

66. (North) American Ambiguities and Paranoias. Invited comment
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International Journal of the Sociology of Language, 2002, 155/156,
179-186.

'Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group.' This is the definition of linguistic genocide from Article iii(1) in the Final Draft of what became the Convention on the Prevention and Punishment of the Crime of Genocide (e 794, 1948) of the United Nations. Article iii was voted down, and is not part of the final Convention, but the definition is valid. If a minority language is not used as the main medium of education, its use is factually prohibited in schools, i.e. it is a question of linguistic genocide.

A feeling of unreality was what I was left with after reading Eugene Garcia's article. There were lots of details in this summary which were extremely solid and useful, and I will certainly quote it often (but together with Hornberger et al.'s excellent USA country report, 1999, which covers partially the same ground but more thoroughly). At the same time, it seems to me, as a European and a world citizen, to be so full of typically North American ambiguities, insularities, and political biases, that I felt unreal. Or - who is it who is unreal? Is it the 'Americans' (in this comment it means exclusively those in the United States or, sometimes, Canada), or is it all of us 'others'?

In any case, we 'others' hardly seem to exist. Even when the article is specifically about the United States, the aim of the article is, according to the author, to address 'educationally related conceptual/theoretical contributions that attempt to explain and, therefore, lay the foundation for educational action that responds the culturally and linguistically diverse context in our schools' (p. 18). Surely those kinds of theoretical foundations have been addressed by researchers in countries outside the North American context, and in languages other than English, in ways which are relevant for the United States! But there is not one reference in languages other than English. And there is very little written by people who are not North Americans or Brits. Of the almost 200 references (I am using the pre-final manuscript, sent to the invited commentators), only 14 are written by non-North-Americans and almost half of these are Brits. All but a couple of these references are published in either the UK or the USA. Only a couple of us 'others' come from 'fringe areas' in Europe (Yugoslavia, Finland) but we qualify only with articles published in UK

or the USA. There is NOT ONE reference from Latin America, Africa, Asia, the Pacific... So much for internationalisation and “globalisation”

At the same time, one of the big ghosts in Eugene Garcia's (hereafter EG) USA seems to be the fear that immigrant minorities are being excluded, separated, segregated, ghettoized, academically, physically (in terms of housing, or separate classes in schools) and economically (poverty).

The first ambiguity in the article, then, is the academic insulation of at least this particular United States researcher. This self-separation and self-ghettoization, I am afraid, seems to me to be typical of many of EG's peers too. How can self-segregation from what should be an international multilingual multicultural community of scholars, with free exchange of ideas and theories and experiences and values, learning from each other, be good for researchers who are trying to understand and support an international community of multilingual and multicultural learners?

All those who read my contribution can also read EG's lead article and appreciate its many excellent observations, summaries and qualities, as I do too. Instead of merely articulating well deserved praise, I have taken it upon myself to function as a devil's advocate (and I am sure EG would agree with many of my points), seeing the article from my distinctive Scandinavian point of view. My position obviously also reflects the fact that I am bilingual from birth and multilingual from the age of four, with more languages added through home, schooling, work, marriage and immigration. I grew up in an officially bilingual (now multilingual) country, Finland, where it was natural, normal, and positive to be multilingual, and where it was self-evident that I could choose in which of my two mother tongues I wanted to have not only my primary education but my secondary and university education as well. It was a natural right, not anything one needed to struggle for. At the same time, my position also reflects a first-hand acquaintance of over 30 years with the US - I spent a year at Harvard University as Einar Haugen's assistant in 1967-68. I have been coming back ever since, and would not unless I thought there was something to learn.

What worries me more and more are the changes I have seen in the attitudes of researchers - the attitudes of politicians and the general public towards minorities who want to integrate not assimilate have not changed equally much (i.e. they have been fairly negative for a long time, as Crawford, Fishman, and others have so often shown). It seems to me that we who have experienced in practice functioning bilingualism or multilingualism of a kind that is a distant dream to all US minorities might have something to contribute, also to counteract or at least to point out what to me looks like peculiarly American paranoias.

I will give a parallel from the country where I live, Denmark, where immigrant and refugee minority policies are as xenophobic as in Jürgen Haider's Austria. A couple of years ago an extreme right-wing party, with some racist and close to fascist views, stood in opinion polls to get some 17-18 percent of the votes (they are now 'down' to around 9%). The Social Democrats, the main party in the coalition government, quickly changed the Minister of the Interior and passed several laws, that seriously restrict the right to asylum in Denmark and restrict family reunion, the right to choose the place of residence once in the country, give asylum-seekers and refugees fewer social benefits than to Danes, and several other measures, where some violated international human rights conventions which Denmark has ratified. To try to regain the voters they had lost, the Social Democrats accepted and in fact in some cases went further in a xenophobic direction than many of the suggestions of the anti-immigrant extreme right-wing party. They have, like several similar political parties in Europe, somehow lost the initiative; they are no longer pro-active or even active but are just reacting to racist proposals by constantly moving towards the political right, and normalising xenophobic and even racist attitudes and measures.

This seems to me to reflect some of the difficulty that progressive forces, including researchers, have experienced in the US. There have been so many attacks on, for example, bilingual education, that more and more of research itself and researchers' time goes to trying to counteract agendas which are negative to minorities. But since this, partially also because of funding, has to be done in ways where both the research questions asked and the whole discourse are adjusted to what researchers claim they see as political realities in the US, researchers are also more reacting than acting or initiating or demanding; Proactive proposals seem to be labelled more and more as utopian. At the same time as much of research to us outsiders seems a bit opportunistic in its adaptation to what researchers believe is politically possible, this leads to an almost paranoid censoring of any clear demands of educational conditions for minorities that in fact only reflect simple self-evident linguistic and cultural human rights.

A second ambiguity in the article then has to do with this paranoia, namely attitudes towards the mother tongues of minority students. Many American researchers (including EG) who ARE aware of the importance of minority mother tongues (and not only for identity (and 'self-confidence' - this is also part of the paternalistic discourse: WE enhance THEIR self-confidence; WE make them feel proud of their heritage), still go to great length in order to avoid even mentioning the minority mother tongues (MMTs), or at least to avoid presenting their use as the main

medium of education as something normal and natural, and as a human right. There seem to be a host of avoidance strategies to invisibilise MMTs, and EG uses many of them, at the same time as he also recognises the importance of the MMTs.

The MMT can be hidden somewhere between principles 5 and 6, so that in the best case nobody notices it is there in the first place. Most researchers and official documents remember always to mention English first, both explicitly and implicitly hierarchising the languages. Many are apologetic about mentioning the MMT at all. Often the only legitimation for mentioning it is part of a defensive argumentation, where the MMT is only used in order to enable the children to learn English and not to lose content while they are learning English, as in all transitional programmes, be they early or late-exit. This was the typical argumentation in the West German 'guest worker' policy in the early and mid 1970s, when we in Scandinavia already used a human rights oriented offensive argumentation. Even when discussing what are now labelled 'maintenance programmes' in the US (to me they still look suspiciously like late-exit transitional, not maintenance), the defensive argumentation and 'English first' orientation is clearly visible. EG states several times that subtractive learning situations are negative for the students (e.g. 'any attempt to address the needs of these students in a deficit or subtractive mode is counter-productive', p. 60). Still he applauds the U.S. Department of Education Guidelines 1996 as 'the ideal toward which a school or community will want to strive' (p. 61), despite the fact that there is no mention whatsoever of the mother tongues of the students in the 6 principles that he quotes. If this is not subtractive, I don't know what is!

A third, related ambiguity has to do with labels used in the article. Only a few examples. There is no clear distinction between 'submersion' and various kinds of 'immersion', and the official US terminology does a lot to obfuscate the concepts. When Wallace Lambert started immersion programmes, they were defined by being for linguistic majority (not minority) students, by always having bilingual teachers so that the students could use their mother tongues initially, and also later on for asking for explanations, translations, etc, and by an orientation which was additive. Even in Canada there are today some minority students in these programmes, but bilingual teachers and an additive learning situation are still necessary prerequisites for calling a programme immersion. Most US so-called immersion programmes are not immersion but submersion, with teachers who do not know the students' mother tongue(s), and with a subtractive learning situation where English replaces the MMTs. It is the

duty of researchers not to accept false or inaccurate labels which legitimate linguistic genocide.

EG distances himself several times from deficiency-based approaches, but he uses sometimes (even when not quoting others), the derogatory term LEP-students, about minority students, i.e. defining them negatively, in terms of what they do NOT yet know, instead of defining them positively, in terms of what they do know. Likewise, he uses the positively meant but vague and inaccurate term 'linguistically and culturally diverse students', instead of defining them from a legal point of view, in ways which also stress the rights which they have in international human rights law. Minority students have a certain protection in international law (even if it is not sufficient) - see the Hague Recommendations below - whereas 'linguistically diverse students' have no protection whatsoever. The legitimation given for not using 'minority' is often that it 'has negative connotations of inferiority'. If so, it is the duty of researchers to change those connotations, through information about the legal protection that the status of 'minority' gives. And the Spanish-speakers in the USA are clearly legally a minority, as are many of the other immigrant minorities, according to the reinterpretation by the UN Human Rights Committee in a General Comment of 6 April 1994 (UN Doc. CCPR/C/21/Rev.1/Add.5, 1994) of Article 27 of the UN International Covenant on Civil and Political Rights (1966, in force since 1976). Article 27 is still the most far-reaching Article in (binding) human rights law granting linguistic rights:

"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."

Hitherto the Article has been 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;
(only conferring some protection against discrimination (= "negative rights") but not a positive right to maintain or even use one's language;
(not imposing any obligations on the States.

In the General Comment, the UN Human Rights Committee reinterprets Article 27 in a substantially more positive way than earlier, 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";
(imposing positive obligations on the States.

Spanish-speakers in the USA, to take the largest minority, fulfil objectively all the criteria for being a minority, regardless of which definition of a minority is used. So do the Deaf.

Finally, I would like to know why there is nothing about the international human rights law obligations towards linguistic minorities in the article. Clearly the USA is in violation of human rights in the way minority students' education is organised. The positive protection that minorities should have in terms of education rights have been detailed in the educational guidelines, The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note, October 1996, published by the OSCE High Commissioner on National Minorities (Max van der Stoep) - and the USA is a member of the OSCE. These guidelines were worked out by a small group of experts on human rights and education (including TSK). They represent an authoritative interpretation and concretisation of the minimum in present human rights. Even if the term used is 'national minority', the guidelines also apply to other groups, for instance immigrated minorities, and one does NOT need to be a citizen in order to be protected by the guidelines (both these observations follow from the UN Human Rights Committee's General Comment on Article 27; and this was how the expert group drafting the guidelines understood it).

In the section 'The spirit of international instruments', bilingualism is seen as a right and responsibility for persons belonging to national minorities (Art. 1), and states are reminded not to interpret their obligations in a restrictive manner (Art. 3). 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). Below are several of the central Articles:

'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).

It is the duty of researchers to contribute to an awareness of the fact that the present education of minorities, in the USA and many other countries, contributes to linguistic genocide as this is defined in the 1948 UN International Convention on the Prevention and Punishment of the Crime of Genocide, 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). If the Hague Recommendations were to be implemented, linguistic genocide in education could be stopped. Researchers have to explicitly show where they stand in relation to human rights (especially in the US; the country notorious in NOT acknowledging its human rights obligations). Respected scholars like EG should lead the way.

See Skutnabb-Kangas, Tove (2000). *Linguistic genocide in education ñ or worldwide diversity and human rights?* (2000) Mahwah, New Jersey & London: Lawrence Erlbaum Associates, 818 pages, for elaborations. Hornberger, Nancy H., Harsch, Leslie and Evans, Bruce (assisted by Melissa Cahnmann) (1999). *The Six Nation Education Research Project. The United States: A Country Report. Language Education of Language Minority Students in the United States. Working Papers in Educational Linguistics, Special Edition, 15:1, Fall 1999.* University of Pennsylvania, Graduate School of Education. Hornberger does not figure at all in EG's bibliography, neither does Ofelia GarcÌa. Most of the references from the Deaf section are also missing in my copy, and the coverage of the Deaf and of indigenous students is extremely patchy indeed.