes) of research and scientific concepts.

Thirdly, there is the question of rights and duties, of who is specified as beneficiary and who as dutyholder. All enforceable rights must include a dutyholder - they must specify whose duty it is to see to it that the rights are really granted. If a dutyholder is not specified in an international human rights instrument, rights are in most cases empty phrases. Likewise, the beneficiary has to be properly specified.

Possible beneficiaries and dutyholders are the individual (the preferred Western solution in human rights instruments in general), a collectivity (for instance an indigenous people or a minority group), the state, and humanity as a collective entity. The nightmare solutions make the

individual and the collectivity the dutyholders and the state the beneficiary. The typical liberal sophisticatedly assimilationist solution seen in many of today's international instruments makes humanity and the individual vague, conditional beneficiaries and the state a firm beneficiary, demanding loyalty, assimilation (termed integration) and L2-learning from minorities.

Correspondingly, it makes the state a vague, conditional dutyholder, and the individual and the collectivity firm dutyholders who have to deliver loyalty etc. to the state. My favoured solution makes all four both beneficiaries and dutyholders, in a firm and detailed way (see Table 3, Appendix).

Fourthly and finally, there is the problem of the scope of language rights. We can speak of necessary rights and enrichment-oriented rights. In my view necessary individual rights have to do with access to the mother tongue and an official language, with the relationship between them (i.e. there should be no enforced language shift) and with language-related access to formal primary education. Only necessary rights should be seen as linguistic human rights. Enrichment-oriented rights, for instance the right to learn foreign languages, can be seen as **language** rights but not linguistic **human** rights. I have formulated a set of proposals of what linguistic human rights should guarantee at an individual level.

What should LHRs be?

In a civilized state, there should be no need to debate the right to identify with, to maintain and to fully develop one's mother tongue(s) (the language(s) a person has learned first and/or identifies with). It is a self-evident, fundamental **individual** linguistic human right. There should be no need to debate the right for minorities and indigenous peoples to **exist** and to reproduce themselves as distinct groups, with their own languages and cultures. It is a self-evident, fundamental **collective** human right.

In my view, universal linguistic human rights should be guaranteed for an individual in relation to the **mother tongue**, in relation to an **official language** (and thus in relation to bilingualism), in relation to a possible **language shift**, and in relation to **drawing profit from education** as far as the medium of education is concerned.

In relation to the **mother tongue(s)** a universal convention of linguistic human rights in my view should guarantee that

1. everybody has the right to identify with their mother tongue(s) and have this identification accepted and respected by others,
2. everybody has the right to learn the mother tongue(s) fully, orally (when physiologically possible) and in writing. This presupposes that minorities are educated through the medium of their mother tongue(s), within the state-financed educational system),
3. everybody has the right to use the mother tongue in most official situations (including day-care, schools, courts, emergency situations of all kinds, health care, including hospitals, and many governmental and other offices).

In relation to an **official language** a universal convention of linguistic human rights should guarantee that everybody whose mother tongue is not an official language in the country where s/he is resident, has the right to become a high level bilingual (or trilingual, if s/he has 2 mother tongues) in the mother tongue(s) and (one of) the official language(s) (according to her own choice). This presupposes bilingual teachers. In my view, for instance a monolingual English-as-a-second-language teacher in Australia or the United States or Hong Kong is per definition incompetent. An English teacher **must** know both English and the student's mother tongue. Likewise, here the parents **must** know enough about the research results when they make their choices - minority parents must e.g. know that good MT-medium teaching also leads to better

proficiency in the dominant language, for instance English, AND in the mother tongue than English-medium submersion teaching.

In relation to the **relationship between languages** a universal convention of linguistic human rights should guarantee that any change of mother tongue is voluntary, not imposed. If parents/guardians, choosing the medium of day-care and education for children, are not offered alternatives or do not know enough about the probable long-term consequences of their choices, the change of mother tongue which mostly is the result of majority-medium education for minorities, cannot be designated voluntary).

In relation to **drawing profit from education** a universal convention of linguistic human rights should guarantee that everybody can profit from formal education, regardless of what her mother tongue is. "Profit" should be defined in educational equal outcome terms, not just in terms of having the right to receive marks (as it has been interpreted in human rights courts so far). The rights that should be guaranteed at an individual level are summarized in Table 4 (Appendix). In addition to these, **collective** rights should likewise be granted.

### **Language rights and human duties**

I would like to end with a quotation from Peter Mühlhäusler's new book, which I will preface with some thoughts on the relationship of intellectual knowledge to duties, morality and struggle, taken from Bhagavadgītā, and Radhakrishnan's (1977) commentary on it.

I am afraid that many linguists may be guilty of what both Marx and the Bhagavadgītā criticize, namely, in Marx' terms, interpreting the world while the real task is to change it, or, in Radhakrishnan's (1977, 96) interpretation of Bhagavadgītā: "our world is not a spectacle to contemplate; it is a field of battle".

To transcend contemplation and enter the battlefield we need more than intellectual knowledge and academic analysis. In the Bhagavadgītā (see especially X.10 and X.11), devotion and love are necessary for the destruction of ignorance and to gain intellectual knowledge. This intellectual knowledge in turn is rendered luminous by intuitive knowledge, which then leads to understanding and wisdom. Radhakrishnan tells us to focus all our energies, intellectual, emotional and volitional (1977, 254) and sees the fusion of knowledge, love and power in a supreme unification as a prerequisite for unity and universality of spirit (ibid., 254-255). I am afraid that some linguists still believe that only the head has a place in research.

In a way, Mühlhäusler has the same message, but he has specified it for our field and given it some of the sceptical-sounding secular cladding that may be necessary in order not to embarrass segmented rationalistic Western researchers too much:

Linguists hide behind the shield of scholarly objectivity whilst the linguistic diversity that has been in existence for tens of thousands of years is being eroded at an alarming rate... So long as we cannot be certain that the progress we are experiencing is progress in the right direction, to discard diversity for seemingly progressive uniformity seems a very dangerous gamble... In the case of much of linguistics, the range of questions that have been addressed have been unduly narrow, ethnocentric and insensitive to the plight of the languages and their speakers. Moral questions and questions of the consequences of linguistic activity have been notoriously avoided in the mistaken belief that it is possible to engage in an ideologically free linguistics... What is needed now is a new reformed linguistics that addresses some of the fundamental issues of the

place of language in human life, of the uses of intellectual and linguistic diversity and of the responsibility linguistics has in helping to maintain and rescue a very fragile linguistic ecology. These issues have barely begun to be addressed... One hopes that they will move towards the centre of the discipline before it is too late..." (Mühlhäusler 1996, 337-338).

We have to take the big step needed to move issues about linguistic human rights towards the centre of the discipline before it is too late. With love, devotion, intuition, understanding and wisdom. This includes starting to ask some of the uncomfortable questions.

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- i I would like to express my deep appreciation for the detailed, constructive comments from my co-editors, Phil Benson and Peter Grundy - what a luxury to have friends like Phil and Peter. The remaining blunders are completely my own responsibility. My dear husband Robert Phillipson has, as always, been lovingly awful as a critic.
- ii Using the term "idiom" (rather than "language") signals that it really means "what the parents speak", regardless of whether this is called a language, a dialect, a sociolect, a vernacular, or whatever - it does NOT need to be the standard or official language of the area/country or the return in census.
- iii Later UN instruments (e.g. The United Nations Convention on the Rights of the Child, Art.2.1) have added "disability"; the American Convention on Human Rights, "Pact of San Jose, Costa Rica" (Art. 1) replaced "property" with "economic status" and added "or any other social condition". Some later instruments have added "ethnic" to "national or social origin" and made other similar additions and small changes. For example, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Art. 1, has added "ethnic" and "conviction, nationality, age and marital status" to the list. An individual is not to be discriminated against on the basis of any of these characteristics in their enjoyment of human rights and fundamental freedoms.
- iv This Declaration was the result of an initiative by International Pen Club (Committee for Translation and Linguistic Rights), and CIEMEN (Mercator Programme, Linguistic Rights and Law).
- v In the eleventh draft this was formulated only as: "the right to the private use of one's language"; the inclusion of "in public" is already present in several of the non-binding international instruments. The formulation is still ambiguous: are schools public institutions?
- vi "Minority" is a concept notoriously difficult to define - see Skutnabb-Kangas & Phillipson 1994, note 2 and references in it, for an overview of the criteria used in different definitions. See also Capotorti 1979, Thornberry 1991 and de Varennes 1996 for some of the most thorough existing treatises of the legal problems that minorities face.
- vii There is a small follow-up committee, trying to raise support for the Declaration, and a Scientific Council (which the author of this paper is member of) which is supposed to advise UNESCO on a revision.
- viii We may have a negative hint in the change of the title of the guidelines. When the experts finished their work, the final version that we approved was called 'The Hague Recommendations Regarding **Minority** Education Rights', and the discussions in the expert group included immigrated minorities. When the published version arrived, the name had changed, without consultation, to 'The Hague Recommendations Regarding the Education Rights of **National** Minorities'. (Max van der Stoep is the High Commissioner on **National** Minorities). It is interesting to see whether politicians and educational authorities will interpret the Recommendations as also pertaining to permanent immigrated minority groups - according to international law it is possible (according to Gudmundur Alfredsson, earlier UN Centre for Human Rights, Geneva, personal information, January 1997).
- ix In a human rights discourse, the individual "patient" is, of course, the individual human being, as Phil Benson pointed out to me. But at a collective level it is the humanity, and since human rights are also to prevent violations of those characteristics on the basis of which humans are human, including their languages and cultures, the maintenance rather than eradication of the

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existing diversity of these characteristics must also be part of the task for human rights.

x In McDonaldization, products and information produced for global markets aim at creating "global customers that want global services by global suppliers". This is achieved through "aggressive round-the-clock marketing [in which] the controlled information flows that do not confront people with the long-term effects of an ecologically detrimental lifestyle, the competitive advantage against local cultural providers, the obstruction of local initiative, all converge into a reduction of local cultural space" (Hamelink 1994, 112).

xi Racism, ethnicism and linguisticism have been defined as "ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and (both material and non-material) resources between groups which are defined on the basis of "race" (biologically argued racism), ethnicity and culture (culturally argued racism: ethnicism) and LANGUAGE (linguistically argued racism: linguisticism) (Skutnabb-Kangas 1988,13).

xii When the Cold War has ended and, with it, the "politics of East/West boundary drawing, an argument essentially about economic systems", Mary Kalantzis argues that "into the space have stepped arguments that are still about access to social resources, but arguments that are now expressed through a discourse of culture, identity and nation. This is the news, not only from Rwanda, Bosnia and Sri Lanka, but from the urban distress of the United States, France and Britain." (1995, 1). We could add Tibet and Kurdistan to the list too. In this new discourse of culture, identity and nation, negotiations about not only the tolerance of but indeed the preservation, promotion and development of linguistic and cultural diversity are vital for world peace. Similar arguments about the centrality of cultural discourse are presented by many researchers, e.g. Huntington 1996.

xiii According to Colchester (1995), scientists in the Human Genome Diversity Project intend, despite protests from indigenous groups, to take tissue samples from individuals from 700 endangered indigenous societies, "searching for unique DNA sequences that may offer clues to genetically-caused diseases and to potentially lucrative cures". There has been some doubts about the validity of this description, though.

xiv Marianne Gronemeyer's article "Helping" (1992) is a real eye-opener in relation to who is being helped by whom - it also makes it almost impossible to use the concept of "help" without quotation marks.

xv Most Western definitions (see summaries in Skutnabb-Kangas 1984, chapter 2 and Baetens Beardsmore 1982) start from the assumption that a person definitely has one or two (or in unusual cases more) mother tongues and that the mother tongue is an important and relatively independent element of identification. The concept seems to be much more fluid, flexible and combined in complex and multiple ways with other elements in countries of popular traditional multilingualism. For example in India, census returns for "mother tongue" may give the name of a language or regional or social variety of a language but also the name of a writing system, a cast, a religious sect, a place, a profession, a people - or, to use exact translations of some of the most interesting diaspora 'mother tongues': "My mother tongue is 'I-come-from-another-village'" or "My mother tongue is 'I-am-not-a-speaker-of-the-language-which-they-speak-in-the-place-where-I-currently-live'" (the examples are from discussions with Debi Prasanna Pattanayak and Lachman Khubchandani - thanks). Says Pattanayak: "Places are not geographical concepts; they exist in people's consciousness. So does the concept of 'mother tongue'. It is not a language in the general sense of the word, neither is it a dialect. It is an identity signifier waiting to be explained" (1992).