When hearing the concept “genocide”, most people think it is about physical killing of a group “only”. This article lists the five definitions of genocide in the *United Nations Genocide Convention* (1948). Then it shows that especially two of these definitions may fit certain types of minority education. The Deaf are a linguistic minority. This article claims that much of the education of d/Deaf children today can be labelled linguistic genocide educationally, psychologically, sociologically and linguistically. For it to be labelled genocide, more court cases are needed where some of the concepts included in the UN Convention are specified.

The education of Indigenous/tribal/minority/minoritised (hereafter ITM) children, can, historically and to a large extent also today, be seen as genocide, if it is conducted using a dominant language as a teaching language, in submersion (sink-or-swim) programmes. These programmes represent subtractive teaching where (some of) the dominant teaching language is learned at the cost of the children’s mother tongue. This means that formal education subtracts from the children’s linguistic repertoire, rather than adding to it, as it should. (See Skutnabb-Kangas and McCarty, 2008 for definitions). For d/Deaf (hereafter I use Deaf for both) children this dominant language is an oral language, not a Sign language. The negative consequences of subtractive education have been well known for a long time (at least since the middle of the 1700s), not only by the ITMs themselves but also by researchers, governments, educational authorities, NGOs, churches, and international organisations. Hard-core empirical research showing this was available in South Africa already in the 1940s (e.g. Malherbe). UNESCO’s classical 1953 book *Vernacular Languages in Education* stated clearly that the mother tongue was axiomatically the best teaching language (for minorities).


> In the present Convention, genocide means any of the following acts committed with *intent to destroy*, in whole or in part, a national, ethnical, racial or religious group, as such:
(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group (emphases added).

Before examining Article 2 in relation to the Deaf, we need to define Deaf children’s mother tongue(s). Table 1 (from Skutnabb-Kangas 1984: 18) is a starting point for these definitions.

**Table 1. Starting point for definitions of mother tongues**

<table>
<thead>
<tr>
<th>CRITERION</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ORIGIN</strong></td>
<td>the language one learned first (the language one has established the first long-lasting verbal contacts in)</td>
</tr>
<tr>
<td><strong>IDENTIFICATION</strong></td>
<td></td>
</tr>
<tr>
<td>a. internal.</td>
<td>a. the language one identifies with/as a native speaker of</td>
</tr>
<tr>
<td>b. external</td>
<td>b. the language one is identified with/as a native speaker of, by others</td>
</tr>
<tr>
<td><strong>COMPETENCE</strong></td>
<td>the language one knows best</td>
</tr>
<tr>
<td><strong>FUNCTION</strong></td>
<td>the language one uses most</td>
</tr>
</tbody>
</table>

We have to differentiate between Deaf children born to one or two Deaf parents, and the majority of Deaf children born to hearing parents. I use five theses about the definitions, and relate them here to the Deaf:
1. An individual can have at least two, possibly three mother tongues. A Deaf child can have both a Sign language and a written (sometimes also spoken) language as mother tongues (MTs)
2. The mother tongue (MT) can vary, depending on which definition is used. A Deaf child with hearing parents seldom has a Sign language as the MT by origin because the parents did not know it when the child was born.
3. The MT can change during a person’s life time according to all other definitions except the definition by origin. Here the Deaf are an exception: a Deaf child with hearing parents may be exposed to a lot of spoken language in infancy, and the parents may think it is the child’s MT. But the first language that the child may have meaningful communication in might be a Sign language (SL).
4. The definitions can be organised hierarchically in relation to how much they respect Linguistic Human Rights (LHRs). The definition by function is
the worst one: most Deaf people cannot decide themselves which language/s to use most. The definition by competence does not respect LHRs either, if the child has no opportunity to learn SL properly. After all, a Sign language is the only language that a Deaf person can express herself really fully in. But in many cases Deaf people know a written (or even an oral) language best. The role of lip-reading is important here.

5. It is possible to identify with a language that one does not know. It is possible to have a mother tongue that one does not have (any or “full”) competence in. This thesis is especially relevant for those Indigenous people whose parents or grandparents were forcibly assimilated and where they did not speak the ancestral language to their children. It is equally relevant for Deaf people who have been deprived the chance of learning a Sign language but who, at least later, identify (hopefully positively) with the Deaf community and a SL.

Deaf children with Deaf parents are in the best position in terms of possibly having most of their LHRs respected. This would presuppose, though, that their initial education for many years uses Sign language as the main teaching language, in mother-tongue-based multilingual education, MLE. This kind of education is unfortunately an exception in today’s world – most formal education that Deaf children have – provided they receive any formal education at all – fulfills the criteria for genocide in Article 2(b) and 2(e).

For most Deaf children the most fair mother tongue definition is: the language that they identify with. For Deaf children, a Sign language is the only language that they can express themselves fully in. Most of them cannot do this in any spoken language, except in writing. Therefore we can, for them, also add a modified definition by competence: The mother tongue is the language that they identify with and that they can express themselves fully in.

Back to linguistic (and cultural) genocide. If we assume on the basis of the mother tongue definitions that a Sign language is/should be every Deaf child’s mother tongue (or at least one of them, and in any case the most important one, probably even for cochlear implanted children) then we have to examine to what extent formal education completely or mainly through the medium of a spoken language can be said to (b) cause serious bodily or mental harm to members of the group; and/or (e) forcibly transfer children of the group to another group, genocide definitions in Article 2.
The main difficulty in ascertaining this is that there, as far as I am aware, are no hard-core longitudinal studies comparing Deaf children who have had all their education through the medium of an oral language, with Deaf children who have had all or most of their education, at least during the first 6-8 years (the minimum time recommended in most studies on hearing ITM children) through the medium of a Sign language, while studying an oral/written language as a subject taught by bilingual teachers.

Historically, there has been teaching mainly through the medium of Sign languages before the 1880s, but no comparative studies. Several countries now have some bilingual/bicultural education where Sign languages are used alongside an oral language to teach children, but this kind of education reaches only a fairly small minority of the world’s Deaf children. Oralism is still very strong, and it is the almost only method used with cochlear implanted children (see other articles in this Encyclopaedia).

Even if there are many differences between hearing ITM children’s and Deaf children’s situation and modes of learning, the negative consequences of teaching an ITM child through the medium of a dominant language can probably to a large extent be generalised from hearing to Deaf children. The scientific evidence from hearing ITM children is very clear. Firstly, it can be seen as a violation of the universal human right to education. Skutnabb-Kangas & Dunbar (2010) contains sociological and legal argumentation showing that to educate ITM children through a dominant language prevents access to education, because of the linguistic, pedagogical and psychological barriers that it creates. The right to education is enshrined in many international human rights documents, and also in the UN Convention on the Rights of the Child (Article 29). As of March 2013, this Convention has been ratified by all other United Nations member states except two: Somalia and the USA.

Secondly, this kind of subtractive education through the medium of a dominant language at the cost of ITM mother tongues can and often does have harmful consequences socially, psychologically, linguistically, educationally, economically and politically. It can result in social dislocation, psychological, cognitive and linguistic deprivation, educational disadvantage and, partially through this, also economic, social and political marginalisation. It has also caused serious physical harm, for example, in residential schools which have forbidden the use of Sign languages. Physical harm can also be a long-term result of
marginalisation, attested to by statistics on unemployment, poverty, alcoholism, suicide, incest, violence and incarceration; Indigenous peoples are, for instance, overrepresented in all of these, and Deaf people may also be.

Thirdly, this form of education has also tried and often succeeded in ‘transferring children of the group to another group’. This has happened and still happens ‘forcibly’, because the children did/do not have any alternative (e.g. mainly mother tongue-medium education). Oral education has tried to make Deaf children to resemble hearing children as much as possible, also linguistically and culturally, denying them the right to Sign language, Deaf culture, and a positive identity as Deaf.

In addition, subtractive dominant-language medium education for ITM children is organised against solid research evidence about how best to reach high levels of bilingualism or multilingualism and how to enable these children to achieve academically in school. These programmes are widely demonstrated as being the least effective educationally for minority language students.

Even when UNESCO’s 1953 *The use of the vernacular languages in education* included firm expert recommendations on how multilingual education could best be organised, these were not often followed. Similar informed consultations went into drafting UNESCO’s Education position paper in 2003, *Education in a multilingual world*. There is very strong research evidence, and agreement among solid researchers on how ITM education should be organised. The remaining (fewer and fewer) counterarguments against strong models of MLE are political/ideological, not scientific. Skutnabb-Kangas (2000) and Skutnabb-Kangas & Dunbar (2010) give comprehensive summaries, with hundreds of examples, of this genocidal education, relating it to international human rights law.

What about the requirement of ‘intent’ in Article 2 of the *Genocide Convention*? For obvious reasons, no state or educational authority today can be expected to openly express an intention to ‘destroy’ a group or even to ‘seriously harm’ it, even if some politicians in strongly assimilationist countries such as Denmark express what can be seen as a wish to forcibly ‘transfer its members to another group’. However, the intention can be inferred in other ways, by analysing those structural and ideological factors and those practices which cause the destruction, harm or transfer. Skutnabb-Kangas and Dunbar (2010) have done this in several ways, comparing current situations with older, more overt ways of forced assimilation. We can thus claim that if state school authorities continue to
pursue an educational policy which uses a dominant language as the main medium of education for ITM children, even though the negative results of this policy have long been known, this refusal to change the policies constitutes, from discourse-analytical, sociolinguistic, sociological, psychological, political science, and educational policy analysis perspectives, strong evidence for an ‘intention’ as required in Article 2 above.

Structural and ideological factors have appeared also in some lawyers’ interpretations of, for instance, the concept of discrimination in education (see Gynther, 2003 for a short summary of the development from more sociologically oriented discussions to more legally oriented clarifications). Gynther pleads for cooperation between lawyers, sociologists and educationists and for a broadened analytical framework in clarifying some of the basic concepts. She traces a trend in academic discourses:

from a concern with ‘evil motive discrimination’ (actions intended to have a harmful effect on minority group members) to ‘effects’ discrimination (actions have a harmful effect whatever their motivation) (Gynther, 2003: 48; emphasis added). When discrimination and racism [including linguicism and audism, my addition] ‘permeats society not only at the individual but also at the institutional level, covertly and overtly … racial control has become so well institutionalized that the individual generally does not have to exercise a choice to operate in a racist manner. Individuals merely have to conform to the operating norms of the organization, and the institution will do the discrimination for them’ (Gynther, 2003: 47; emphasis added).

A court case D.H. and others v. The Czech Republic brought before the European Court of Human Rights (Judgment of 13 November 2007) is of special relevance for the Deaf in terms of how ‘intent’ is interpreted. Ringelheim (2013) (whom I base the description on) discusses the case in detail. It concerned the impact on Roma children where children considered as presenting ‘mental deficiencies’ were placed in disproportionate numbers in ‘special schools’ where instruction was significantly inferior to that delivered in ‘ordinary’ schools. The Roma applicants claimed that this was ethnic disciminination. The Czech government submitted that it was a result of the children’s low intellectual capacity, measured through psychological tests. It is important to know that many Roma children in the Czech Republic do not speak Romani, as a result of earlier forced assimilation. The Court judged that the applicants had been discriminated against in the enjoyment of their right to education. The Court also makes clear
that no intention to discriminate is required for the discrimination to exist: the sole fact that a measure has a disparate impact on a minority is sufficient to establish the existence of differential treatment – whatever the intent behind the policy. This opens the possibility of addressing structural or systemic forms of discrimination (Ringelheim 2013: 104-105).

In the Roma case, the parents did NOT want the children to be in special schools that discriminated against them. For the Deaf, separate schools are a necessity. But in both cases, it is a question of violating the children’s right to education, by labeling them negatively, and not considering scientific evidence on what the best way to educate them would be. Of course, if the Roma children’s mother tongue would be considered to be Romani, and maybe even otherwise, thinking of the Roma culture, separate bilingual/bicultural classes or schools for them might be the best solution, but only if the quality of the education were at least as high as in other schools, preferably higher, and if the Roma parents knew the advantages of this kind of education. Many Indigenous parents all over the world now know, and ask for mother-tongue medium education.

The Minority Ombud in Finland, Johanna Suurpää, states that Saami children’s access to services through the medium of Saami, especially in day-care, is vital for the maintenance of Saami languages and culture (2010: 115). In deciding whether children get the services that Finnish laws grant them, she also emphasises the relevance of structural discrimination. Suurpää (2010) relates several cases where decisions by the Commission on Discrimination have stated that Saami children have been discriminated against on the basis of their ethnicity because relevant Saami-medium day-care has not been made available. Reasons such as non-availability of Saami-speaking staff or municipal lack of financial resources are not acceptable in a legal discourse – the laws on children’s rights to mother tongue-medium day-care have to be respected (Suurpää, 2010: 116). Thus even if the intention of the relevant municipalities has not been discriminatory, the structural organisation of the services has resulted in discrimination.

The same kind of reasoning needs to be tried in court in relation to the interpretation of ‘intent’ in the Genocide Convention. The Deaf, especially the World Federation of the Deaf, would be in a good position to start court cases about linguistic and cultural genocide in Deaf education.
Further Readings


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