

337. Linguistic Genocide - a Global Crime¹

Tove Skutnabb-Kangas

In Göçek, Fatma Müge and Greenland, Fiona (eds). *Cultural Violence and Destruction of Communities: New theoretical perspectives*, pp. 58-75

London & New York: Routledge, Preprint version.

This article focuses on linguistic genocide or attempts to commit linguistic genocide in relation to ITMs where **ITM** refers to *Indigenous/Tribal* peoples, *Minorities* (autochthonous, national, the Deaf, immigrant, refugee, asylum seeker), and *minoritised groups/populations/people*²). I contend that in relation to ITM children, most educational systems in the world are **supporting, instead of fighting** the following acts of violence:

- violations of the right to education;
- linguistic genocide;
- crimes against humanity, and
- the reproduction of poverty through capability deprivation.

This article has six parts. First, I present the concept of genocide in international law. Secondly, I discuss some misconceptions of and ignorance about the Genocide Convention. Thirdly, I discuss the difference between genocide and crimes against humanity from a historical point of view. This is also necessary to understand the avoidance and invisibilisation of the concept of genocide and the complexity of the concept of intention in the Convention – my forth part. In part five I come back to history – *historicide* is one of the reasons and also consequences of avoiding to handle the concepts of linguistic and cultural genocide, and the resistance to genocides. In the conclusions I reconnect the discussions to education and the need for revitalisation and reclaiming of Indigenous languages and cultures.

PART I. The UN Genocide Convention

What is genocide in international law? The *UN International Convention on the Prevention and Punishment of the Crime of Genocide*, E793, 1948 (<http://www1.umn.edu/humanrts/instree/x1cppcg.htm>) (hereafter “The Genocide Convention”) has five definitions of genocide in its Article 2. At least two of them, 2b and 2e are directly relevant for past and present Indigenous/tribal education. Likewise, they are relevant for most other ITM people’s education. Below is Article 2:

Article 2

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.

Article 3 then moves on to enumerate the actions which are punishable. Note that the committing of genocide, as defined in article 2, is only one of the punishable actions. According to Article 3d, even an “attempt to commit genocide” is punishable; likewise “incitement to commit genocide” and “complicity” in it (Articles 3c and 3e). Below is Article 3 as it appears in text:

Article 3

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

The ensuing articles discuss the establishment of accountability. Article 4 lists the persons who shall be punished, namely the perpetrators, and Article 5 is about the duties of the Contracting Parties so that the penalties can be carried out.

Article 4

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

According to Article 4, for instance, educational authorities or teachers who have tried to transfer children of the group, for instance Indigenous children, to another group, by forbidding or preventing them from using their mother tongue or enjoying their culture, should be punished.

PART II. Misconceptions and Ignorance about The Genocide Convention

Most people seem to think that only killing members of a group physically (Art. 2a) is genocide. Holocaust is THE “super-legitimate” genocide (see Huttenbach’s 2003 for a refutation of this). Genocides in Rwanda and a few other places where the physical killing cannot be denied are also seen as “legitimate genocides”, meaning they can “legitimately” be *called* genocide. Likewise, the killing of Armenians in Turkey hundred years ago can be “legitimately” called genocide even if Turkey does not accept this. Many people, including most researchers, now admit that there might have been genocide in the very first phases of the colonisation of the Americas, Aotearoa/New Zealand, and Australia. But calling both this and various kinds of slavery or slavery-like conditions that Indigenous peoples and African slaves lived under, conditions that fulfill the “demands” for genocide in Articles 2b and 2e, often evokes strong emotional resistance (see, e.g. Churchill 1997 or Costo & Costo 1987 for some of the history of genocide in the USA – there are hundreds of books and articles about it; see also Truth and Reconciliation Commission of Canada, 2015).

When it is demonstrated that most earlier and even present-day education of Indigenous peoples and many minorities can be seen as genocide according to Articles 2b and 2e (see Skutnabb-Kangas & Dunbar 2010), the reactions that the word genocide evokes often prevent people from rational thinking. I have experienced many people, also researchers, saying (or even writing), that it is “an exaggeration”; “people were/are not killed”; “calling it genocide prevents a serious discussion”, “you are watering down the concept of genocide”, and so on. It seems for many people to be “illegitimate” to call anything except direct physical killing genocide.

Most “ordinary” people do not know how genocide is defined in the Genocide Convention. When the definitions are presented to them, and they are asked to look at the definitions and judge to what extent conditions and/or results described in, especially, Articles 2b and 2e are/were present, very few people seem to be able to discuss this objectively and calmly. Likewise, when one discusses which groups and individuals, for instance educational authorities (“public officials”) or even individual teachers (both in their capacity as officials in state-sanctioned education, and as “private individuals”) should be punished according to Article 4, strong emotions often prevent rational discussion.

Still, the reality of linguistic and cultural genocide is the main cause of the need to revitalise Indigenous languages and cultures in today’s world (see also Court’s 2008 discussion about alternatives to genocide).

PART III. Genocide and Crimes against Humanity: Lauterpacht and Lemkin

“The individual human being ... is the ultimate unit of all law” (Lauterpacht 1943, quoted in Sands 2016, 57).

The two lawyers, Rafael Lemkin and Hersch Lauterpacht, are the founding fathers of the concepts of genocide and crimes against humanity, respectively. Both came from the same city, Lemberg/Lviv/Lvov/Lwów. The city changed hands eight times between 1914 and 1945 (Sands 2016, xvii). Most of their families who stayed in their birthplace were executed during World War II, and both Lemkin and Lauterpacht (who had escaped) knew little about their families’ destinies during the war. This must have influenced their work – but in different directions.

The first global court, the *Permanent Court of International Justice* which was opened in The Hague in 1922, aspired to resolve disputes between states. To do this, it applied both international and national law, “general principles of law recognized by civilized nations” as quoted in Sands (2016, 82):

Lauterpacht recognized that this connection between national and international law offered a ‘revolutionary’ possibility of developing the rules so as to place more limits on the supposedly ‘eternal and inalienable’ powers of the state

Lauterpacht developed his idea of “putting the **individual** at the heart of a new legal order” (ibid., 106; emphasis added) and presented in 1943 in London and Cambridge a draft of his *International Bill of Rights of Man*.

Lemkin, on the other hand, published in 1943 a book called *Axis Rule in Occupied Europe*, with the aim of protecting groups, and invented the word genocide for the new crime, the destruction of **groups**. Lauterpacht wrote a positive review of the book for the *Cambridge Law Journal*, but he was at the same time “concerned that the protection of groups would undermine the protection of individuals. It should not be the primary focus of the law” (Sands 2016, 106-107; emphasis added).

How did these two pioneers influence international law? In the United Nations regime after 1945, it was initially claimed (in a similar way to Lauterpacht’s thoughts) that no collective (group) rights were necessary since every person was protected as an individual, by individual rights. Collectivities like “minorities” were by many negotiators (e.g. the USA human rights negotiator and Chair of the Human Rights Commission, Eleanor Roosevelt) seen as “a European problem”, meaning rights pertaining to them were not seen as *universal*. This view prevailed in the *International Bill of Human Rights*, including the *Universal Declaration of Human Rights*. For its history see the 782-page book (1999) by Gudmundur Alfredsson and Asbjørn Eide.

Lemkin’s work on genocide resulted, on the other hand, in the UN *Genocide Convention*. But groups, including minorities, received, after the Nürnberg court case, little attention by the UN until the UN Special Rapporteur on the Rights of Minorities, Francesco Capotorti, published his report in 1979.

The most complete description of what constitute “crimes against humanity” (Lauterpacht’s concept) is set out in the *Rome Statute of the International Criminal Court* of 17 July, 1998 (the «ICC Statute») (<http://untreaty.un.org/cod/icc/statute/romefra.htm>). It is thus very recent. Robert Dunbar and I (2010) have analysed to what extent *both* concepts can be applied to ITM education. One interesting issue is that both individuals and states can be perpetrators of both, and can be punished according to the legal principles of both genocide and crimes against humanity. Lauterpacht and Lemkin, from the same city, both achieved what they wanted? At least on paper...

PART IV. Avoidance, Invisibilisation, and Intentionality

The Summary of the final report of the *Truth and Reconciliation Commission of Canada* (2015). *Honouring the Truth. Reconciling for the Future* shows throughout its almost 400 pages in detailed ways how the Linguistic Human Rights (LHRs) of the First Nations were constantly and intentionally violated. But even if the report describes all aspects of genocide that Huttenback 2003 describes (see below), it does not mention linguistic genocide. This is how the Report starts (p. 1):

For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as “cultural genocide.”

Physical genocide is the mass killing of the members of a targeted group, and *biological genocide* is the destruction of the group’s reproductive capacity.

Cultural genocide is the destruction of those structures and practices that allow the

group to continue as a group. States that engage in cultural genocide set out to destroy the political and social institutions of the targeted group. Land is seized, and populations are forcibly transferred and their movement is restricted. Languages are banned. Spiritual leaders are persecuted, spiritual practices are forbidden, and objects of spiritual value are confiscated and destroyed. And, most significantly to the issue at hand, families are disrupted to prevent the transmission of cultural values and identity from one generation to the next.

In its dealing with Aboriginal people, Canada did all these things³.

Many Indigenous peoples have experienced and continue to experience linguistic and cultural genocide. The avoidance of the concept, especially *linguistic* genocide, and the denial of genocide have been documented for a long time⁴. A few countries that have committed large-scale violations of human rights, including (but not restricted to) the linguistic, cultural and educational rights of Indigenous peoples (and also of minoritised people, as in South Africa) have now started to reconsider past policies. At least some apologies have been forthcoming (e.g. in Australia, Aotearoa/New Zealand and Canada) while other countries (e.g. Denmark) refuse to apologise, and many others deny the factual genocides altogether (e.g. Turkey, against Kurds, Armenians, and others). It remains to be seen to what extent these apologies result in real policy changes, and in a type of compensation that in practice could also lead to revitalisation (see Skutnabb-Kangas & Phillipson, eds, 2017, volume 3).

The concept and the term linguicide/linguistic genocide has mostly been completely avoided in official reports in most if not all countries (see, e.g., Fur 2016 for Sweden), even when what is described qualifies as linguistic genocide. If it has been mentioned at all in reports and law articles, it has mostly been subsumed under cultural genocide, just as in the Canadian report above.

At Rafael Lemkin's suggestion, both linguistic and cultural genocide were separately defined and forbidden in the final draft of what became the *UN Convention on the Prevention and Punishment of the Crime of Genocide*⁵ (see e.g. Gromacky 1992/1997). Article III.1 of the draft contained both linguistic and cultural genocide, and defined them as follows:

Article III ['Cultural' genocide]

In this Convention genocide also means any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial or religious group on grounds of the national or racial origin or the religious belief of its members such as:

1. 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;
2. Destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group". <http://www.preventgenocide.org/law/convention/drafts/>

More about cultural genocide and historicide below. But the draft Article III above, with both linguistic and cultural genocide was voted down by the UN when the draft was approved by UN General Assembly. One obvious reason for many Europeanised

states (states colonised from Europe, by Europeans) was that they were concerned to escape conviction for such crimes. Thus these two types of genocide are not *directly* mentioned in the present Convention.

Skutnabb-Kangas & Dunbar (2010) describe in detail the linguistic and cultural genocide that has occurred, and continues to occur in Indigenous/tribal children's education, when the dominant languages are used as the languages of teaching and learning, instead of the children's mother tongues (however these are defined; see Kontra, Lewis & Skutnabb-Kangas 2016 for my latest definitions), are used, often with disastrous results at a group level. Those children ITM who "succeed" in school, mostly do it not because of how their education is organised, but despite it. We also show what a legal right to appropriate education might mean. In addition, we demonstrate how Articles 2b and 2e in the present Convention might be interpreted so as to show in court that these crimes against humanity occur, despite of the final formulation of the Genocide Convention that deleted the concepts of linguistic and cultural genocide.

Turning to intentionality required in Article 2 of the Genocide Convention, the wording is as follows: "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" (emphasis added). 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 (see Example 20 in Skutnabb-Kangas and Dunbar, 2010) express what can be seen as a wish to forcibly 'transfer its members to another group' ⁶. This wish is also very evident in most Western countries in the present-day education of the children of both immigrant minorities and those asylum seekers who do obtain asylum.

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. In Skutnabb-Kangas and Dunbar (2010) we have done this in several ways, comparing current situations with older, more overt ways of forced assimilation (which often used more 'sticks' and/or 'carrots', in addition to 'ideas', than present-day more covert and structural methods). 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 both through earlier concrete empirical feedback (as shown in our examples from, e.g., Canada, the United States, and India) and through solid theoretical and empirical hard-core research evidence (as they have, at least since the early 1950s; see, e.g., UNESCO 1953), 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 also started to appear 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) as well as more legally oriented clarifications, mainly from the USA and Canada; see also Gynther, 2007.

Päivi Gynther pleads for cooperation between lawyers, sociologists and educationists and for a broadened analytical framework in clarifying some of the basic concepts (including intent) that are used when subjugated minorities are denied access to education. 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). However, she also points to 'a trend from the deconstructive social criticism of the 1960s and 1970s to a watering down of the conceptual framework of systemic discrimination towards the 1990s' (Gynther, 2003: 48). When discrimination and racism [including linguisticism⁷] 'permeate 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 [or linguisticist, my addition] 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; emphases added).

This means that for instance teachers or pre-school teachers participating in linguistic genocide may as individuals be nice, and wish to do the best they can for an ITM child – and still, an education that completely excludes the children's (or their parents') mother tongues (or even uses a few words of it on the walls of the classroom only, etc, "feel-good" attempts to "respect" the mother tongues), can (and often does) constitute linguistic genocide. This kind of education obviously attempts to forcibly transfer the children to the dominant group. It is not voluntary for the children to join the dominant group, at the cost of their mother tongues, if there are no alternatives (i.e. classes with mother-tongue-based multilingual education).

Civil servants are also starting to take structural discrimination into account. The then Minority Ombud in Finland, Johanna Suurpää, stated that Indigenous 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 emphasised the relevance of structural discrimination. Suurpää (2010) related several cases where decisions by the Commission on Discrimination stated that Saami children had been discriminated against on the basis of their ethnicity because relevant Saami-medium day-care had 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 through the medium of the dominant language, Finnish, has resulted in discrimination. The same kind of reasoning needs to be tried in courts in relation to the interpretation of 'intent' in the Genocide Convention.

Econocide as a concept has been described, for instance, in relation to slavery (Drescher, 2010) and "eliminating the urban poor" (Skirtz, 2012). Donald Trump's policies of cuts in most allowances to the poor and discriminated-against people, especially people of colour, and other ITMs, can also be defined as econocide. The concept is equally relevant in relation to Indigenous peoples, also in education. Most

ITMs belong to the poorest people in their countries, and the (non-)education that they receive (if they attend school at all) keeps them there, promoting their poverty (see Mohanty & Skutnabb-Kangas 2013). Often the funds used for their formal education are much smaller than what schools for non-ITM children receive (an example was South Africa under apartheid). Article 2c in the Genocide Convention (see above) is also relevant. Mark Curtis's (1995) analysis also describes the intent (also required in the UN Genocide Convention; see above), in how the world's powerful states have *knowingly* pursued policies that *promote* poverty as follows:

One basic fact [is] that the mass poverty and destitution that exist in much of the Third World are direct products of the structure of the international system. Moreover, an elementary truth is that the world's powerful states have pursued *policies* with regard to the Third World *which knowingly promote poverty*. It is clear that the policies they have encouraged or imposed on the Third World - in the earlier postwar period following military intervention and in the later period through the international financial institutions - have betrayed no institutional interest in eradicating poverty or in promoting a form of economic development meaningful to the poor. Rather, policies have been imposed with the understanding that they will not contribute to these ends (Curtis 1995: 236; emphasis added).

These kinds of analysis are also necessary when trying to understand the causal factors behind violations of linguistic human rights. Ajit Mohanty and I have started doing this using economic Nobel laureate Amartya Sen's theories about poverty as capability deprivation (Mohanty & Skutnabb-Kangas 2013; see also Mohanty, in press).

PART V. Historicide as Part of (Cultural) Genocide, and Resistance to it

Historicide (see Bear Nicholas 2003) is a recent term for a valid categorisation of what many Indigenous peoples have experienced (see Bear Nicholas 2017). The phenomenon itself has been well known for some, but crystallising it in a term akin to (other forms of) extermination seems to make it easier to recognise and describe (see also Chrisjohn et al., 2001, 2008, Skutnabb-Kangas, Bear Nicholas & Reyhner 2017). İsmail Beşikçi's articles, e.g. 2017, from all parts of Kurdistan (now occupied by Turkey, Iran, Iraq and Syria) about the language(s) and culture(s) of the Kurds show *historicide* very clearly. Kathleen Heugh provides examples of *historicide*, historical amnesia, in Africa "forgetting" its past, for instance the fact that African languages were used for educational and scientific purposes already from the 12th century onwards, as the rediscovery of the thousands of manuscripts in Timbuktu has shown (Heugh 2009: 95-96). There are hundreds of examples from Europeans writing about the "Arab world" in Massad 2016).

Historicide makes a group invisible, nullifies them, just as their language(s) and culture(s) are constructed as *lingua nullius* (a language that does not exist, e.g. Kurdish according to many Turkish "studies"; see Skutnabb-Kangas & Fernandes 2008 for examples) and *cultura nullius* (a people is said not to have any culture, they are primitive, backward, etc). This parallels the way that the colonisation was legitimated, by calling Indigenous lands *terra nullius*, an uninhabited space that was there for grabs. In similar processes, a dominant language and culture can replace the invisibilised and nullified languages and cultures, because the dominant groups, for

instance as represented by missionaries are “giving” the dominated ones what they “did not have”, a language and a culture⁸.

Huttenbach, who, among other achievements, founded the journals *Genocide Forum* and *Journal of Genocide Research*, described historicide (even if he does not use the term) as part of genocide as follows (2003, 15):

There is increasing consensus that conceptually, at its central core, genocide is the thought and act to nullify, to erase absolutely a segment of the human population. In essence it is the act of terminating the existence – to the fullest extent possible – the presence of a targeted population. This can range from the destruction of group-life to the total annihilation of *memory, history, and culture*. Not only can genocide destroy a group’s present and future, but it can also erase any sign of its past. Hence the term nullification, the rendering into nothing in all three dimensions of time. It is a return to a *tabula rasa* [the two first emphases added]

Some mainly physical aspects of historicide could have been covered under Article III.2 of the final Draft of the Genocide convention (see above): “2. Destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group.” (UN Doc. E/AC.25/12). This is, of course, what the terrorist group ISIS/Daesh is doing today, following the example of American occupation forces, for instance in Iraq (see, e.g., Kabel 2014, Chomsky 2017).

Many scholars and activists have started countering historicide, researching archives and interviewing people, in search of the knowledge and experiences that their parents, grandparents and ancestors have about this variant of cultural genocide (“speaking bitterness”). This has also included the knowledge of their languages (see, e.g. Robert Amery’s PhD-based book (2000) on the Australian Aboriginal language Kurna; the last first-language speaker of Kurna died in 1931). There is a strong revival movement now for Kurna and many other languages, and this has produced many second language speakers. Svein Lund’s work in Norway, (co)-editing many volumes of Saami school history (the first one appearing in 2005), spending years in researching archives and interviewing people, is one example of this search for historical knowledge. The work in Canada by the Truth and Reconciliation Committee looking into Indigenous education, especially boarding schools, and hearing thousands of testimonies, is another example (see above) (see also Lorena Fontaine’s PhD and forthcoming book).

One goal in unearthing historicide, which is complementary to linguicide has also been to develop arguments for strong resistance to genocidal policies in general. Many have learned that their ancestors did not just accept injustice passively. Instead, many resisted, some successfully, and attempted to create alternatives to historicide and its physical, legal and mental consequences.

For many ITMs, a vital moment, often a turning-point in their lives, is experienced when they discover and understand, not only cognitively but also emotionally, what has happened to them and their people (see, e.g. Fontaine, forthcoming). As late as in the late 1960’s, most ordinary Roma, at least in Sweden and Finland, had no idea that

the Roma originally came from India. I experienced many old Roma women crying from sadness and joy when this was revealed, after a few Roma from the Nordic countries had attended the First World Romani Congress in India in 1971. Likewise, the knowledge that their ancestors have not just taken genocide lying down strengthens ITMs' self-confidence.

PART VI. To Conclude: Connecting Back to Education

Indigenous/tribal languages have, it seems, been maintained best where formal schooling has not yet reached the whole population. What Gustavo Esteva writes in his article "Beyond education" (2010, 116) about Mexico can probably, *mutatis mutandis*, be generalised for most Indigenous education everywhere:

When it was pointed out at the Indigenous State Forum of Oaxaca in 1997 that the school had been the principle instrument of the state for exterminating Indian peoples, and that the revolutionary union of teachers had been an accomplice of the state in this task, an historical truth was being publicly recognized... From the very beginning ... and up to today, the educational system has had as one of its central purposes to dispossess Indian peoples of their own culture, of their way of seeing and experiencing the world, of their cosmovision, in order to "westernize" them, which in Mexico generally means taking on the U.S. version of that project. And the educational system, which continues to fail in its explicit purpose of preparing people for life and for work, in good measure has accomplished that Westernizing intention more or less covertly.

Esteva exposes "the general prejudice that education is a universal good and that it ought to be everyone's right" (ibid., 122), just as many other critics of formal school education have done (e.g. Ivan Illich in his *Deschooling Society*, 1971). Esteva continues (ibid., 122-124):

In reality, buying this merchandise could achieve the function of the Trojan horse and be the instrument of recolonization. In truth, it reflects a pernicious form of colonialism, in which intimate enemies colonize us from the inside. The expression "indigenous education" can be seen as an oxymoron, a contradiction in terms. Education is a strictly Western enterprise and it cannot be separated from the capitalist project. It is not an indigenous initiative. To place the adjective "indigenous" in the expression means, in the end, subordinating indigenusness to the educational plan and converting it into a marginal or secondary aspect. This is like saying: we are going to convert you into a good Mexican, fully Westernized, but we will permit you to wear your *huipil* [traditional top or blouse worn by indigenous women] when you want to or include in your vocabulary some Zapotec words... Neither local nor indigenous control of education has succeeded in re-forming these capitalist purposes. Why at this point in time should indigenous peoples adopt a tool that only serves the purpose of domination and control and which has failed everywhere in the world to achieve its explicit purpose of educating for life and work and providing equal opportunities for all?

Esteva then continues to answer the rhetorical question he has posed as follows:

present effort is not concerned with de-schooling society, but rather with bypassing the educational system. The *need* for education was artificially created through force and propaganda. That “necessity” later became a *right*, and it has now become a kind of *social addiction*, reinforced by *bureaucratic imposition*. Bypassing the school means treating it in the same way that many people treat bureaucratic requirements: when it is impossible to avoid them, comply without granting them the least intrinsic value (ibid., 125).

If Esteva were to use “formal education”, instead of just “education”, it would be easy to agree with all he writes (including also his 1992 article on development).

Ahmed Kabel (2018), describing the state bureaucratic intrusion with its formal education which devitalises the indigenous Amazigh language in Morocco, argues that the destruction of indigenous languages is enabled by state monopoly of symbolic (and physical) violence, institutionalized language hierarchies, subtractive and erosive language-in-education policies, ‘development’ projects, and colonial and neocolonial entanglements. He also intimates that formal education is an ineffectual surrogate for organic language maintenance and revitalisation and paradoxically undercuts both. Instead, communal solidarities, grassroots pockets of cultural resistance and an enduring socialising agency of women to maintain the language and culture remain some of the very few enduring bastions of revitalisation, as the case of Amazigh illustrates.

To counteract linguistic genocide, many Indigenous peoples are developing their own Indigenous pedagogies within the limits put on them by the bureaucratic formal education systems, at the same time as they are trying to test the limits and even get rid of these systems to the extent that it is possible (see, e.g. the two PhDs by young female Saami researchers, Rauni Äärelä, and Rauna Rahko-Ravanti, both 2016). Olthuis et al. 2013 also describes the beginnings of a phenomenal revitalisation, bypassing formal education in Esteva’s sense. The ‘art of not being governed’ (Scott 2009) may ultimately prove to be the optimal political project for reclaiming indigenous languages and reversing linguistic genocide.

References:

- Alfredsson, Gudmundur and Eide, Asbjørn (eds) (1999). *The Universal Declaration of Human Rights. A Common Standard of Achievement*. The Hague/Boston/London: Martinus Nijhoff Publishers.
- Amery, Rob (2000). *Warrabarna Kurna! Reclaiming an Australian Language*. Series Multilingualism and Linguistic Diversity. Lisse: Swets & Zeitlinger.
- Bear Nicholas, Andrea (2003). Linguicide and Historicide in Canada. Paper given at Presence of the Past: The Third National Conference on Teaching, Learning and Communicating the History of Canada. The oral version is in Part 1. [Colonization and the Killing of History](http://cultivatingalternatives.com/2013/02/03/hoping-against-hope-the-struggle-against-colonialism-in-canada/) at <http://cultivatingalternatives.com/2013/02/03/hoping-against-hope-the-struggle-against-colonialism-in-canada/>
- Bear Nicholas, Andrea (2007). Historicide & linguicide. *Shunpiking. Nova Scotia's Discovery Magazine* 49. *Mi'kmaq & Maliseet First Nations Supplement*, October 2007, 20-21.
- Beşikçi, İsmail (2017). The Turkish State’s Official Ideology, the Kurdish Language, and Language Rights. In Skutnabb-Kangas, Tove & Phillipson, Robert (eds). *Language Rights*. Volume III, pp. 206-224. London & New York: Routledge.
- Capotorti, Francesco (1979). *Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. New York: United Nations.

- Chomsky, Noam (2017). *Who Rules the World?* London: Penguin.
- Chrisjohn, Roland D., Tanya Wasacase, Lisa Nussey, Andrea Smith, Marc Legault, Pierre Loïselle & Mathieu Bourgeois (2001). Genocide and Indian Residential Schooling: The past is present. In Wiggers, Richard D. & Griffiths, Ann L. (eds). *Canada and International Humanitarian Law: Peacekeeping and War Crimes in the Modern Era*. Halifax, Nova Scotia: Centre for Foreign Policy Studies, Dalhousie University, 229-266.
- Chrisjohn, Roland, Bear Nicholas, Andrea, Stote, Karen, Craven, James (Omahkohkiaayo i'poyi), Wasacase, Tanya, Loïselle, Pierre & Smith, Andrea O. (2008). *An Historic Non-Apology, Completely and Utterly Not Accepted. The Maze of Rhetoric*. <https://kersplebedeb.com/posts/an-historic-non-apology-completely-and-utterly-not-accepted/>
- Churchill, Ward (1997). *A Little Matter of Genocide. Holocaust and the Denial in the Americas 1492 to the Present*. San Francisco: City Lights Books.
- Costo, Rupert & Costo, Jeannette Henry (eds) (1987). *The Missions of California: A Legacy of Genocide*. San Francisco: Indian Historian Press.
- Court, Anthony (2008). Do we need an alternative to the concept of genocide? *Development Dialogue* 50, December 2008. Thematic volume *Revisiting the heart of darkness – Explorations into genocide and other forms of mass violence. 60 years after the UN Convention*, ed. Henning Melber with John Y. Jones. Uppsala: Dag Hammarskjöld Foundation, in cooperation with Networkers.
- Curtis, Mark (1995). *The ambiguities of power. British foreign policy since 1945*. London & New Jersey: Zed Books.
- Drescher, Seymour (2010). *Econocide: British Slavery in the era of Abolition*. 2nd edition. Chapel Hill: University of North Carolina Press.
- Esteva, Gustavo (1992). Development. In Sachs, Wolfgang (ed.) (1992). *Development Dictionary. A Guide to Knowledge as Power*. London & New Jersey: Zed Books, 6-25.
- Esteva, Gustavo (2010). Beyond Education. In Meyer, Lois & Maldonado Alvarado, Benjamín (eds). *New World of Indigenous Resistance. Noam Chomsky and Voices from North, South and Central America*. San Francisco: City Lights Books (www.citylights.com), 115-131.
- Fontaine, Lorena Sekwan (forthcoming). *Our Languages are Sacred: Finding Constitutional Space for Aboriginal Language Rights*.
- Fur, Gunlög (2016). Kolonisation och kulturmöten under 1600- och 1700-talen [Colonisation and cultural encounters in the 1600s and 1700s]. I Lindmark, Daniel & Sundström, Olle (red.) (2016). *De historiska relationerna mellan Svenska kyrkan och samerna. En vetenskaplig antologi*. [The historical relations between the Swedish church and the Saami. A scientific anthology]. Bind 1-2. Skellefteå: Artos & Norma bokförlag. www.artos.se ISBN 978-91-7580-795-9. Bind 1, 241-282.
- Gromacki, Joseph P. (2017). The Protection of Language Rights in International Human Rights Law: A Proposed Draft Declaration of Linguistic Rights. In Skutnabb-Kangas, Tove & Phillipson, Robert (eds). *Language Rights, Volume I, Language Rights: Principles, Enactment, Application*, London & New York: Routledge, Series Critical Concepts in Language Studies, pp. 68-122. Reprinted from *The Protection of Language Rights in International Human Rights Law: A Proposed Draft Declaration of Linguistic Rights. Virginia Journal of International Law* (1992). 32:471, 515-579.
- Gynther, Päivi (2003). On the Doctrine of Systemic Discrimination and its Usability in the Field of Education. *International Journal of Minority and Group Rights* 10: 45-54. [the last name is misspelled as Gynter in the article].
- Gynther, Päivi (2007). *Beyond Systemic Discrimination: Educational Rights, Skills Acquisition and the Case of Roma*. Erik Castrén Institute Monographs on International Law and Human Rights series. Helsinki: University of Helsinki.
- Heugh, Kathleen (2009). 'Literacy and bi/multilingual education in Africa: recovering collective memory and knowledge.' In Skutnabb-Kangas, Tove, Phillipson, Robert, Mohanty, Ajit K. & Panda, Minati (Eds.), *Social Justice through Multilingual Education*. Bristol, Buffalo & Toronto: Multilingual Matters, 103-124.
- Huttenbach, Henry R. (2003). *The Universality of Genocide*. With an article by Hugo Valentin. The Hugo Valentin Lectures II. The Uppsala Programme for Holocaust and Genocide Studies, Centre for Multiethnic Studies, Uppsala: Uppsala University, 13-23.
- Illich, Ivan (1971). *Deschooling Society*. New York: Harper & Row. http://www.davidtinapple.com/illich/1970_deschooling.html
- Kabel, Ahmed (2014). The Islamophobic-Neoliberal-Educational Complex. *Islamophobia Studies Journal*, 2:2, Fall 2014, 58-75.
- Kabel, Ahmed (2016). Afterword: Decentring the Hydra: Towards a More Equitable Linguistic Order. In Bunce, Pauline, Phillipson, Robert, Rapatahana, Vaughan and Tupas, Ruanni (eds). *Why English? Confronting the Hydra*. Bristol: Multilingual Matters, 269-285.

- Kabel, Ahmed (2018). Reclaiming Amazigh in a time of devitalization. In Hinton, Leanne, Huss, Leena & Roche, Gerald (eds). Routledge *Handbook of Language Revitalization*. Routledge,
- Kayman, Martin A. (2004). The state of English as a global language: communicating culture. *Textual practice* 18/1, 1-22.
- Kayman, Martin A. (2009). The lingua franca of globalization: “filius nullius in terra nullius”, as we say in English. *Nordic Journal of English Studies* 8/3, 87-115.
- Kontra, Miklós, Lewis, Paul, Skutnabb-Kangas, Tove (2016). Afterword: disendangering languages. In Johanna Laakso, Anneli Sarhimaa, Sia Spiliopoulos Åkermark and Reetta Toivanen (eds). *Multilingualism beyond rhetorics: towards openly multilingual policies and practices in Europe*. Bristol: Multilingual Matters, 217-233.
- Mamdani, Mahmood (2012). *Define and rule: Native as political identity*. Cambridge: Harvard University Press.
- Massad, Joseph A. (2016). *Islam in Liberation*. Chicago – London: The University of Chicago Press.
- Milloy, John S. (1999). “A National Crime”: *The Canadian Government and the Residential School System, 1879 to 1986*. Winnipeg, Manitoba: The University of Manitoba Press.
- Mohanty, Ajit K. (2019). *The Multilingual Reality: Living with Languages*. Bristol: Multilingual Matters. Series Linguistic Diversity and Language Rights.
- Mohanty, Ajit K. & Skutnabb-Kangas, Tove (2013). MLE as an economic equaliser in India and Nepal: mother tongue based multilingual education fights poverty through capability development and identity support. In Henrard, Kristin (ed.). *Socioeconomic participation of minorities in relation to their right to (respect for) identity*. Studies in International Minority and Group Rights, Volume 2. Leiden and Boston: Brill/ Martinus Nijhoff Publishers, 159-187.
- Olthuis, Marja-Liisa, Kivelä, Suvi and Skutnabb-Kangas, Tove (2013). *Revitalising Indigenous languages. How to recreate a lost generation*. Bristol: Multilingual Matters. Series Linguistic Diversity and Language Rights.
- Phillipson, Robert (2017). Myths and realities of ‘global’ English, *Language Policy* 16/3, 313-331.
- Rahko-Ravanti, Rauna (2016). *Saamelaisopetus Suomessa. Tutkimus saamelaisopettajien opetustyöstä suomalaiskouluissa*. [Sámi education in Finland – Research on Sámi teachers’ work in Finnish schools]. PhD, Lapin Yliopisto (University of Lapland, Oulu, Finland).
https://lauda.ulapland.fi/bitstream/handle/10024/62576/Rahko-Ravanti_ActaE_200_pdfA.pdf?sequence=2
- Reyhner, Jon, & Eder, J. (2004). *American Indian education: A history*. Norman: University of Oklahoma Press.
- Reyhner, Jon & Singh, Navin Kumar (2010a). [Cultural Genocide in Australia, Canada, New Zealand, and the United States: The Destruction and Transformation of Indigenous Cultures](#). *Indigenous Policy Journal*, 21(3). *Indigenous Policy Journal* Vol. XXI, No. 4 (Winter 2010), 1-26.
- Reyhner, Jon & Singh, Navin Kumar (2010b, Spring). [Aligning Language Education Policies to International Human Rights Standards](#). *eJournal of Education Policy*.
- Sands, Philippe (2016). *East West Street. On the Origins of genocide and crimes against humanity*. London: Weidenfeld & Nicolson.
- Scott, James (2009). *The art of not being governed*. New Haven: Yale University Press.
- Skirtz, Alice (2012). *Econocide: Eliminating the Urban Poor*. Washington, D.C.: NASW Press [National Association of Social Workers]
- Skutnabb-Kangas, Tove (1988). Multilingualism and the Education of Minority Children. In Skutnabb-Kangas, Tove & Cummins, Jim (eds) (1988). *Minority education: from shame to struggle*, Clevedon, Avon: Multilingual Matters, 9-44
- Skutnabb-Kangas, Tove (2000). *Linguistic genocide in education - or worldwide diversity and human rights?* Mahwah, NJ & London, UK: Lawrence Erlbaum Associates, 818 pp. South Asian updated edition in 2008, Delhi: Orient Longman.
- Skutnabb-Kangas, Tove (2015). Linguicism. *The Encyclopedia of Applied Linguistics*. Malden, MA: Blackwell. Published online: 19 June 2015 DOI: 10.1002/9781405198431.wbeal1460.
- Skutnabb-Kangas, Tove, Bear Nicholas, Andrea & Reyhner, Jon (2016). Linguistic Human Rights and Language Revitalization in the USA and Canada. In Coronel-Molina, Serafin M. and McCarty, Teresa L. (eds). *The Handbook of Indigenous Language Revitalization in the Americas*. New York: Routledge, 181-200.
- Skutnabb-Kangas Tove & Dunbar, Robert (2010). *Indigenous Children’s Education as Linguistic Genocide and a Crime Against Humanity? A Global View*. *Gáldu Čála. Journal of Indigenous Peoples’ Rights* No 1, 2010. Guovdageaidnu/Kautokeino: Gáldu, Resource Centre for the Rights of Indigenous Peoples.
- Skutnabb-Kangas, Tove & Fernandes, Desmond (2008). Kurds in Turkey and in (Iraqi) Kurdistan: A

- Comparison of Kurdish Educational Language Policy in Two Situations of Occupation. *Genocide Studies and Prevention* 3:1, 43-73.
- Skutnabb-Kangas, Tove & Phillipson, Robert (2017). Introduction to Volume 2. In Skutnabb-Kangas, Tove & Phillipson, Robert (eds). *Language Rights, Volume II, Language Policy in Education: Violations of Rights for All?* London & New York: Routledge, Series Critical Concepts in Language Studies, pp. 1-22.
- Suurpää, Johanna (2010). Saamelaiset ja syrjintä [The Saami and discrimination]. In Kokko, Kai T. (toim.) (2010). *Kysymyksiä saamelaisten oikeusasemasta* [Issues on the legal position of the Saami]. Rovaniemi: Lapin yliopiston oikeustieteellisiä julkaisuja Sarja B no 30, 111-118.
- Truth and Reconciliation Commission of Canada (2015). *Honouring the Truth. Reconciling for the Future. Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Ottawa: The Truth and Reconciliation Commission of Canada.
http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf.
- UNESCO (1953). *The use of the vernacular languages in education*, Monographs on fundamental education VIII, Paris: UNESCO.
- Äärelä, Rauni (2016). *"Dat ii leat dušše dat giella." ["Se ei ole vain se kieli"]*. *Tapaustutkimus saamenkielisestä kielipesästä saamelaisessa varhaiskasvatuksessa*. [It is not just the language. A case study of a Saami medium language nest in Saami early childhood education]. PhD, Lapin Yliopisto (University of Lapland, Oulu, Finland).

Notes:

¹ My humble thanks to Ahmed Kabel and Robert Phillipson for constructive comments (as usual).

² Minoritised groups are not necessarily minorities in terms of numbers/demography, but minorities in terms of power relations. In some cases children who speak a non-dominant “dialect” can be educationally compared with ITM-children. For definitions, and their power to, see Skutnabb-Kangas & McCarty 2008.

³http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Exec_Summary_2015_05_31_web_o.pdf

⁴ See, e.g. Skutnabb-Kangas & Phillipson 1989 for the Nordic countries; Churchill 1997 and Costo & Costo 1987, Reyhner & Eder 2004 for USA; Chrisjohn et al., 2001, 2008, Milloy 1999, for Canada; Reyhner & Singh 2010 and Skutnabb-Kangas, Bear Nicholas & Reyhner for both USA and Canada. These are just examples, there are thousands of others.

⁵ E793, 1948; 78 U.N.T.S. 277, entered into force Jan. 12, 1951; for the full text, see <http://www1.umn.edu/humanrts/instree/x1cppcg.htm>

⁶ The USA president Roosevelt, the Turkish constitution reformer Atatürk (Mustafa Kemal), and the present president Erdoğan have all in several ways expressed the forced assimilation they wished, in ways that can be interpreted as an “intention” – see, e.g. Skutnabb-Kangas & Fernandes 2008 .

⁷ Linguicism is defined as “ideologies, structures and practices which are used to legitimate, effectuate, regulate and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language” (Skutnabb-Kangas 1988, 13; see also my encyclopedia article 2015, called “Linguicism”).

⁸ For a completely different way of using the two concepts, *lingua nullius* and *cultura nullius*, see Kayman 2004, 2009, and Phillipson, e.g. 2016. One example: “European colonisation was legitimated by the fraudulent myth of *terra nullius*. Americanisation worldwide is furthered by projecting US norms and lifestyle as a *cultura nullius* for all. English is marketed as a *lingua nullius*, for instance in British promotion of

English worldwide, as though English is a universal ‘basic skill’. This is false argumentation that echoes colonial discourse” (Phillipson 2016).