

205. Discrimination and Minority Languages

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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

Using the HRs system might be one way forward in protecting diversities in a globalised 'free market' world. Instead of granting market forces free range, HRs, especially economic and social rights, are, according to human rights lawyer Katarina Tomaševski (1996: 104), to act as correctives to the free market. The first international HRs treaty abolished slavery. Prohibiting slavery implied that people were not supposed to be treated as market commodities. ILO (The International Labour Organisation) has added that labour should not be treated as a commodity. But price-tags are to be removed from other areas too. Tomaševski states (*ibid.*, 104) that 'the purpose of international HRs law is ... to overrule the law of supply and demand and remove price-tags from people and from necessities for their survival.' These necessities for survival include not only

basic food and housing (which would come under economic and social rights), but also basics for the sustenance of a dignified life, including basic civil, political and cultural rights, including LHRs.

The international HRs regime started to develop in a prominent way directly after the Second 'World' War under the auspices of the United Nations. Most of the initial rights were individual rights. This resulted in non-development for most of those rights which during the League of Nations had included some language rights, namely minority rights (which are necessarily collective). One of the arguments was that if every individual had certain rights, people were protected as individuals, and collective rights were not needed. Today, certain collective rights are increasingly being included in the HRs regime.

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). But international and regional (African, American and European) binding Covenants, Conventions and Charters give very little support to LHRs in education, and language is given a much poorer treatment than other central human characteristics. Often language is present in the lofty non-duty-inducing phrases in the preambles of the HRs instruments, but disappears completely in educational parts. When it is there, the Articles dealing with education, especially the right to mother tongue medium education, are more vague and/or contain many more opt-outs and modifications than any other Articles, as has been shown in many books and articles (see the bibliography). At the most, languages have negative rights (non-discrimination prescriptions) rather than positive rights where the clauses or articles about them would create obligations and contain demanding formulations and where the states would be firm dutyholders and be obliged to ('shall') act in order to ensure the specified rights. A couple of illustrations of each type follow: the ones where language disappears, and the ones with vague formulations, modifications and opt-outs (see Chapter 7 in Skutnabb-Kangas 2000 for a fuller treatment).

Language disappears completely 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), does explicitly refer to 'racial, ethnic or religious groups' in its educational Article (13). However, it omits reference to language or linguistic groups:

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 the unconditional formulation in Articles 1.1 and 1.2 about identity with the education Article 4.3 (emphases added, '*obligating*' in italics, '**opt-outs**' in bold):

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.

The questions one can ask are: what constitutes '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? The 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.

The Council of Europe *Framework Convention for the Protection of National Minorities* Article covering medium of education is so heavily qualified that the minority is completely at the mercy of the state:

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 (emphases added).

The conclusion is that we are still to see the right to education through the medium of the mother tongue become a human right. There are some examples of what we consider positive recent developments, at least on paper: HRs instruments, draft instruments, recommendations, declarations or comments. They might give some cautious reason for hope. The impact of the recent positive developments in counteracting linguistic genocide in education and the killing of linguistic diversity has yet to be seen.

Implementation needs to follow. Without implementation, monitoring and proper complaint procedures, much of the potential in the new or emerging instruments will be lost.

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. It was, however, the first major international attempt to specify universal linguistic rights. Even in this Declaration, it was clear that educational language rights, in contrast to cultural rights, were not seen as inalienable.

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 Saami (called 'Lapps' in colonial language), Johan Gávppi, who knew no Norwegian when he went to school and whose teachers knew no Saami, 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 educational guidelines issued for the OSCE High Commissioner on National Minorities, Max van der Stoep, *The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note* (October 1996). The Hague Recommendations are one of the recent positive developments. 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 authoritative 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 also 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 (Phillipson 1992; see also *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 to 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 official or national language(s) 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 2000, 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, misguidedly, 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 or at the cost 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. It is subtractive learning of dominant languages that turns these languages into Killer Languages and threatens the world's linguistic diversity. What is needed for linguistic diversity to be maintained on earth and for discrimination to stop is proper protection of the LHRs of minorities, especially an unconditional right to mother tongue medium education, and additive learning of other languages.

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

Bibliography

- Benson, P., Grundy, P., Skutnabb-Kangas, T. (eds) 1998 *Language rights*. Special volume. *Language Sciences* 20:1
- Capotorti F 1979 *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. United Nations, New York
- Center for Applied Linguistics 1977 *Bilingual Education Current Perspectives. Vol. 3. Law*. Center for Applied Linguistics, Arlington, VA

- Cummins J 1996 *Negotiating Identities. Education for Empowerment in a Diverse Society*, California Association for Bilingual Education, Ontario, CA
- Eide A 1995 Economic, social and cultural rights as human rights. In: Eide A, Krause C, Rosas A (eds.) *Economic, Social and Cultural Rights. A Textbook*. Martinus Nijhoff, Dordrecht, 21-40
- Fishman J 1989 *Language and Ethnicity in Minority Sociolinguistic Perspective*. Multilingual Matters, Clevedon
- Frowein, J.A., Hofmann, R., Oeter, S. (hrsg.) 1994/1995 *Das Minderheitenrecht europäischer Staaten*. Teil 1. Teil 2. Beiträge zum ausländischen öffentlichen Recht und Völkerrecht. Band 108/109. Springer-Verlag, Berlin
- Guillourel, H., Koubi, G. (red) 1999 *Langues et droits. Langues du droit, droit des langues*. Bruylant, Bruxelles
- The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note*, October 1996, The Hague; for the use of the OSCE High Commissioner on National Minorities, Max van der Stoel
- Hamel, R.E. (ed). 1997 *Linguistic human rights from a sociolinguistic perspective. International Journal of the Sociology of Language* 127
- Harare Declaration 1997 *Language Policies in Africa*. Declaration of the Intergovernmental Conference of Ministers, Harare, March 1997. *New Language Planning Newsletter* 11/4: 2-5
- Kibbee, D.A. (ed.) 1998 *Language legislation and linguistic rights*. John Benjamins, Amsterdam & Philadelphia
- Kontra, M., Phillipson, R., Skutnabb-Kangas, T., Várady, T. (eds) 1999 *Language: a Right and a Resource. Approaching Linguistic Human Rights*. Central European University Press, Budapest
- Lambert W 1975 Culture and language as factors in learning and education. In: Wolfgang A (ed.) *Education of Immigrant Students*, Ontario Institute for Studies in Education, Toronto
- Mullard C 1988 Racism, ethnicism and etharcy or not? The principles of progressive control and transformative change. In: Skutnabb-Kangas T, Cummins J (eds.) *Minority Education From Shame to Struggle*. Multilingual Matters, Clevedon
- Phillipson, R. 1992 *Linguistic imperialism*. Oxford University Press, Oxford
- Skutnabb-Kangas T 1988 Multilingualism and the education of minority children. In: Skutnabb-Kangas T, Cummins J (eds.) *Minority Education From Shame to Struggle*. Multilingual matters, Clevedon
- Skutnabb-Kangas T 1996 Educational language choice – multilingual diversity or monolingual reductionism? In: Hellinger M, Ammon U (eds.) *Contrastive Sociolinguistics*. Mouton de Gruyter, Berlin, 175-204
- Skutnabb-Kangas, T. 2000 *Linguistic genocide in education – or worldwide diversity and human rights?* Lawrence Erlbaum Associates, Mahwah, New Jersey
- Skutnabb-Kangas T, Phillipson R (eds.) 1994 *Linguistic Human Rights. Overcoming Linguistic Discrimination*. Mouton de Gruyter, Berlin
- Tomaševski, K. 1996 International prospects for the future of the welfare state. In: *Reconceptualizing the welfare state*. The Danish Centre for Human Rights, Copenhagen, 100-117
- van der Stoel, M. 1997 Introduction to the Seminar. *International Journal on Minority and Group Rights. Special Issue on the Education Rights of National Minorities* 4:2, 1996/1997, 153-155
- van der Stoel, M. 1999 *Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE area. + Annex. Replies from OSCE Participating States*. OSCE High Commissioner on National Minorities, The Hague
- de Varennes, F. 1996 *Language, Minorities and Human Rights*. Martinus Nijhoff, The Hague, Boston, London
- UNESCO 1953 *The Use of Vernacular Languages in Education*. UNESCO, Paris