People can be discriminated against on the grounds of their gender, class, ‘race,’ or language. The reality of such discrimination, and the urge to combat the injustice of it, have inspired many human rights covenants and some national legislation.

Language can itself also be discriminatory in several ways, or it can be used in discriminatory ways. The 'form' of the language itself, its vocabulary (or lack of vocabulary in areas of importance to dominated groups) and connotations, can be racist ('nigger') or ethnocentric ('developing' country), sexist (see Gender and Language), classist, ageist, militaristic, nationalistic, etc. Words can make some groups of people or their characteristics invisible (the rights of 'Man'), or appendices to others (lady doctor, male nurse), or stereotype them negatively ('Third' World).

Language can also be used in discriminatory ways, so that some groups become invisible ('the anglophone countries of Africa' ignores the fact that the vast majority of the population in such countries have no command of or do not habitually use English). Several professional associations and publishing houses have issued codes of linguistic conduct which instruct authors how to avoid such discriminatory language.

Individuals and groups can also be discriminated against on the basis of language: how they speak (class background, gender, geographic origin, etc.) or which language(s) they speak (or do not speak). Judgements of class background or mother tongue or gender made on purportedly linguistic evidence lead to attributions of competence and moral qualities as well as to the creation of aesthetic norms and feelings of solidarity, as social psychological studies have shown. The class bias of the 'standard' language that schools inculcate has a major influence on school achievement and discriminates against many children (see Pedagogy). The present article concentrates on the kinds of discrimination that speakers of dominated/minority languages, indigenous, national, regional, or immigrant, encounter because of their mother tongue(s) (see also Minority Languages).

1. Linguistic Rights and Human Rights

Many minority groups were granted specific protection in the treaties signed at the end of the First World War. Since 1946, the United Nations has had a Sub-Commission on Prevention of Discrimination and Protection of Minorities; interestingly, it has recently been renamed and is now called Sub-Commission on the Promotion and Protection of Human Rights. Within the UN framework, a series of human rights covenants have been devised, signed and ratified. These attempt to provide minorities with at least some of those human rights that majority/dominant populations often take for granted, including linguistic human rights (hereafter LHRs). Article 27 of the International Covenant on Civil and Political Rights (1966) still contains the most far-reaching binding protection for LHRs for minority languages. It declares:

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 the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

A major survey was conducted for the UN (Capotorti 1979) to analyze juridical and conceptual aspects of protection against discrimination, and to solicit information from governments worldwide so as to assess how minorities are treated de jure and de facto. Immigrant minorities were explicitly excluded from consideration, 'because of their voluntary assimilation' (Capotorti 1979: 10), or because they were not to be encouraged to 'form within that State separate communities which might impair its national unity or its security': they 'could not be regarded as minorities as this would endanger the national integrity of the receiving States' (Capotorti 1979: 33). These fears reflect a monolingual norm (see below). They are still one of the main reasons for why states are so reluctant to guarantee proper protection to minority languages and their speakers. Still, the fears seem to be largely unfounded (see Joshua Fishman's comparative study of correlations between number of languages in a country, economic prosperity, social strife, and many other variables; Fishman 1989, see also Eide 1995). Often it is precisely the lack of LHRs that...
causes conflicts that can then be labelled 'ethnic'. The Capotorti report concluded that most minorities, not least linguistic ones, were in need of much more substantial protection. It stressed the key role of education through the medium of the mother tongue for linguistic and cultural maintenance and vitality. It also interpreted article 27 as imposing an obligation on states to actively promote minority languages. This presupposes that states provide adequate financial support for these languages. The UN Human Rights Committee interpreted in a General Comment (6 April 1994) Art. 27 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. The General Comment also stated that the existence of a minority does not depend on a decision by the state but requires to be established by objective criteria. It recognized the existence of a 'right', and imposed positive obligations on the states.

There is however abundant evidence of groups and individuals being deprived of their LHRs. Often language shift occurs as a result (see Linguicide) Many international covenants, beginning with the UN Charter, declare that discrimination should be outlawed but do not in their binding articles oblige states to promote minority languages. Many states in fact expect their indigenous and immigrant minorities to assimilate to the dominant culture and language.

2. Action against Linguistic Discrimination

Awareness of linguistic discrimination has led, inter alia, to the Council of Europe elaborating a 'European Charter for Regional or Minority Languages' and a 'Framework Convention for the Protection of National Minorities' (both in force since 1999). xx The Article covering medium of education is much more heavily qualified than any other. A draft Universal Declaration of Linguistic Rights was presented to UNESCO in 1996 as a first step towards further elaboration and adoption, but it is unlikely that it will be adopted, even in a revised form. Even in this Declaration, it was clear that educational language rights, in contrast to cultural rights, were not seen as inalienable. They apply unconditionally only to language communities, and 'everyone' (individuals not members of linguistic communities or groups) has fewer rights to learning their mother tongue than members of communities have to learning any foreign language. The Declaration gives language communities very extensive rights but leaves 'everyone' with very few rights. This makes the people to be covered by the Declaration vulnerable in several respects. Many states claim that they do not have minority language communities, and do not want to grant minorities any language rights. 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. For these reasons the existence of firm individual rights is enormously important. But such rights are the weakest part of the Declaration. The Declaration is completely unrealistic as it stands and needs a major revision. It is, however, the first major international attempt to specify universal linguistic rights.

Court action can be a significant way of challenging linguistic discrimination. In the USA, a number of cases have been brought for this purpose. Significant is the case of Lau v. Nichols, in which students of Chinese ancestry claimed that the San Francisco Unified School District failed in its obligation to provide adequate education for them. The US Supreme Court ruled that 'Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education' (quoted in Center for Applied Linguistics 1977: 7). Many court cases in the USA have challenged discrimination on the basis of language or dialect in education, hiring practices, and promotion.

A case of central relevance to minority education was brought against the Norwegian state. A Sámi (called 'Lapps' in colonial language), Johan Gávppi, who knew no Norwegian when he went to school and whose teachers knew no Sámi, got little benefit from school and was illiterate until his own children taught him to read and write. He sued the Norwegian state for damages for failing to give him the basic education he was entitled to under Norwegian law. The case was deemed obsolete by all Norwegian courts and the European Commission on Human Rights but other cases may follow. This case has wide symbolic significance. If the principle is established that a minority child is entitled to financial compensation for inappropriate education, then one can envisage indigenous and immigrant minorities worldwide following suit.
The relevant academic arguments were already assembled back in 1953 in an authoritative UNESCO report which considers it 'axiomatic that the best medium for teaching is the mother tongue of the pupil' and that this should be 'extended to as late a stage in education as possible.' This has been confirmed in new educational guidelines issued for the OSCE High Commissioner on National Minorities, Max van der Stoel, The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note (October 1996). In the section on 'Minority education at primary and secondary levels', mainly mother tongue medium education is recommended at all levels, including bilingual teachers in the dominant language as a second language (Articles 11–13). The Recommendations are an interpretation of international human rights law (see the special issue on them, International Journal on Minority and Group Rights. Special Issue on the Education Rights of National Minorities 4:2, 1996/1997). The education of minorities is still a controversial issue. What needs stressing is that relatively little research has been conducted by minority group researchers themselves. The structure of the academic world (research financing, careers, dominant paradigms, etc.) militates against minority voices being heard (but see Skutnabb-Kangas 1988).

3. From Sticks to Carrots and Ideas; From Biologically Based Racism to Ethnicism and Linguicism

The means of control over all dominated groups (not just minorities) are progressively shifting from 'sticks' (physical violence) to 'carrots' (negotiation) and 'ideas' (psychological violence). Resisting the power-holders used to lead to physical punishment (an external negative sanction) and later on to shame, a guilty conscience, or a feeling of having chosen wrongly (an internal negative sanction). Submitting leads now to rewards (internal positive sanctions). Rewarding those who submit and making them feel they have made the right choice (by glorifying the dominant language, stigmatizing dominated languages, and making the choice to drop these in favor of the dominant language seem rational), is a less expensive and more efficient way of upholding control than the use of physical violence (armies, police, etc). Making those who do not submit and achieve rewards believe that their own characteristics, deficiencies, and handicaps are to blame, ensures hegemony in a less risky way than the use of physical force.

An important criterion worldwide for determining which groups obtained less than their fair share of power and resources used to be their so-called 'race.' 'Race' has, for several reasons, become an untenable criterion. It is no longer claimed that certain 'races' are more fit to rule than others. Biologically based racism as an important ideology of hierarchization has been progressively replaced by ethnicism (Mullard 1988) and linguicism (see Linguistic Imperialism; Skutnabb-Kangas 1988), which relate to cultural (rather than biological) characteristics ascribed to various ethnic groups and languages. Instead of superior races, certain ethnic groups (or cultures) and languages are now seen as fitter to rule and expand; others are to adopt their cultures and learn their languages. The characteristics attributed to these cultures and languages relate to modernization, technology, efficiency, development, Western capitalist middle-class market-oriented values, and so on.

Since global market connections and the colonization of the mind of the less powerful require the use of a common language, the smaller languages are marginalized and underdeveloped. Internationally there is a hierarchy with functional differentiation between local languages and a 'world' or 'international' language (and its concomitant culture). Internally in countries which do not boast a 'world' language, local languages are increasingly confined as the traditional languages of the home and hearth, whereas the major languages are used for international instrumental roles in business, administration and politics, and also increasingly in domestic contexts (for instance, as the in-house language in transnational corporations, in higher education, in the media, etc.). These processes underlie the dramatic rise of English as an 'international' language in recent decades (see Linguistic Imperialism).

Discrimination by means of language can be analyzed as a reflection of linguicism. Linguicism is defined as:

- ideologies, structures and practices which are used legitimate, effectuate and reproduce an unequal division of power and resources (both material and non-material) between groups which are defined on the basis of language

(Skutnabb-Kangas 1988: 45)

Language is thus in several ways increasingly important as the instrument through which groups with less access to power and resources are controlled.
Proficiency in the colonists' language was vital for social mobility in the colonial period, and this position has generally not changed since independence. For immigrant groups, proficiency in the national language of the country of residence is regarded by the dominant group as the vital goal of education. This is so, even when there is plenty of research evidence that educating minority children through the mother tongue would be advantageous for their overall educational, cognitive, psychological, and social development and can lead to high proficiency in the dominant language (Skutnabb-Kangas 1988, Cummins 1996). Linguicism ensures that most resources, in teacher education, curriculum development, and teaching schedules are allocated to the dominant language. These structural measures are accompanied by an ideology of maximum support for the dominant language and marginalization of other languages. The latter tend to be regarded as educational handicaps rather than as resources. Education is inspired, misguided, by a monolingual norm. This norm implies at a societal level a belief that 'one state, one nation, one language' is a desirable and inevitable state of affairs, necessary for national unity, modernization, and progress, and that multilingualism leads to national disintegration, backwardness, inefficiency, and poverty. At an individual level monolingualism is seen as normal and healthy, and bi- or multilingualism as a temporary, negative phase on the path from monolingualism in one language (e.g., minority mother tongue) to monolingualism in another language (the majority language). The monolingual norm also implies 'either-or' thinking: either you maintain your minority mother tongue, and that means that you do not learn the majority language properly, or you want to learn the majority language, and therefore you cannot maintain your mother tongue (Skutnabb-Kangas 1996). Education inspired by this monolingual norm is organized subtractively (see Lambert 1975) for minority language speakers: they learn a major language instead of their own, not In addition to it. By contrast the foreign language learning of the dominant group is additive, they add more languages to their existing linguistic repertoire, at no cost to their mother tongue.

See also: Linguistic Imperialism; Linguicide; Minority Languages; Semilingualism; Bilingualism; Diglossia.

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