

The right to mother tongue medium education - the hot potato in human rights instruments

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Opening Plenary

*Grandmothers and Grandfathers
Thank you for our language
that you have saved for us.
It is now our turn to save it
for the ones who are not yet born.*

May that be the truth
(Words of the Maliseet Honour Code¹, written by Imelda Perley, Cree from Manitoba, quoted in Kirkness 2002: 23)².

*"As long as we have the language, we have the culture.
As long as we have the culture, we can hold on to the land."*
Manu Metekingi³, a Maori man from the Whanganui iwi (tribe), in a film shown at the Whanganui Iwi Exhibition, at Te Papa Tongarewa Museum of New Zealand, Wellington, 29 November 2003 - May 2006. The Exhibition tells about "our heartland, the Whanganui River, and our place within it". The Whanganui iwi write: "The well-being of our river is intertwined with its people's well-being" (from the brochure describing the exhibition, with the theme: "Ko au te awa, ko te awa ko au. I am the river, the river is me").

"Opposing the violation of the linguistic and human rights of Deaf people still common worldwide and reaffirming that Deaf children have a right to bilingual education in their indigenous sign and written languages [...]"
Recognising the detrimental psychological consequences mainstreaming can have on Deaf students [...]"
(from Resolution, 14th World Congress of the World Federation of the Deaf, Montreal, Quebec, Canada, 18-26 July 2003⁴).

¹ Compare this with the following quote from the Danish right-wing Minister of Culture Brian Mikkelsen (quoted in the Danish daily *Jyllands Posten* 14.1.2004, in connection with the state and the Carlsberg Fund financing the big Danish online dictionary: "The Danish language binds our society together. Despite the fact that we have just 5 million residents in Denmark, we have an important community in our language. We have a responsibility to preserve that [the language] for the benefit of future generations." Thus, it is not always the content of what people say about their language in itself, without context, that is decisive for how to interpret the message. Language can be an important value both for those who try to shelter their own threatened languages and appreciate everybody else's right to do so, and for those who, like the right-wing Danish government, do not accept the value of other people's mother tongues and try to force immigrant minorities to learn Danish at the cost of their own languages. And Nazi and apartheid ideologies also glorified the power-holders' own languages.

² Thanks to Barbara Burnaby for the quote!

³ Thanks to the staff at Te Papa for identifying the person for me - neither the quote nor his name is in the brochure.

⁴ Thanks to Markku Jokinen (President), Liisa Kauppinen (President Emerita) and Carol-lee Acquiline (General Secretary) from the WFD for long-term friendship and insights into Deaf culture and rights. See also Skutnabb-Kangas, in press a.

1. Are politicians and lawyers ignorant of the fact that education of dominated minorities through the medium of a dominant foreign language may participate in committing linguistic genocide? Contradictions and inconsistencies in monitoring the few linguistic human rights in education

Most indigenous and minority children, and many dominated group children in Africa and Asia, regardless of minority or majority status, are being educated mainly through the medium of a dominant language which is not their mother tongue. The results are often bad or even disastrous in terms of their cognitive, emotional and scholarly development. Why is this done, when mainly mother tongue medium (MTM) education would be much more appropriate and is supported by solid research results?

I claim in this paper that some researchers, including human rights lawyers, have accepted or even actively argued **for** measures which harm minority children and transfer them forcibly to the majority group, at the same time as these measures are participating in active killing of the world's linguistic diversity. But this is seldom discussed openly. The right to mother tongue medium (MTM) education is in many senses a hot potato.

Often people ask: do we know that the negative educational results are consequences of the foreign medium? And can one really rely on the claims of most of us researchers that mother tongue medium (MTM) education leads to better results? One could be charitable and assume that ignorance, lack of knowledge about what various educational models lead to, might play a role in the lack of guaranteed rights to MTM education. Therefore I start with summarizing a few aspects of information necessary for human rights lawyers to argue more forcefully for the right to mother tongue medium education.

Minority children have to become minimally bilingual through their formal education. Bilingual education of all kinds is a very specialized and sensitive area of both research and policy-making. However, detailed knowledge of it is a prerequisite for being able to make sound recommendations. An important complicating issue is that some of the **scientifically sound and practically proven principles** of how to enable children to become high-level multilinguals with the support of the educational system are in fact counter-intuitive: they **go against common sense**.

If indigenous or minority children who speak their mother tongue at home, are to become bilingual, and learn the dominant/majority language well, one might, with a **common sense approach**, imagine that the principles of early start with and maximum exposure to the dominant language would be good ideas, like they are for learning many other things - practice makes perfect.

In fact, **sound research** shows the opposite: the longer indigenous and minority children in a low-status position have their **own** language as the main medium of teaching, the better they also become in the dominant language, provided, of course, that they have good teaching in it, preferably given by bilingual teachers, just as the **Hague Recommendations on the Educational Rights of National Minorities** and the UNESCO Education Position Paper **Education in a multilingual world** (2003) recommend.

I shall give two examples of recent very large-scale longitudinal and methodologically extremely careful studies from the United States, Ramirez et al. (1991) and Thomas & Collier (1997, 2002; see also other references to them in the bibliography).

The Ramirez et al.'s 1991 study, with 2,352 students, compared three groups of Spanish-speaking minority students. The first group were taught through the medium of **English only** (but even these students had bilingual teachers and many were taught Spanish as a subject, something that is very unusual in submersion programmes). The second group, **early-exit** students, had one or two years of Spanish-medium education and were then transferred to

English-medium. The third group, **late-exit** students, had 4-6 years of Spanish-medium education before being transferred to English-medium.

Now the common sense approach would suggest that the ones who started English-medium teaching early and had most exposure to English, the English-only students, would have the best results in English, and in mathematics and in educational achievement in general, and that the late-exit students who started late with English-medium education and consequently had least exposure to English, would do worst in English etc.

In fact the results were exactly the opposite. **The late-exit students got the best results**, and they were the only ones who had a chance to achieve native levels of English later on, whereas the other two groups were, after an initial boost, falling more and more behind, and were judged as probably never being able to catch up to native English-speaking peers in English or in general school achievement.

The Thomas & Collier study (see bibliography, under both names), the largest longitudinal study in the world on the education of minority students, with altogether over 210,000 students, including in-depth studies in both urban and rural settings in the USA, included full MTM programmes in a minority language, dual-medium or two-way bilingual programmes, where both a minority and majority language (mainly Spanish and English) were used as media of instruction, transitional bilingual education programmes, ESL (English as a second language) programmes, and so-called mainstream (i.e. English-only submersion) programmes. Across **all** the models, those students who reached the **highest levels** of both bilingualism and school achievement were the ones where the children's mother tongue was the main medium of education for the most extended period of time. This length of education in the L1 (language 1, first language), was the strongest predictor of both the children's competence and gains in L2, English, and of their school achievement. Thomas & Collier state (2002: 7):

the strongest predictor of L2 student achievement is the amount of formal L1 schooling. The more L1 grade-level schooling, the higher L2 achievement.

The length of MTM education was in both Ramirez' and Thomas & Collier's studies more important than any other factor (and many were included) in predicting the educational success of bilingual students. It was also much more important than **socio-economic status**, something extremely vital when reflecting on the socio-economic status discussions and choices in relation to the Roma in most recommendations⁵. The **worst results**, including high percentages of push-outs⁶, were with students in regular submersion programmes where the students' mother tongues (L1s) were either not supported at all or where they only had some mother-tongue-as-a-subject instruction.

There are dozens of smaller studies from all over the world that show similar results⁷. A typical example would be my own small-scale study among Finnish working class immigrant minorities in metropolitan Stockholm in Sweden (Skutnabb-Kangas 1987). The students in my study were in Finnish-medium classes, and I had Swedish control groups in the parallel classes in the same schools. For their Swedish competence, I used a difficult Swedish language test, of the type where normally middle-class children do better than working class children. After 9 years of mainly Finnish-medium education, and good teaching of Swedish as a second language, these working-class Finnish students got somewhat better results in the Swedish language than the Swedish mainly middle-class control groups. In addition, their Finnish was almost as good as the Finnish of Finnish control groups in Finland (Table 1).

⁵ These include the Framework Convention's Advisory Committee deliberations and recommendations, see below.

⁶ These are called "drop-outs" in deficiency-based theories which blame the students, their characteristics, their parents and their culture for lack of school achievement.

⁷ See summaries and references in, e.g., Baker 1993, Baker & Prys Jones 1998, references to Cummins in the bibliography, Huss 1999, Huss et al. 2002, May & Hill 2003, May et al. 2003, Skutnabb-Kangas 2000, Tollefson & Tsui, eds, 2003, and the 8-volume series **Encyclopedia of Language and Education**, especially Cummins & Corson, eds, 1997.

Table 1. Swedish test results and subjects' own assessment of their Swedish competence

	TEST RESULT (1-13)		OWN ASSESSMENT (1-5)	
	M	sd	M	sd
Swedish control group	5.42	2.23	4.83	0.26
Finnish co-researchers	5.68	1.86	4.50	0.41

M = mean; sd = standard deviation: Finnish working class immigrant minority youngsters in Sweden, after 9 years of mainly Finnish-medium education; Swedish control group: mainly middle class youngsters in parallel classes in the same schools; Swedish test: decontextualised, CALP-type test where middle-class subjects can be expected to perform better. (Skutnabb-Kangas 1987)

The conclusion from a very thorough research summary for the Maori section of the Ministry of Education in Aotearoa/New Zealand (May & Hill 2003: 14) is that **English-only submersion programmes** "are widely attested as the **least effective** educationally for minority language students".

We also know from solid research that educating indigenous and minority children mainly through the medium of a dominant foreign or second language fosters monolingualism in dominant languages, not high levels of multilingualism. This is the practice that is responsible for most of the linguistic genocide in schools. Indigenous and minority children should have their education mainly through the medium of their own languages, with good teaching of a dominant language (and other languages) as subjects, taught by bilingual teachers, and possibly some teaching through the medium of the dominant language in secondary education, gradually, and following a careful plan, just as the **Hague Recommendations Regarding the Education Rights of National Minorities** from OSCE's High Commissioner on National Minorities suggest <http://www.osce.org/hcnm/>. This would lead to high levels of bilingualism or multilingualism and maintenance of linguistic diversity, i.e. the goals that politicians claim to strive towards. But schools are in practice doing exactly the opposite. And politicians are avoiding the hot potato, refusing to discuss it, invisibilising it through silence, and refusing to see the contradictions and inconsistencies. They are, decade after decade, avoiding the granting of the basic singularly important linguistic human right, a binding and unconditional right to MTM education.

This right does not exist today. Having one's education through the medium of one's own language in state schools, paid for through tax moneys, is not a legally guaranteed right today, except for some linguistic majority children - and not even for all of them. As Katarina Tomaševski, the UN Special Rapporteur on the Right to Education, will state in her final report (personal communication, 30 January 2004; see also Tomaševski 2001 a-e, 2002a, b), fees are charged for basic education in more than 90 countries today, in blatant violation of several UN human rights instruments. And the European Union is following suit with the scandalous formulation in the Draft European Constitution, in Article II-14(2), p. 63: "This right includes **the possibility** to receive free compulsory education" (emphasis added).

Why is it so difficult to get this kind of education accepted and legally guaranteed in international and European human rights instruments? Why is the right to MTM education such a hot potato, among politicians, lawyers, and school authorities, even some parents?

Many politicians and school authorities say that they want minority children to learn their mother tongues while in practice preventing it. But even those lawyers who are supposed to monitor the rights of minorities, may try to prevent this learning - and here I do think that lack of trans-disciplinary knowledge may play a role. My example here is the Advisory Committee monitoring Council of Europe's **Framework Convention on the on the Protection of National Minorities**⁸. In several opinions on government reports, the Advisory Committee urges the state

⁸ This section is based on my paper as the invited commentator of the Education report by Duncan Wilson at the Council of Europe conference "Filling the Frames", to mark the 5th anniversary of the entry into force

to place minority children (mostly Roma, but also some others) in “regular” classes where they are “integrated” with dominant group children. At the same time, the Committee urges the State to “ensure [that] adequate opportunities exist to be taught the Roma language or to receive instruction in this language” (e.g. opinions on Romania, Croatia and Slovakia, see Wilson 2003: 17-18 and pp. 32, 41; they also see “separate classes” as risky for integration – e.g. in the opinion on Sweden). But you cannot teach minority children through the medium of a minority language, in a classroom where children from the linguistic majority are also present, unless these are also to become bilingual – and there is no indication of this in the Advisory Committee’s opinions. This is an example of the serious contradiction between nice phrases and recommendations for implementation.

It is the kind of submersion education that May & Hill (2003: 14) stated “are widely attested as the **least effective** educationally for minority language students” that legal advisors, exemplified here by the Advisory Committee on the **Framework Convention for the Protection of National Minorities** both accept for many minority students, without protesting, and even recommend for Roma students⁹, even to those who speak Romany at home. They follow common sense rather than research results, even if they ought to know that their recommendations are bound to lead to very negative results. They even recommend that those minority parents, who want to have their children in separate schools, should be dissuaded from this. Knowingly working towards solutions which have been shown to lead to negative results, and not recommending or even advising against solutions which would very likely show positive results, is tantamount to intentionally causing serious mental harm to the children, meaning it fulfils the demands in the UN genocide definition (see later) in Article II (b), ‘*causing serious bodily or mental harm to members of the group*’; emphasis added). However, none of this is discussed or pointed out in the opinions. There seems to be a complete confusion in relation to what kind of educational models to suggest as the minimum standard. This was noted by David Wilson (Wilson 2003: 5) who wrote the education paper for the conference celebrating the fifth anniversary of the European **Framework Convention**. After criticising the education Article 14, Wilson continues: “The Advisory Committee has been particularly hesitant in defining linguistic rights in education, and legal certainty under this article is consequently weak”.

Surely the minimum standard that the Advisory Committee is supposed to set cannot be anything that is **known** through solid research and experience to seriously harm the children? Surely a minimum standard cannot be anything that is known to forcibly assimilate the minority children, as ALL subtractive teaching does. In **subtractive language teaching and learning**, a new (dominant/majority) language is learned **at the expense** of the mother tongue. Additive learning and teaching is surely what the Advisory Committee should be recommending for all. In **additive language teaching and learning** the new language is learned **in addition** to the mother tongue which continues to be used and developed. For this to happen with minority children, their own language needs to be the main medium of teaching at least during the first 8-9 years of schooling, preferably longer.

This kind of reflections are oppressed both in general, among politicians and school authorities, and, as here, as a background to the Advisory Committee’s opinions. The political tension leading to the oppression is indicative of “the controversy surrounding linguistic rights in education” that Duncan Wilson also correctly notes about Article 14 (Wilson 2003: 20):

This article is drafted in an extremely complex manner, which well reflects the controversy surrounding linguistic rights in education. The article is full of limitations, or “claw-back clauses”. Phrases such as “if there is sufficient demand”; “as far as possible”; “within the framework of their educational systems”; “adequate opportunities for being taught the minority language or receiving instruction in this language” give huge scope for interpretation and endanger the substance of the obligation. Advisory Committee practice

of the Framework Convention on the Protection of National Minorities, Strasbourg, 30-31 October 2003 (see Skutnabb-Kangas, in press b).

⁹ See the country reports and the Advisory Committee's comments; see also Skutnabb-Kangas, in press b, Wilson 2003.

under this article appears confused in general, leading to uncertainty as to the balance to be drawn between the various elements of the article, and the criteria for triggering the right laid out in paragraph two.

Many of the Advisory Committee's recommendations under Article 14 are uncommonly weak, often avoiding direct recommendations altogether. (Wilson 2003: 17).

Thus politicians are not the only ones who are inconsistent. As Duncan Wilson also notes (e.g. Wilson 2003: 17), the Advisory Committee is completely inconsistent in the length of time that it recommends for MTM education for various groups and countries. Especially in the case of the Roma, the Committee is actively preventing ANY MTM education, through their insistence on the children being in "regular" classes, together with dominant language speakers. Likewise, in several cases, the Committee does not protest when there are clear violations of the Convention, as when Roma children have no or very little instruction in their language as a subject and absolutely no teaching through the medium of their own language (see Wilson 2003: 20 for Romania; in the opinion on the Slovak Republic, there is no clear protest against no education being given through the medium of Romany even when the Slovak Constitution "guarantees the rights of Slovak citizens belonging to national minorities to receive education in their mother tongue"; *ibid.*: 47). For other groups, on the other hand, the Committee do not think that 4 years (e.g. opinion on Austria, Wilson 2003: 46) or primary and lower secondary education (e.g. Estonia, Sweden, *ibid.*: 46) is enough. For still others (e.g. in opinions on Albania, Germany, Romania and the Slovak Republic, Wilson 2003: 36-37) they consider minority worries about lack of university education through the medium of their own languages as legitimate. Inconsistency.

Likewise, the Advisory Committee considers (Wilson 2003: 39), on the one hand, about the Roma, that "specific classes devoted to one national minority as such ... risk placing the children concerned at a disadvantage and harming the implementation of Article 12", whereas there are no worries about placing other minorities in MTM education up to university level. Contradiction and inconsistency. It seems to me that the monitoring group for the European Charter for Regional or Minority Languages may show somewhat fewer contradictions in their opinions, partly because of the nature of the provisions in the Charter (see Grin 2003b for a positive reading of the Charter), partly also because a somewhat wider range of scientific disciplines is represented in the group (including some experts on language and education, like Leena Huss, Sweden). Obviously both European instruments¹⁰ are so vague and full of claw-back clauses that it would be decisive for the monitoring groups to present a progressive and consistent interpretation. The Advisory Committee for the Framework Convention has certainly extended some of the rights in the Convention in interesting ways, but the contradictions and inconsistencies in their opinions may undo this good work.

This tension has resulted in that the regulations covering the maintenance of indigenous and minority languages through education are one of the weakest points in **all** international law covering minority rights, indigenous rights, children's rights and language rights. The Advisory Committee adds to the confusion through "avoiding direct recommendations" as noted by Duncan Wilson above.

What these few examples show is the complexity of the question of education of indigenous peoples and minorities. If even advisory committees who are supposedly experts on minority protection show vacillation and uncertainty and confusion, how are educational decision-makers supposed to know what to do? My old claim is that state reluctance to grant educational linguistic human rights to minorities is based on misplaced and outdated ideologies. These reflect old-fashioned nation-state ideology, a belief that the existence of minorities and their reproduction of themselves as minorities, partly through mother-tongue medium education,

¹⁰ The latest news about The Council of Europe's **European Charter on Regional or Minority Languages**, and the **Framework Convention on the Protection of National Minorities**, both in force since 1998, are to be found at <http://conventions.coe.int/treaty/EN/cadreprincipal.htm>; their treaty numbers are 148 and 158.

necessarily lead to the disintegration of nation states. In fact, it is lack of basic linguistic human rights that contributes to conflict and tension in situations where linguistic hierarchies coincide with political & economic power hierarchies (see, e.g. Eide, Hettne, Stavenhagen, in the bibliography). Granting educational linguistic human rights might be part of a solution, and state-appointed watchdogs like the Advisory Committee should also contribute to that solution.

This lack of rights obviously matters in hundreds of ways and I can here only touch on a few. The next issue I discuss is about its influence on the future of the world's languages.

2. Silence about linguistic genocide, killer languages and lack of the right to mother tongue medium education

The prognosis for the future of the world's languages is grim. The most optimistic estimates are that over half of today's close to 7,000 spoken languages may be extinct or very seriously endangered towards the end of this century (e.g. <http://www.unesco.org/endangeredlanguages>). The more pessimistic but still realistic estimates claim that 90-95% of them may be extinct or no longer transferred from parents to children around the year 2100 (e.g. Krauss 1992, 1995, 1996, 1997, UNESCO 2003a, http://portal.unesco.org/culture/en/file_download.php/1a41d53cf46e10710298d314450b97dfL+Language+Vitality.doc). This would leave some 300-350 languages, i.e. probably those languages that today have more than one million speakers, and a few others. Still more pessimistic estimates suspect that only those 40-50 languages will remain in which you can, within the next few years, talk to your stove, fridge and coffee pot, i.e. those languages into which Microsoft software, Nokia mobile phone menus, etc., are being translated (Rannut 2003)¹¹. Nobody has made predictions about the future of Sign languages, but the World Federation of the Deaf is worried about more powerful Sign languages in every country (and, especially the American Sign language also internationally) wiping out smaller Sign languages¹².

The question is: why are languages disappearing? Obviously the structural and ideological agents behind the killing of languages are the social, economic and political techno-military forces that promote corporate globalisation¹³. But some of the most important **direct** agents confronted by most people are the educational systems and the media. These are both indirectly and directly homogenizing societies linguistically and culturally. And ideologically: they are, through their consent-manufacturing capacities (Herman & Chomsky 1988), making people accept the homogenizing processes as somehow necessary and even natural (see McMurtry's 2002 mind-blowing, sophisticated analysis of this; see also his 1999¹⁴).

As many researchers have noted, after Joshua Fishman, schools can in a couple of generations kill languages which had survived for centuries, even millennia, when their speakers were not exposed to formal education of present-day type. Schools can today participate in committing linguistic genocide through their choice of the medium of formal education - and they do.

¹¹ See Annex for a few figures for Internet use - these may show some of the trends. On the other hand, indigenous peoples are actively demanding that their languages be developed for purposes of the information society so that they can be used for all aspects of Information and Communication Technology (ICT), including computer software, database portals, every possible type of digitising these languages, etc. See **World Summit on the Information Society, The Report of the Global Forum of Indigenous Peoples and the Information Society**, 8-11 December 2003, Geneva, UN, ECOSOC, E/23 December 2003 at <http://www.un.org/esa/socdev/pfii/PFII3/documents/FinalReportUNSPFII2003.pdf>

¹² "As the Deaf world increasingly becomes a small global village, dominant sign languages must not be allowed to destroy 'smaller' sign languages [...]" (from Resolution 2003:33). Of course cochlear implants and false expectations about them, as well as genetic engineering, may also participate in diminishing the number of Sign languages: "Strongly condemning the developments and potential use of biotechnology and genetic science that infringe on human rights and dignity and reduce human diversity [...]". (from Resolution 2003: 33).

¹³ For various aspects, see e.g. Featherstone, ed. 1990, Hamelink 1994, 1995, 1997, McMurtry 2002, Monbiot 2000, 2003, Roy 1999, Shiva 1991, 1993, 1997, Stiglitz 2002.

¹⁴ Big thanks to Ian Martin for making us aware of McMurtry!

Before going more into the hot potato problem that I want to tackle in this paper, definitions of two concepts have to be given, killer languages, and linguistic genocide.

If dominant languages are learned **subtractively**, at the expense of other often smaller dominated languages, the dominant languages become **killer languages**. "Being" a killer language is **NOT** a characteristic of a language. It is a relationship, a question of how a language functions in relation to other languages. ANY language can become a killer language in relation to some other language. Besides, "languages" do not kill each other. It is the power relations between the **speakers** of the languages that are the decisive factors behind the unequal relations between the languages which then cause people from dominated groups to learn other languages subtractively, **at the cost of their own**. Obviously other languages should (and can) be learned **additively**, in addition to one's own language(s), not instead of it or them.

Killer languages pose serious threats towards the linguistic diversity of the world. English is today the world's most important killer language, but there are many others, large and smaller. Most official languages function as killer languages vis-à-vis non-official languages in the same state. In addition, ALL oral languages can, through enforced oralism, function as killer languages, in relation to Sign languages. In oralism, Deaf children are taught through spoken (and written language) only, and Sign languages have no place in their education. Official/national oral languages may be especially important killer languages vis-à-vis Sign languages. Big Sign languages, when learned subtractively, at the cost of small Sign languages, can be killer languages. Usually a country makes only one Sign language official (if any). This may kill all other Sign languages in the country. The American Sign Language may pose serious threats towards all other Sign languages, if it is learned subtractively. It may be the worst killer language among Sign languages. Organisations of the Deaf everywhere are protesting forcefully against these violations¹⁵

Secondly, linguistic genocide. There are two basic paradigms explaining why languages die. The first one describes the disappearance as ("natural") death. A few people representing this paradigm applaud it ("What the world needs most is about 1000 more dead languages – and one more alive" - C.K. Ogden 1934 - and guess which one he meant...); many are indifferent, and some regret it but see it as inevitable. The other paradigm (which I represent) sees the disappearance of languages in most cases as a result of "murder". This paradigm asserts, as opposed to the death paradigm, that languages do NOT just disappear naturally. "Languages" do NOT "commit suicide", i.e. in most cases speakers do NOT leave them voluntarily, for instrumental reasons, and for their own good. Instead, languages are "murdered". Most disappearing languages are victims of linguistic genocide.

When people hear the term genocide, many ask: Is the term not too strong? Is it not watering down the whole concept of genocide to use it about languages and cultures, rather than about physical atrocities (e.g. Levy 2001; "overstating the case", Boran 2003: 198.). I don't think so. I use the definitions of genocide from the **UN International Convention on the Prevention and Punishment of the Crime of Genocide** (E793, 1948). The Convention has five definitions of genocide. Two of them fit what happens in today's indigenous and minority education (emphasis added):

Article II(e): 'forcibly transferring children of the group to another group'; and
Article II(b): 'causing serious bodily **or mental** harm to members of the group'.

I have presented examples of this genocide in education in several papers and books (e.g. 1981, 2000, 2002,a, b, in press c, d) and will not repeat any of them here, except for one, a longitudinal study from Europe, by Pirjo Janulf (1998). She studied Finnish immigrant minority children in Sweden who had attended Swedish-medium submersion classes, with subtractive

¹⁵ See Resolution, 14th World Congress of the World Federation of the Deaf, Montreal, Quebec, Canada, 18-26 July 2003, at <http://www.wfdnews.org>

teaching. She also went back to many of them after 15 years when they were adults. **Not one** of them spoke **any** Finnish to their own children. The parent generation had no alternatives: Finnish-medium schools and classes did not exist. The subtractive education had as a result that their children were forcibly transferred to the majority group linguistically. Assimilationist subtractive education can also cause serious mental harm to children as countless studies attest to.

All the examples involve subtractive teaching through the medium of a foreign language, and lack of linguistic human rights. Without earlier and present-day linguistic genocide, there would be little need today to revive indigenous and minority languages? Most of them would probably be healthy and unthreatened. But we are killing them as never before, and the global model for this killing through both education and mass media has its historical origins in Europe.

But does the progress of killer languages and the linguistic genocide in schools also have direct consequences for today's Europe. If we for the moment leave out languages whose speakers have immigrated to Europe during the last 60 years and only count languages with older presence in Europe (see, e.g. Glanville Price's edited 2000 **Encyclopedia of the languages of Europe**), the result is that Europe only has around 3 percent of the world's spoken languages. On the basis of population figures we should have more. **The Ethnologue** (14th edition http://www.ethnologue.com/ethno_docs/distribution.asp, downloaded 23-01-02), gives the following figures and distribution: **Europe** 230 languages, 3%, **the Americas** (South, Central and North) have 1,013, 15%, **Africa** 2,058, 30%, **Asia** 2,197, 32%, and **the Pacific** 1,311, 19% (Table 2). Again, no count has been done for Sign languages.

Table 2. The distribution of languages (The Ethnologue, 14th ed.)

Area	Number of languages?	Percentage of world total
Europe	230	3%
The Americas (South, Central, North)	1,013	15%
Africa	2,058	30%
Asia	2,197	32%
The Pacific	1,311	19%

We in Europe are linguistically incredibly poor, compared to the rest of the world, just as we are very poor in terms of biodiversity. But we could become linguistically and culturally richer if the languages which have arrived recently were allowed to be maintained and if politicians, school authorities and scholars were to support them properly. Instead, Europe is busy killing these languages too, by trying to forcibly assimilate their speakers in schools. European educational systems, especially in today's EU, are among the most important direct agents in killing languages and, through that, in killing linguistic diversity, in Europe.

However, despite this poverty, in literally hundreds of resolutions, declarations and plans, European politicians pride themselves over Europe's linguistic and cultural diversity and see it as a hallmark and one of the riches of Europe (the EU is "a mosaic of languages and cultures, and its diversity represents its originality and its richness" is a typical example (Muylle, quoted in Berthoud 2003: 8). This discrepancy between rhetoric and implementation is increasingly being noticed by researchers. Piet van de Craen underlines

"the importance of multilingual education throughout Europe, despite the fact that its highly politicised aspects and ideological connotations are in marked contrast to common academic opinion on the matter. Whereas international academics in Europe and beyond are convinced on the benefits of multilingual education, politicians and heads of education institutions respond very slowly or negatively to the reforms necessary for its implementation" (quoted in a report on a workshop by Berthoud, 2003: 7).

How is the discrepancy explained? It might be appropriate to mention that I am manifestly not interested in any kind of conspiracy theories. I am, instead, interested in describing and discussing some of the issues important for identifying possible reasons for this discrepancy between the rhetoric and the practices, especially in relation to the role of the mother tongues and the lack of linguistic human rights in indigenous and minority education.

Many educationists and sociolinguists seem to think, with van de Craen (ibid.) that the discrepancy between phrases and implementation is mainly an information problem: maybe politicians, school authorities and even researchers do not know enough about the multidisciplinary issues involved, as I implied initially? We may have "gaps in research" (ibid.), or the politicians do not know the research. This would also explain the lack of proper discussion about the issues. To me this seems a bit naïve. The required knowledge is there as I showed at the beginning of my paper. It has been there for a very long time (see UNESCO 1953, Skutnabb-Kangas 1975, Skutnabb-Kangas & Phillipson 1989, Skutnabb-Kangas & Toukomaa 1976, Toukomaa & Skutnabb-Kangas 1977) - and still next to nothing happens to adhere to it. The linguistic genocide continues, and despite many of us, mainly from the minorities, having spread research results and analyses for decades (see, e.g. my 1975, 1981, 1984, 1990), most European discussions among politicians and even many mainstream researchers are conducted as if the knowledge did not exist. The right to MTM education is a hot potato that most decision makers do not want to touch.

But neither do most researchers want to touch it, I claim. Many both positivistically and post-modernistically oriented researchers may be too mono-disciplinary, and may avoid analyzing the issues as political power struggles. They play safe. In fact, despite completely opposite theories and methodological validity and reliability requirements at the surface level, it seems to me that some post-modernist researchers discussing issues such as ethnicity, identity, the role of languages and especially the role of mother tongues, are continuing the positivistic trend of dismissing these issues. Earlier they were dismissed as un-researchable because one could not measure them with hard-core methods. Today issues connected with them, like ethnicity, identity and mother tongues, are claimed to be so vague, flexible, changing, hybrid and nomadic that one cannot say anything about them. And if one does, one is disparagingly labeled "essentialising", and the issues are dismissed through this labelling. Specifically, many post-modernists deny any connection between identity and the mother tongue (see Skutnabb-Kangas, in press e, for a presentation and criticism of this kind of research). **Of course** linguistic identities are, as are all identities, multiple and flexible, processes and relations more than characteristics, more or less focused and salient, depending on the situation, fragmented and dialogic, contextual, nomadic and negotiated, becoming rather than being; they involve border crossing, hybridity and diaspora¹⁶. But this does manifestly not mean that one should dismiss the difficult-to-study experience of millions of people - which is what many post-modernist researchers do, just like the old positivists did - "nothing that cannot be measured, exists, or if it does, it does not belong in the sphere that serious researchers should be interested in" (a quote from Lars-Henrik Ekstrand in Sweden from an oral debate in the 1980s). Today "everything solid melts in the air" - an early post-modernist manifesto - and serious researchers should not essentialise. Just like old positivists thought that research and what they called value judgements and politics should be kept completely separate, there is today a post-modern detachment from fundamentals of power and issues of class and access and also agency. What this means is that the old myths about value-free science continue under a different guise. My claim is that this may also be an important causal factor in leading to the avoidance of the hot potato and to the contradictions and inconsistencies. These can be seen not only in the speech and actions of politicians but also in the arguments used in monitoring the few linguistic human rights in education that exist. Human rights lawyers are supposed to function as watchdogs, monitoring that those who are supposed to benefit from rights can really enjoy them. But in this case, are the watchdogs faring any better than politicians and school authorities? I have examined this in one case, the Council of Europe's **Framework Convention on the Protection of National Minorities** (see Skutnabb-

¹⁶ See Skutnabb-Kangas 2000: 134-164; see also my 1987 where I have tried to operationalise this for empirical field work.

Kangas, in press b), and will use some further examples from that examination below, but I believe that the problem is a more general one.

3. (How well) are educational linguistic human rights protected through the Draft Treaty Establishing a Constitution for Europe?

Before placing my reflections into a larger framework, I want to briefly comment on the **Draft Treaty Establishing a Constitution for Europe** (2003), submitted to the President of the European Council 18 July 2003, and rejected in its present form by the Council¹⁷. In terms of languages and education it represents a low point in drafting, both in what it says and in what it does not say. Language is mentioned on pages 10, 14, 65, 72, 84, 175, 198 and 267. The languages of the Constitution are, according to Article IV-10, Languages¹⁸, the following (ibid., 267):

The Treaty establishing the Constitution, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish, Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak and Slovenian languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

The citizens of the EU have the right to address certain EU institutions or advisory bodies (listed in Articles I-18(2), I-30, I-31, and the European Ombudsman, p. 84) in any of the 21 languages of the Constitution and to have an answer in the same language (Articles II-8(2) and II-41(4)). Thus speakers of minority languages which are not the main official languages of another state¹⁹ have no language rights whatsoever.

In addition to this, there are only a couple of extremely vague phrases about respect and non-discrimination:

The Union shall respect its rich cultural and linguistic diversity (Article I-3(3), p. 10).

The Union shall respect cultural, religious and linguistic diversity. (Article II-22, Cultural, religious and linguistic diversity, p. 65).

Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. (Article II-21(1), p. 65).

Even when the Constitution "fully respect[s] the responsibility of the Member States for the content of teaching and the organisation of educational systems and their cultural and linguistic diversity" (Article III-182(1)), "Union action shall be aimed at: (a) developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States" (Article III-182(2)). The one positive and more specific Article (III-217(4), p. 198) - where one can see the footprint of France and the Toubon law - affirms the unanimity rule in the European Council when negotiating and concluding agreements "in the field of trade in cultural and audiovisual services, where these risk prejudicing the Union's cultural and linguistic diversity". This is all that there is about language in the Constitution.

¹⁷ Several of my colleagues at the Tarragona Symposium analyse the Draft Treaty in much more detail - see the programme at <http://www.ciemer.org/mercator/simposi/II/symposium-gb-programa.htm>

¹⁸ To be adjusted in accordance with the Act of Accession.

¹⁹ This means that several minorities would be able to address the institutions in their own language but only because it happens to be the main language of another EU Member State. Examples would be Swedish-speakers in Finland, German speakers in Belgium, Denmark, Hungary and Italy, Danish speakers in Germany, Dutch/Flemish speakers in Belgium, Hungarian speakers in Slovakia, Slovak speakers in Hungary, and other similar minorities.

Some interesting issues emerge when we look at Articles where language is NOT mentioned but **should** be mentioned (and is often mentioned in other human rights instruments). Language is **not** mentioned in the two Preambles even if "the cultural, religious and humanist inheritance of Europe" and "national identities and history [of] the peoples of Europe" (p. 5) and "spiritual and moral heritage, diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States" (p. 57) are. Article III-181 is about Culture, and mentions "respecting their [the Member States'] national and regional diversity" (III-181(1), p. 173) and wants to improve "the knowledge and dissemination of the culture and history of the European peoples" (III-181(2)(a), p. 174 and "respect and promote the diversity of its cultures" (III-181(4), p. 174), but linguistic diversity is not included. One might then expect a special Article about Language - but there is none (except the Languages of the Constitution Article above). The other possibility is to think that "language" is included in "culture" - but this is not the case - see, e.g. Articles I-3(3) and II-22 quoted above where they are separated. Likewise, in the two Articles where the Union "aims to combat discrimination" (Articles III-3., p. 81, and III-8(1), p. 83), language has been omitted even if it should be there - the general maximalist non-discrimination Article II-21(1) quoted above is the only one where language is mentioned. Sign languages are not mentioned once, nor are the languages of immigrant minorities. The Convention thus does even less than the **Framework Convention on the Protection of National Minorities** which so far was thought to be the low point, about which Patrick Thornberry uttered the following memorable words: "there is just enough substance in the formulation to prevent it becoming completely vacuous" (Thornberry 1997: 356-357; see also Alfredsson 2000). But then the Convention does not give unqualified access even to free primary education either, as mentioned above. In its Article II-14 on Right to Education, it first states (II-14(1), p. 62): "Everyone has the right to education...", but qualifies this in the following subsection (II-14(2), p. 63): "This right includes **the possibility** to receive free compulsory education" (emphasis added²⁰).

As we know, the Draft Convention was not accepted in Rome by the Heads of State and Government and the work on it continues with the Intergovernmental Conference during the Irish presidency (until the end of June 2004).

There are comments made by organisations about the language issues in the document (e.g. from **Europa Diversa** (2002) <http://www.linguapax.org/pdf/europadiversa2.pdf>, or the submission initiated by **Verein Deutsche Sprache** - see this in the references - and signed by 13 other organisations). There are also many documents where inspiration could be sought²¹.

One additional document that, despite its shortcomings, could function as a partial inspiration for the Draft Constitution is a European Parliament Session document from 15 December 2003 (A5-0477/2003) from the Committee on Culture, Youth, Education, the Media and Sport. It contains a **Draft European Parliament Resolution on preserving and promoting cultural diversity: the role of the European regions and international organisations such as UNESCO and the Council of Europe** (2002/2269(INI)), and an Explanatory Statement. The text was adopted by the Parliament²².

Considering numerous documents, among them UNESCO's **Universal Declaration and Action plan on Cultural Diversity**²³ and the Union's support of it, the Draft Resolution calls on

²⁰ A caveat: I have not been able to compare this with how the Explanations prepared at the instigation of the Presidency of the Convention interpret this remarkable sentence simply because I have not been able to find them despite thorough searching on the internet. But the versions in other languages that I have checked, at <http://european-convention.eu.int/Docs/Treaty/cv00850.fi03.pdf>, for Finnish, and changing the "fi" in the address to "sv" for Swedish, "da" for Danish and "de" German, are equally much in violation of the universal right to free basic education, not only as a possibility but a RIGHT.

²¹ See Robert Phillipson's paper from this conference and his 2003 for references.

²² The Provisional Edition (14/01/2004, P5_TA-PROV(2004)0022), can be downloaded from http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=CALDOC&TPV=PROV&FILE=20040114&TXTLS_T=1&POS=1&LASTCHAP=8&SDOCTA=7&Type_Doc=FIRST&LANGUE=EN

²³ Passed by UNESCO's General Conference at its 31st session on 2 November 2001(31 C/ Resolution 25 and Annexes I and II).

the Commission and the Member States to support and act on a number of suggestions (47 altogether), including negotiations with UNESCO on a legally binding Convention on cultural diversity. Even if this document also leaves out language in a number of cases where it could or ought to be included and has numerous other shortcomings²⁴, it is nevertheless fairly strong in its demands on support for linguistic diversity, including the inclusion of (at least some) minority languages. For instance, the following suggestion (point 14) from the Resolution, could strengthen the role of languages and multilingualism enormously in the Draft European Union Convention:

Considers that the aforementioned Convention on cultural diversity should fully acknowledge the necessity of preserving language diversity as a basic fact of development cooperation and international relations in general, and with that in mind calls for specific strategies for the preservation and protection of diversity and strategies for the promotion of multilingualism to be developed by means of active and concrete support for education in the mother tongue and for the acquisition of foreign languages, training and consciousness-raising without discrimination;

With a bit of good will, point 15 below might be interpreted as also including immigrated minorities and their languages:

Reaffirms its vigilance concerning the treatment of minority populations and minority languages, including indigenous languages, in the context of the enlarged Europe; reiterates the need for multilateral institutions, including regional ones, to protect and guarantee the rights and freedoms of all peoples, particularly in the context of a multi-polar world made up of regional units.

Including immigrated minorities so that they could maintain their languages would also change considerably the linguistic poverty of today's Europe. The Advisory Committee on the Framework Convention is also trying to suggest in their interpretation of the Convention that immigrant minorities' languages should have some rights in education (see also Extra & Verhoeven, eds, 1993, 1998).

In an article called "Justice for sale. International law favours market values", Mireille Delmas-Marty (2003) discusses the danger in the conflict between legal concepts based on, on the one hand, "universal" **market values**, on the other hand, genuinely universal **non-market values**. The genuinely universal **non-market values** obviously include individual and collective human rights, as a part of the universal common heritage of humanity.

Even if philosophy of both human rights law and philosophically oriented parts of political science now start accepting that there should be normative rights in relation to at least some parts of this heritage (in their terminology "common public assets"), the legal protection of market values is incommensurably stronger than the protection of non-market values. Delmas-Marty exemplifies this with the fact that there is no universal international court that individuals could turn to when their (non-market value based) human rights have been violated. "Individual rights are entirely a matter for states, and reports are the only form of monitoring" (ibid.). And if this monitoring, which I have exemplified with the Advisory Committee on the Framework Convention, does not support educational linguistic human rights strongly, there is a problem.

On the other hand, laws based on market values are being spread by more or less global organizations like the WTO (World Trade Organisation) and, it seems to me, even more dangerously, WIPO (World Intellectual Property Organisation)²⁵. These laws are being developed extremely rapidly, with harsh sanctions for violations. Economist François Grin offers

²⁴ See, e.g., **RadicalFax** #122 from 29.1.2004, Transnational radical action - bulletin by the Transnational Radical Party.

²⁵ This happens mainly through the 1994 agreement on TRIPS (trade-related aspects of intellectual property rights) which, for instance in relation to biotechnology, should be concerned with both market and non-market values

through his discussion of "market failure" in his book about the **European Charter for Regional or Minority Languages** (2003b) excellent arguments for resisting market dominance for public or common assets/goods like cultural products:

Even mainstream economics acknowledge that there are some cases where the market is not enough. These cases are called 'market failure'. When there is 'market failure', the unregulated interplay of supply and demand results in an inappropriate level of production of some commodity" (Grin 2003b: 35).

In Grin's view, many public goods, including minority language protection, "are typically under-supplied by market forces" (ibid.). The level becomes inappropriately low. Therefore it is the duty of the state(s) to take extra measures to increase it.

Some researchers, like John Edwards, disagree with this. Edwards, for instance, argues that, for minorities, the communicative and symbolic values of language "are separable, and it is possible for the symbolic to remain in the absence of the communicative" (1984: 289). This means that even if minority members no longer know their language and cannot communicate in it, they can still remain, and feel that they are, members of the minority. Since "the symbolic value of language is essentially a private ethnic marker" (ibid.), governments should take no action to enable minorities to maintain their languages "on the grounds that matters of ethnicity are best left to those directly concerned" (ibid.: 299) and "public institutions" like schools, should not "promote private ethnicity" (ibid.: 300). Grin's careful opinion is that "this view is probably mistaken, and there are strong analytical reasons for state intervention - unless one were to argue that linguistic diversity is a bad thing in itself" (2003b: 34).

Can states (or a federal state with a constitution) leave the responsibility for languages and linguistic diversity unconsidered in this way? No, for several reasons, and we have already mentioned the "market failure" argument. In addition, states **can** be neutral in relation to religions, but not in relation to languages (e.g. Kymlicka & Grin 2003: 10) because all states must function through the medium of **some** language or languages. That means that a state or federation that does not actively support minority languages is in fact supporting (the dominance of) the official language(s) unjustly. The Draft Convention is doing exactly this. In addition, it does not only NOT protect educational linguistic human rights; through making free primary education a possibility rather than a right it even weakens the present already weak provisions.

It is here that the European Parliament Resolution mentioned above is especially important in its attempt to build bridges between the market and cultural products. It has several suggestions to exempt cultural goods and services and education from market laws. Cultures (here including languages) and education have according to the Resolution a dual nature as both economic and cultural goods, and the market should accept this. Points 16 and 18 of the Resolution state the demands flowing from the dual nature of this relationship as follows:

16. Stresses that cultural services and products and education are not merchandise or consumer goods like any other, and must therefore be made subject to special conditions in the light of their dual nature as economic and cultural goods; these conditions must take account of the fact that the market cannot be the measure of all things, and must guarantee in particular diversity of opinion and pluralism;

18. Calls on the European Union to place an unmistakable stress, in the context of the WTO and GATS, on the nature of cultural services and products as cultural goods, and to exempt them from trade liberalisation;

The Explanatory Statement following the Resolution, by the Rapporteur, Christa Prets, draws somewhat more on research evidence than the Resolution itself which is obviously couched in "resolution legalese". It also notes the recent debates and controversies between "unconditional supporters of free trade" and others:

The long-term objective is for European and non-European actors to agree on the fundamental principle, enshrined in UNESCO's Universal Declaration on Cultural Diversity,

that cultural goods and services "must not be treated as mere merchandise or consumer goods"²⁶. Ever since this principle was advanced and adopted by the Union in **WTO** negotiations (which led to the "cultural exception"), this policy has drawn fierce opposition from unconditional supporters of free trade. [...] It is of the utmost importance that the expanding Union consolidates its fragile internal policy with regard to culture and education before taking new initiatives in either the WTO/GATT or GATS framework to open up its market. In particular, the acceding Member States should accept the fundamentals of EU policy in these sectors.(p. 12).

Another one of Delmas-Marty's (2003) vital claims²⁷ is:

The market is replacing the nation, superseding the state and becoming the law: under the law of the market, law itself becomes a marketable commodity.

The **Draft Treaty Establishing a Constitution for Europe** (2003) seems to conform to this statement completely too: In its Article I-3(3), p. 9), on The Union's Objectives, one of these is that "The Union shall work for [...] a social market economy...". Under title V, The Union's external action, one of the "common policies and actions" that the Union shall work for is to "(e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade" (Article V-193(2) (e), p. 183).

Contrary to this, Delmas-Marty thinks that "we must [...] coordinate the sets of rules on human rights, the rights of [hu]mankind, and the rights of the market. This is [...] essential to the establishment of a genuinely pluralist world order that will guarantee peace in the positive sense, the only lasting peace (ibid.). Delmas-Marty sees, with many others (like Zygmunt Bauman) a danger in the development where "the market is replacing the nation, superseding the state and becoming the law" (ibid.).

Delmas-Marty further claims that "the law is ill-equipped to deal with non-market values", and "the only concepts that apply universally are market-related" (ibid.).

If this is correct about law, including human rights law and including the present and planned legal instruments presented- and I see no reason to doubt the statement - are other disciplines better able to deal with non-market values? And is linguistic diversity a non-market value only?

In the final section I shall place my initial questions about the future of linguistic diversity, including the importance of MTM education, into this larger framework, discussing the dual nature of them in terms of market and non-market values. Maybe the hot potato can be discussed better within other disciplines?

4. Linguistic diversity as a common non-market value good

François Grin differentiates between market and non-market values for private and social purposes (Table 3). If we start with equating "linguistic diversity" with "linguistic competence in several languages", "linguistic diversity" can obviously figure as a value in each cell.

Table 3. Four levels of value

	Private	Social
Market	A	B
Non-Market	C	D

(Source: Grin 2004)

²⁶ Article 8.

²⁷ She is here referring to A. J. Mazere (1995). *L'un et le multiple dans la dialectique marche, nation, Marche et nation, regards croises*, Montchrestien.

A person can benefit from the knowledge of several languages (A), for instance through a higher salary. Grin's examples for cell A, **Private market value**, include "1. net earnings differentials²⁸; 2. wider choice of jobs; 3. more interesting jobs; 4. access to lower prices; and 5. quicker/cheaper access to information". Among the **Private non-market values** (C) Grin mentions "direct access to other cultures" and "enjoyment of diversity/taste for difference".

If we, instead of "linguistic diversity = competence in several languages" want to place the mother tongue(s) in these private value cells, the **private market value** of using one's (well-known) mother tongue instead of other languages might include benefits like being more fluent, accurate and efficient, and faster in finding the right expressions in it - many psycholinguistic studies attest to this. All this is a great advantage for those being able to use their mother tongues when negotiating, regardless of whether it is about business or details of formulations in EU meetings at different levels. Here mother tongue speakers of especially English but also French are today free-riders at the expense of all of us others (Van Parijs 2003: 167-8). Obviously the enjoyment of feeling at ease when using one's mother tongue, feelings of identification, etc, belong to the **private non-market value** cell.

Moving from the private to the social values, knowledge of several languages can also be economically, socially and politically beneficial for a group or company or society (cell B in Table 3), i.e. a diversified linguistic competence can have **social market value** in both short and long term. The USA would sell more and maybe even see the sense of scrapping most of their military budget for the benefit of the country and the world if there were more high-level multilingual speakers with competence in Arabic, Chinese, Farsi, Japanese, Kurdish, Pashtu, etc. Even people in Britain have started to realize that if you have "foreign" language skills, you earn more. Graduates with foreign language skills earn more than those who only know English, the British newspaper **The Independent** reported 31.5.2001). The Nuffield Foundation echoes:

English is not enough. We are fortunate to speak a global language but, in a smart and competitive world, exclusive reliance on English leaves the UK **vulnerable** and dependent on the linguistic competence and the goodwill of others [...] Young people from the UK are at a **growing disadvantage** in the recruitment market" (emphases added) (Nuffield Languages Enquiry, 2000).

I have discussed in several articles (e.g. 2002a,b, in press c, d) one of the social market benefits in terms of the relationship between creativity, innovation, and investment which can be results of additive teaching and multilingualism. This is, because creativity precedes innovation, also in commodity production; investment follows creativity; high levels of multilingualism can enhance creativity (high-level multilinguals as a group do better than corresponding monolinguals on tests measuring several aspects of 'intelligence', creativity, divergent thinking, cognitive flexibility, etc.), and additive teaching mostly leads to high-level multilingualism. In knowledge societies, diverse knowledges and ideas, meaning results of creativity, give access to markets and produce market value, whereas homogenisation of various kinds is a market handicap. Positive globalisation means context-sensitive localisation as opposed to corporate McDonaldised one-size-fits-all homogenisation. A somewhat similar analysis which even grades European and some other countries in terms of their innovation and creativity potential is Florida & Tinagli 2004 (the top five countries in their Euro-Creativity Index are Sweden, the United States, Finland, Netherlands and Denmark). Their chain is as follows: tolerance entices diversity/difference which entices creativity which develops competitiveness which brings money. But typically language and especially multilingualism does not figure in their analysis as a source of creativity²⁹.

²⁸ In a large-scale Swiss study (see also Grin & Sfreddo 1997), Grin concludes that whereas each additional year of formal education adds on an average 4,5% to the net earnings, knowledge of an additional language generally adds more; the additional earnings in the study were between 4 and over 20 percent, depending on "a person's L1, the L2 considered, L2 skills level, gender, type of job, etc." (Grin 2004, from Grin 1999b: 194).

²⁹ The book **Alternatives to Economic Globalization** (2002: 19) lists the following nine key features in economic/corporate globalisation (neoliberalism)

On the other hand, many of the beautiful pronouncements about the historic, aesthetic, philosophical, etc values of linguistic and cultural diversity for the whole of humankind, belong to the fourth cell (D), **social non-market values**. A typical example is the one by Stephen Wurm in his book on endangered languages for UNESCO (2002),

Each language reflects a unique world-view and culture complex, mirroring the manner in which a speech community has resolved its problems in dealing with the world, and has formulated its thinking, its system of philosophy and understanding of the world around it. In this, each language is the means of expression of the intangible cultural heritage of people, and it remains a reflection of this culture for some time even after the culture which underlies it decays and crumbles, often under the impact of an intrusive, powerful, usually metropolitan, different culture. However, with the death and disappearance of such a language, an irreplaceable unit in our knowledge and understanding of human thought and world-view is lost forever. (Wurm, ed. 2001: 13).

Also here, some researchers have resented the use of both types of argument. Social non-market value arguments have often been labeled and rejected as romantic, non-realistic, elitist, moralistic, essentialising, etc. One researcher, Jane Hill (2002) has even claimed that statements about the loss of a language being a loss for the whole humanity (the "universal ownership" argument, as she calls it) and assertions that every language has great value (her "hyperbolic valorization" argument) can be harmful for and resented by communities who speak endangered languages (see Hinton 2002 and Chafe 2003 for counterarguments). However, Hill also resents economic market arguments and claims that using terms like "priceless treasures" about languages may "effect a conversion of such languages into elite goods in a stratified linguistic economy" (ibid.: 124), this being something that she rejects. On the other hand, in countering Hill's claims, Wallace Chafe, in rightly criticizing Hill's arguments, implicitly also rejects the justification of at least some economic arguments ("The restricted financial interest implied by ownership simply cannot be applied appropriately to a language") and also claims, incorrectly, that "the economic metaphor has occasionally been used by native language speakers but seldom if ever by linguists" (Chafe 2003: 235)³⁰.

It seems to me to be shortsighted to reject any of the (market or non-market, private or social) arguments for why indigenous and minority languages should be supported - all of them are useful in various ways.

-
- ! Promotion of hypergrowth and unrestricted exploitation of environmental resources to fuel that growth;
 - ! Privatization and commodification of public services and of remaining aspects of the global and community commons;
 - ! Global cultural, [linguistic] and economic homogenization and the intense promotion of consumerism. ("linguistic" added!);
 - ! Integration and conversion of national economies, including some that were largely self-reliant, to environmentally and socially harmful export-oriented production;
 - ! Corporate deregulation and unrestricted movement of capital across borders;
 - ! Dramatically increased corporate concentration.
 - ! Dismantling of public health, social and environmental programs already in place;
 - ! Replacement of traditional powers of democratic nation-states [sic] and local communities by global corporate bureaucracies.

Their discussion about the features including "cultural homogenization" in the **Alternatives to Economic Globalization** book **does not mention language once**, despite mentioning a global monoculture and the unrestricted flow of production and marketing, "needed" by large multinational corporations! It seems that even the best globalisation experts are not aware of the tendencies towards linguistic homogenisation and threats to linguistic diversity. "We" read "them", they do not read us. Why do we not reach them? My question here is, then: Why do we not reach even progressive people who write about economic/corporate globalisation (neoliberalism)?

³⁰ Thanks to Kontra Miklós for making me aware of this debate that he commented on in his seminar on linguistic human rights while he was a visiting professor in Michigan, USA.

Noël Muylle, the director of the EU's Directorate A: Interpretation and Multilingualism, in the Joint Interpretation and Conference Services (JICS), is an example of some of those real experts in multilingualism in practice who have also started thinking in terms of the "cost of **non-multilingualism in Europe**" (quoted in Berthoud 2003: 8; emphasis added). He thinks that it is "absurd to imagine that everybody must speak English, a concept resulting from the drift of political discourse towards economic discourse, founded on the illusion of transparency and mutual comprehension" (ibid.). This hints at a **bridge between private non-market and market values**. If really many people in Europe were very high-level multilinguals, so that only one or a couple of languages could be used in each situation, it could reduce some of the interpretation and translation costs (which are in any case very low in the European Union; see Phillipson 2003; see also Grin et al. 2002, Grin & Vaillancourt 2000). English would obviously at the moment be the language most often used in unilingual communication. But since few people have this very high degree of competence in several languages, multilingual communication of the kind where several languages are involved and there is interpretation, is a more realistic alternative. It may often be better that people can speak their own languages which are then rendered into other languages by interpreters³¹. In addition to people feeling more confident (private non-market value) and being objectively more competent when speaking their own language and not needing to use "dumbed-down" less exact Euro-English (private market value), encounters would, with really good interpreters, avoid costly misunderstandings and be more efficient (social market value) and be more just and equal (social non-market value). The next best would be everybody using the same language, foreign to everybody - meaning in this case Esperanto as the only realistic alternative. Muylle (quoted in Berthoud 2003: 8) also combines private market and non-market values in his statement: "The command of several languages represents **an asset** [private market value] and a source of **personal development**" [private non-market value].

It seems to me that in the general acceptance of the four types of value in today's Europe and Neo-Europes, the largest difference is between social and private non-market values. Most people, including politicians and researchers, seem to accept the social non-market value of both languages in general and even linguistic diversity, and this is the level at which the European nice phrases should be placed. There is a small but growing awareness of at least some aspects of the social market value of competence in several languages for a company or country. So far, there is little awareness or acceptance of any social market value of global linguistic diversity: it is mostly seen as a regrettable fact and a burden rather than an asset. The growing knowledge about the relationship between biodiversity and linguistic and cultural diversity may work towards changing this, one could hope. Those people who have experienced it, can certainly see the private market value of competence in several languages, provided the polyglot knows at least some "big" language(s) really well.

But it seems that there is so far extremely little acceptance of private non-market value of languages, and here especially the value of minority mother tongues, in the sense that this appreciation would lead to any kind of action - except among the minorities and indigenous peoples themselves. With the help of these distinctions, it is easier to label many positivistic and post-modernist arguments presented earlier as arguments which do not accept that using the mother tongue or even having competence in several languages can or should have any private non-market value. It is difficult to use rational choice theories on issues which are mainly seen as representing private non-market values, whereas it is relatively easy to discuss the private **market** value of various languages, including maintaining or not maintaining certain specified mother tongues. As long as a numerically small mother tongue does not give you a better job with a higher salary than shifting to a numerically and politically more powerful language, there are, according to this way of arguing, few arguments to maintain these mother tongues (and bilingualism is often not considered as a real option; the thinking here is often either/or).

³¹ While waiting for people to start making really sensible language policy decisions, involving universal learning of Esperanto as a first foreign language, Esperanto could be used as a relay language in this interpretation. See Universala Esperanto-Asocio at <http://www.uea.org/>.

I have earlier (Skutnabb-Kangas in press e) claimed that most of these arguments are presented by researchers who tend to

write in English and be native speakers of one of the numerically big languages themselves, often English. This does not necessarily mean that they are monolingual themselves, and many of them are global research nomads, holding jobs all over the world, often making the usual rounds in rapid succession, from Britain or USA or Canada to Sydney or Singapore or Hongkong, etc.

This means that these researchers have mostly never experienced that their own dominant language has been threatened. It seems that many dominant language speakers are much less aware than dominated language speakers of the non-market values of their **own** languages, and, consequently, of other people's own languages. At the same time, they are often not aware (or do not want to be aware) of the market benefits that they themselves have access to **because** of being speakers of dominant languages. Often they take both these benefits and the fact that others are learning their language in a non-reciprocal way, for granted, and are not willing to in any way compensate speakers of dominated languages for these non-earned benefits; they are linguistic free-riders as Philippe van Parijs puts it (2003: 167). This compensation would obviously be fair, even in terms of the types of justice that many lawyers accept. Several researchers have started discussing issues in these economic compensation terms (e.g. Grin 2003b, 2004, van Parijs 2003).

What is thus needed here is a twofold development. Those who now benefit of the fact that they happen to have dominant languages as their mother tongues, need to develop a higher level of metalinguistic awareness so that they admit the fact that they benefit in market terms. They also need to see the private non-market value of all mother tongues, including their own. Of course an awareness itself is not enough - it is a prerequisite which then needs to lead to action.

On the market side, a just compensation to others with dominated mother tongues needs to be worked out. Grin (2003b: 120-121) discusses investment in macroeconomic terms in relation to language teaching. Most European countries teach English as a first foreign language in schools whereas "English-speaking" countries invest negligible sums in corresponding foreign language teaching,

correspondingly freeing time and money [...] for investing in the development of other skills. To the extent that the latter promote economic growth, the readiness of other countries to give English this leading position amounts to a financing of part of the economic growth of English-speaking countries by all the others.

On the non-market side, a first step would be to abolish once and for all the genocidal solutions that representatives of dominant languages have so far suggested as more or less the only solutions to problems experienced by speakers of non-dominant languages, namely that these should shift to a dominant language at the expense of their own and be forced to assimilate, "for their own good".

In addition, researchers, school authorities and politicians need to take into consideration both types of value, market and non-market, rather than accepting one and rejecting the other. An integrated framework embodying both types is needed (see Kymlicka & Patten's edited 2003 volume where a few articles are trying to do this while some others represent the rejection of one; see also my critique of these in my in press c, e).

Another partially overlapping distinction, also made by Grin (e.g. 2003b: 24-27), can be used to bridge the gap between social market value and non-market value arguments. In describing arguments used to answer the question why anybody, including society as a whole, should bother about maintaining (minority) languages, Grin differentiates between **moral considerations arguments** and **welfare considerations arguments**. Most of the legal discourse, including the linguistic human rights considerations, refer to norms about the right to

live in one's own language, even if the extent of the ensuing rights is debated (ibid.: 24-25). In contrast,

the emphasis of the welfare-based argument is not on whether something is morally 'good' or 'bad', but on whether resources are appropriately allocated. The test of an 'appropriate' allocation of resources is whether society is better off as a result of a policy (ibid.: 25).

In a moral discourse, in most cases the question of compensation has not even arisen, and the question of what kind of rights, if any, should be granted to speakers of indigenous and minority languages, seems to depend on how "nice" states are. This is a very shaky ground for human rights, as Fernand de Varennes rightly observes (1999: 117)³²:

Moral or political principles, even if they are sometimes described as "human rights", are not necessarily part of international law. They are things that governments "should" do, if they are "nice", not something they "must" do. Being nice is not a very convincing argument and is less persuasive than rights and freedoms that have the weight of the law behind them.

In a welfare-oriented discourse one can calculate in much more hard-core terms (often but not necessarily always involving cash) who the winners and losers are. Here "the question is whether the winners, who stand to gain from a policy, can compensate the losers and still be better off" [than without the policy] (Grin 2003b: 25). This is an empirical question, not a moral question.

Many of the issues discussed can be and have been labeled in an either/or way which in many cases seems to me to be a non-productive approach - we should rather have continua or both/and. To me it is not a question of either moral consideration or welfare considerations but both. Arguments for learning and using dominant languages are not only communication-oriented and instrumental, and minority languages are not only (or even mainly) expressively non-instrumentally identity-oriented - both types of language fulfill all these functions. A "rational" citizenship-based language policy demanding a common language for all citizens should not need to lead to linguistic homogenization and strong dominance of one language, neither should a "romantic" mainly ethnicity-based policy need to exclude minorities from democratic participation or lead to diminished competence in the dominant language - as Geeraerts (in press) seems to argue, there are possibilities of combining the more positive sides of both approaches³³. Both market and non-market values, private and social, have to be considered, also because languages are both economic and cultural goods. If markets are to decide, though, market failure is certain to promote mainly dominant languages; therefore implementation of strong linguistic human rights in relation to indigenous and minority languages is a necessary duty of states. It is not a question of protecting individuals or collectivities or languages, but all of them; it is not a question of a territoriality or personality principle but a context-sensitive combination of both (Henrard 2001; see also Skutnabb-Kangas, in press c).

One can argue for this even within a liberal political philosophy, but here the argument becomes more defensive. If language policies are to develop the three necessary outcomes for language survival in Grin's (2003b: 44-48) policy-to-outcome path, namely a capacity to use a language, opportunity to use it, and a desire to use it, and if only the official languages (for example in the EU) were to be the main media of communication in the official sphere (e.g. in the EU), then the states should minimally see to it that all residents have a fair chance of learning these official languages up to a very high level. As we know, for minorities this would mean mainly mother

³² Thanks Fernand, not only for inspiration in general but also for finding the exact quote when I had forgotten where it was...

³³ I do not agree with him, though, for reasons presented earlier, that postmodernism would be this combining solution.

tongue medium education³⁴ - which would at the same time make them competent in their own languages too, as a kind of "side-effect"; thus this is a defensive argument.

It is only within a more critical political and philosophical paradigm that one can use a more offensive argument.

It seems to me that some of the complexities of multi-disciplinarity of the kind that a "linguistic human rights approach" necessarily involves have to do with the various readings of these conflicts. If what decides the fate of research-based suggestions for the education of indigenous peoples and minorities is decided by market-value-based laws, both formalized and non-formalized, then the human rights, including linguistic human rights, of these people, do not stand a chance - unless the rights are formulated in terms of cost-benefit analyses that show the economic market value of both granting these rights and of mother-tongue medium education. If even human rights law is a "marketable commodity", we as researchers have to discuss whether and how it is possible to market "our commodity" more effectively and efficiently, while keeping our integrity.

When assessing the empirical question of why one should maintain minority languages, Grin uses both what I call "offensive" or "positive" and "defensive" or "negative" arguments, but both within a welfare-considerations based paradigm. He asks both what the costs and benefits are if minority languages ARE maintained and promoted, and what the costs (and benefits) are if they are neither maintained nor promoted³⁵

Some of Grin's promising conclusions are as follows:

- "diversity seems to be positively, rather than negatively, correlated with welfare"
- "available evidence indicates that the monetary costs of maintaining diversity are remarkably modest"
- "devoting resources to the protection and promotion of minority cultures [and this includes languages] may help to stave off political crises whose costs would be considerably higher than that of the policies considered" [the peace-and-security argument].
- "therefore, there are strong grounds to suppose that protecting and promoting regional and minority languages is a sound idea from a welfare standpoint, not even taking into consideration any moral argument" (Grin 2003b: 26).

I agree.

³⁴ See also Rubio-Marín 2003: 62, Note 14, on legal arguments for this.

³⁵ This means, in terms of the effectiveness of a language policy, that he posits a "counterfactual", a "reference point against which we assess the effect of a policy [...] it pertains to what has not happened or is not the case - but *could have been the case* under other conditions, such as the *non*-implementation of a particular policy" (Grin 2003b: 114). In terms of costs, this can be discussed in terms of "opportunity costs" ("the cost of using a resource in a certain way *instead of using it in another way*"; *ibid.*: 119). Often it seems to me that not promoting minority languages causes opportunity costs which belong to both private and social non-market value domains, whereas many of the opportunity costs for promoting minority languages belong to the market value domains.

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The statistics in the Annex are from UNESCO's website http://portal.unesco.org/culture/en/ev.php@URL_ID=8270&URL_DO=DO_TOPIC&URL_SECTION=201.html

Annex A

Internet Statistics on language usage in 2003

According to the latest statistics of the marketing communications consultancy *Global Reach*, there are 649 million people online today, making use of the following languages:

Global Internet Statistics by Language: evolution since 1996, in millions (source: Global Reach)

(end of year)	1996	1997	1998	1999	2000	2001	2002	2003
Spanish	0	1	2	13	21	35	50	60
Japanese	2	7	9	20	39	48	61	74
German	1	4	6	14	22	37	43	53
French	0	2	3	10	17	18	23	31
Chinese	0	1	2	10	31	48	78	120
Scandinavian	2	2	3	8	9	11	16	15
Italian	0	1	2	10	12	20	24	30
Dutch	0	1	2	6	7	11	13	12
Korean	0	0	1	5	17	25	28	35
Portuguese	0	0	1	4	11	14	19	26
<i>Other Non-English:</i>		11	15	6.4	29	41	64	81
English	40	72	91	148	192	231	234	260
Total Non-English:	10	45	71	109	211	307	418	540
TOTAL*:	50	117	151	245	391	529	627	782

English	68,4%
Japanese	5,9%
German	5,8%
Chinese	3,9%
French	3,0%
Spanish	2,4%
Russian	1,9%
Italian	1,6%
Portuguese	1,4%
Korean	1,3%
Other	4,6%

For more information, see the Global Reach website at <http://global-reach.biz/globstats/index.php3>