

often ever since) suffered from an undue inferiority complex, had interesting and valuable things to offer to Western literature and scholarship. As regards the significance of the new research and writing for my own professional development, after having written books on the history of literary *cults* and the history of literary *criticism* respectively, I hoped to get my third major possibility to study the social ways of appropriating literature, this time in the history of literary *scholarship*. I have always felt that these three means of appropriating literature are interconnected, and now, studying the last of the three, I was hoping to unearth some hidden aspects of their mutual connection. Personally, being 53 years old in 2002, I was looking forward to a carefree academic year of full-time research in an inspiring environment, before the next hectic period of university and institute responsibilities would take over, making the time for sustained archival work as difficult to spare as ever.

The fruits that resulted from the Fulbright and Folger scholarships are numerous, and more than the first half of the double plan has already been accomplished. In terms of publication this means the completion and publication of a monograph, my bulkiest ever, titled *Egy nemzeti tudomány születése: Toldy Ferenc és a magyar irodalomtörténet (The Birth of a National Scholarship: Ferenc Toldy and Hungarian Literary History)*, Budapest: Akadémiai, Universitas, 2004, 1028 pages. As the text is in Hungarian, let me mention here that there is a due acknowledgement of the benefits of my Fulbright scholarship and the inspiring intellectual climate of Columbia University at the end of the Preface, on page 17. In

addition, there are several publications in English. I gave a version of a paper, "Camel, Weasel, Whale: The Cloud-Scene in *Hamlet* as a Hungarian Parable", at the Department of English and Comparative Literature of Columbia University, and another version of it at a Shakespeare conference in Basel, and the final version was subsequently published in America as part of the book *Shifting the Scene: Shakespeare in European Culture*, edited by Ladina Bezzola Lambert and Balz Engler, Newark: University of Delaware Press, 2004, pp. 95–110. I published "Weimar, Shakespeare and the Birth of Hungarian Literary History" in *Shakespeare Jahrbuch*, volume 141, ed. Ina Schabert, Bochum: Verlag und Druckkontor Kamp GmbH, 2005, pp. 98–118. Another related paper, "Shakespeare, Pope, and the Philosophy of Vindication" will be published in a volume growing out of an international conference on "Shakespeare and Philosophy in a Multicultural World". More importantly, I am systematically working on the material accumulated during my Fulbright and Folger scholarships in America, and I am getting closer to writing the second book, in English, on the genres and history of vindication in 18th-century England. Remembering the painted glass window of the Old Reading Room in the Folger, with its emblematic figures representing the seven ages of man from *As You Like It*, now is the time in my life to do it. One day, maybe in five years' time, that book will be completed, and I will surely acknowledge that it would not have been possible to write it without the research started during my Fulbright months in America. I am grateful.

# Your Right to your Language

Miklós Kontra

University of Szeged  
H-6725 Szeged, Tisza Lajos krt. 103.  
<http://www.u-szeged.hu>  
[kontra@lit.u-szeged.hu](mailto:kontra@lit.u-szeged.hu)

Michigan State University  
East Lansing, MI 48824-1027  
<http://www.msu.edu>  
Adviser: Prof. Dennis R. Preston

One good thing among the many about the Fulbright program is its Occasional Lecturer Program whereby visiting scholars can lecture to students and faculty at an American university other than their host institution. In March 2003, I spoke at the Linguistics Colloquium of the University of North Texas on a topic that is of the utmost importance to me: language rights and language-based social discrimination. If I can believe my hosts, Professors Patricia Cukor-Avila, John R. Ross, and Shobbana L. Chelliah, the talk was received favorably by both students and faculty. What follows below is a reconstruction from the notes of my Texas lecture. It also formed part of the workshop on Linguistic Human Rights I gave at the Linguistic Society of America Summer Institute on July 11 and 12, 2003, in East Lansing, Michigan.

## 1. Introduction

Many people suffer from Linguistic Human Rights violations but they may be unaware of it. If you are a native speaker of English in Texas or Michigan, or a native speaker of Hungarian in Hungary, you may think your language rights are not being violated, but

if you are a native speaker of Spanish in Texas or Michigan, or a native speaker of Gypsy/Romany in Hungary, you may be rather sensitive to language rights violations. You may even have experienced them. In this paper I hope to show that there is a good reason for the differential perception of language rights violations between native speakers and nonnative

speakers of a language, but I will also show that most native speakers' language rights are also violated, hence the parentheses around "variety" in the title.

Language rights as social problems have been with us from time immemorial, but awareness of them is quite new. When I took linguistics classes at Indiana University-Bloomington in 1978–81,

language rights were not a topic at all, not even in casual conversations, although they could have been, had someone called our attention to the Ann Arbor trial about Black English in school (see Labov 1982). Today, the situation is different: language rights tend to be discussed in sociolinguistics classes, there is a fast growing literature on Linguistic Human Rights, and there are some loud polemics among linguists concerning linguistic discrimination (see, e.g. Blommaert 2001, and Skutnabb-Kangas, Phillipson and Kontra 2001) or the teaching of Standard English (see, e.g., Trudgill 1995, Stein and Quirk 1995, and Trudgill 1996). Language wrongs, to use Phillipson and Skutnabb-Kangas' (1995) phrase, often happen insidiously. One of the reasons for this is that language rights are rarely codified. The language rights of majority populations/nations are inexplicit rights. The rights are formulated explicitly only for ethnic or national minorities. Minority rights are not human rights.

Among many other scholars the Hungarian lawyer Andrassy (1998) has shown that Article 27<sup>1</sup> of the International Covenant on Civil and Political Rights (adopted in 1966), "which still grants the best legally binding protection to languages" (Skutnabb-Kangas 2000: 557) is about minority rights rather than human rights. Minorities have the

1 "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

explicit right to use their languages, but majorities do not have such an explicit right. Of course, majorities have the same right (to use their languages) – implicitly. If the right to use one's language were explicitly extended to majorities as well, then we would have a universal human right: *Everybody has the right to use his/her language* (Andrassy 1998: 102).

Quite independently of the lawyer Andrassy, the Romania-Hungarian linguist Sándor N. Szilágyi (1994) has authored a draft Bill on the Rights Concerning Ethnic and Linguistic Identity and the Fair and Harmonious Coexistence of Ethnic and Linguistic Communities.<sup>2</sup> Szilágyi explicitly states that his bill is not about minorities but about all citizens of Romania. It is based on the principle of equality before the law. To use the Slovak political scientist Miroslav Kusý's words (1996: 69), it is based on the principle of civil coexistence of all citizens of the state, rather than on the principle of superiority of the dominant nation.

Of course, whether a state adopts the principle of civil coexistence or the principle of superiority of the dominant nation has fundamental consequences for the political, economic, social, educational, linguistic and other rights and for the well-being of minorities and individuals belonging to minorities. For

2 The originally published version of this bill had *nemzeti identitás* "national identity" in its title. In 1999, Szilágyi changed it to "ethnic and linguistic identity". A revised version of the bill was published in 2003 (Szilágyi 2003).

instance, a Hungarian who says something like *I hope you don't mean to say that the Gypsies in Hungary should enjoy the same educational rights as the Hungarians in Transylvania (Romania)* (something I have been told on a number of occasions), is clearly revealing his/her belief in the principle of superiority. Such a belief is based on something like one group of people (and their language) is better suited for education through the medium of the mother tongue than another. Such a belief is clearly based on recognizing an official/state language as the proper medium of education, but denying such recognition for other languages in the state in question. For instance, a state may deny the right to education through the medium of Romany on the basis that the Roma have no state of their own. Or it may deny the right to education through the medium of, say, Hungarian in Slovakia on the principle that Slovak is, but Hungarian is not, an/the official language in Slovakia. In both cases the Linguistic Human Rights (LHRs) of the minorities would be violated. But what exactly are LHRs?

## 2. Linguistic Human Rights

Not all language rights are linguistic human rights, for instance, the right to learn one or more foreign languages in school is a language right but not an inalienable human right. As Skutnabb-Kangas says, some rights are *necessary*, others are *enrichment-oriented* rights. The

right to learn a foreign language in school is an enrichment-oriented right. I will quote Skutnabb-Kangas (2000: 499) to introduce LHRs:

Linguistic majorities, for instance English-speakers in the United States or Australia, or Swedish-speakers in Sweden, normally take it for granted that their children can be **educated through the medium of their own language**. They also take it for granted that their mother tongue, the majority language, can be **used in all (or most) official situations**, by both children and adults. They see it as self-evident that the school supports the children in **learning the official language** (i.e. their mother tongue) as well as possible. Normally they also take it for granted that they **can identify with their mother tongue and have this identification accepted and respected by everybody, including the school and census authorities**.

Many of the majority members are not aware of the fact that these, for them **self-evident rights are in fact denied to most linguistic minorities in the world**, even when these rights should be seen as fundamental, inalienable linguistic human rights.

Sadly, I will add, a number of linguists are not aware of this either, especially if they belong to a majority. The reasons are very simple: (1) one does not miss what one has, and (2) if one does not look further than one's own life or social milieu, one will tend to generalize from one's own experience. I believe that the embarrassing insensitivity and ignorance of many majority Hungarian linguists concerning

the social and linguistic plight of minority Hungarians in Hungary's neighboring countries<sup>3</sup> can be explained with these two

factors. I also believe that the same factors may also explain insensitivities among some other, non-Hungarian linguists.

So what should a universal covenant of Linguistic Human Rights guarantee? Table 1 presents Skutnabb-Kangas' list (2000: 502, her Table 7.5):

3 When Austria-Hungary collapsed at the end of World War I, Hungary lost about two-thirds of her territory and population to the successor states of Czechoslovakia, Romania and Yugoslavia. Millions of ethnic Hungarians became citizens of another country in a fashion similar to "members of the Spanish culture" who "woke up one morning to find themselves citizens of the United States" (Marshall 1986: 40) when the US annexed New Mexico following the Treaty of Guadalupe Hidalgo in 1848. According to the latest census figures, about 520,000 indigenous Hungarians live in Slovakia, 160,000 in Subcarpathia, Ukraine, over 1.4 million in Romania, about 300,000 in Voivodina, Serbia, and a few thousand each in Eastern Slavonia (Croatia), Slovenia, and Austria.

Table 1. Linguistic Human Rights à la Skutnabb-Kangas

<p>A UNIVERSAL COVENANT OF LINGUISTIC HUMAN RIGHTS SHOULD GUARANTEE AT AN INDIVIDUAL LEVEL, IN RELATION TO MOTHER TONGUE(S)</p>	
<p><i>that everybody has the right to</i></p> <ul style="list-style-type: none"> <li>• identify with their mother tongue(s) and have this identification accepted and respected by others;</li> <li>• learn the mother tongue(s) fully, orally (when physiologically possible) and in writing.</li> </ul>	<p>This presupposes that minorities are educated mainly through the medium of their mother tongue(s), and within the state-financed educational system;</p> <ul style="list-style-type: none"> <li>• use the mother tongue in most official situations (including schools).</li> </ul>
<p><i>other languages</i></p> <ul style="list-style-type: none"> <li>• that everybody whose mother tongue is not an official language in the country where s/he is resident, has the right to become bilingual</li> </ul>	<p>(or trilingual if s/he has 2 mother tongues) in the mother tongue(s) and (one of) the official language(s) (according to her own choice).</p>
<p><i>the relationship between languages</i></p> <ul style="list-style-type: none"> <li>• that any change of mother tongue is voluntary</li> </ul>	<p>(includes knowledge of long-term consequences), not imposed.</p>
<p><i>profit from education</i></p> <ul style="list-style-type: none"> <li>• that everybody has the right to profit from education, regardless of what her mother tongue is.</li> </ul>	

When a group of school children is denied the right to education through the medium of their mother tongue, their LHRs are violated. When a worker in the USA is denied the right to use his/her language at work, the requirement advanced by the Linguistic Society of America in March 1996 that all residents of the US should be guaranteed the right "to express themselves, publicly and privately, in the language of their choice" is certainly violated. This latter violation may not be a violation of an LHR (the extent of LHRs is still being debated), but the former, denial of mother-tongue-medium education, certainly is. Such denial may be overt (e.g. for Kurds in Turkey until recently, where use of Kurdish was legally forbidden and severely punished, see Bruni 2003) or covert. Skutnabb-Kangas asserts, and I agree with her completely, that every time a minority school child goes to a school where there is no teacher who is bilingual in the child's language and the state language, there is a case of violation of LHRs. This is a shocking statement to many, but it is nevertheless a true statement. It is easy to see why. Majority children go to school to be educated, and this happens through the medium of their own language; that is, for them education is primarily a matter of intellectual development. Minority children, on the other hand, although they go to school for the same basic reason, have access to intellectual development only through the medium of a language they do not know (well enough). They need to learn a new language to participate in education, something majority children do not have

to do. If the teacher is monolingual, s/he cannot possibly be as helpful/useful as a bilingual teacher would be. The argument goes like this: it is the responsibility of states to provide bilingual teachers for minority schools. A state that does not provide bilingual teachers for minority schools does not meet international standards, see, for instance, *The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note* (1996) issued by the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe (OSCE).

To recapitulate, if bilingual minority school children are taught by teachers who are monolingual in the majority/state language, that is a violation of the children's LHR to be educated through the medium of their mother tongue. It is not only an LHR violation, says Skutnabb-Kangas, but also an instance of *linguicism* and *linguistic genocide*.

### 3. Linguicism and linguistic genocide

*Linguicism* is defined by Skutnabb-Kangas (2000: 30) 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".

One illustration of linguicism or discrimination between groups of people defined on the basis of language, comes from research by the Hungarian sociologist István Kemény (1996). The data

I will present are his, the interpretation is mine. According to the study, there is a great difference between the educational achievement of Gypsies who speak Hungarian as their mother tongue and those who do not. In 1994, about 25% of the former group did not complete 8 grades of school, but the same figure for those whose mother tongue is Romany or Boyash (a dialect of Romanian) was nearly 50%. Now if we consider the fact that the Gypsy school children whose mother tongue is not Hungarian can only go to schools with Hungarian as the medium of instruction, we see that the discrimination based on the mother tongue yields differential educational achievement. Twice as many non-Hungarian-speaking Gypsy children drop out of school as Hungarian-speaking Gypsy children. In Hungary, as elsewhere, educational achievement and employability are strongly correlated. The fact that non-Hungarian-speaking Gypsy children cannot even begin their educational career in their mother tongue is directly related to their overrepresentation among the unemployed. Discrimination on the basis of the medium of instruction yields, in many cases, lifelong unemployment.

But Skutnabb-Kangas goes further than this and says that this case constitutes *linguistic genocide*. This is a term that many people, many linguists among them, are unfamiliar with. It is also a term that many critics find loaded, inflammatory and hence alienating (see, e.g., Minogue 2002: 334).

Linguistic genocide is not discussed in any human rights conventions, but, as

Skutnabb-Kangas (2000: 314) reminds us, it *has* been discussed. After WWII, when the UN laid the groundwork for what later became the International Convention for the Prevention and Punishment of the Crime of Genocide (1948), linguistic and cultural genocide were in fact discussed alongside physical genocide. All three were seen as serious crimes against humanity. The Ad Hoc committee which prepared the Convention had specified the following acts as examples constituting cultural genocide in Article III:

Any deliberate act committed with intent to destroy the language, religion or culture of a national, racial or religious group on grounds of national or racial origin or religious belief, 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.** (Emphasis added)

(2) Destroying or preventing the use of libraries, museums, schools ....

When the Convention was finally accepted by the General Assembly, Article III covering linguistic and cultural genocide was not adopted. It is thus not included in the Convention. "What remains, however, is a **definition of linguistic genocide**, which most states then in the UN were prepared to accept" (Skutnabb-Kangas 2000: 317).

Thus the term that some critics of

Skutnabb-Kangas find loaded, melodramatic or alienating originates from the preparation of the UN Genocide Convention of 1948. Now let us return for a moment to the non-Hungarian-speaking Gypsies in monolingual Hungarian schools taught by monolingual Hungarian teachers. Is the use of their mother tongue (Romany or Boyash) "prohibited in schools"? It certainly is, by virtue of the fact that no teacher can speak to them in Romany or Boyash. The lack of bilingual teachers forces these children to not use their own language in school. The use of a language can be prevented overtly or covertly. Hitting somebody for speaking language X is an overt act of prevention/prohibition. The unavailability of government bureaucrats or school teachers who speak the language of minority citizens constitutes covert prevention/prohibition.<sup>4</sup> It constitutes an act of linguistic genocide, according to the definition of the term most states in the UN were prepared to accept in 1948, and according to Skutnabb-Kangas (2000: 352-3). If you do not like the term, I offer a synonym: lack of bilingual teachers forces minority children in school to shift languages. The point is that the shift does not occur "naturally", nor does it occur "out of the free will of the minority children", as one would be led to believe

<sup>4</sup> Act 184/1999 on the language use of national minorities in official contacts in Slovakia allows the use of minority languages in official contacts but it also states that government officials are not required to know the minority language. Minority languages can be used *de jure* in official contacts, but *de facto* they cannot.

when reading much of the literature on language shift and language death. In fact, Skutnabb-Kangas uses the term "linguistic genocide" (read "language murder") quite purposely, to emphasize the role of agents in many cases of language shift. Not in all cases, but in many cases. Many linguists, social and political scientists see language shift as voluntary, based on cost-benefit analysis by speakers. Others see it in most cases as enforced (Skutnabb-Kangas 2000: 371). The shift from Irish to English in Ireland is one of many cases which has been interpreted in drastically different ways: John Edwards saw in it a case of voluntary shift, for which he was duly criticized by Nancy Dorian, who showed that "The Age of Penal Laws lasted for almost 80 years (1691-1778) and left no doubt as to the penalties of being Catholic and Irish-speaking - more or less synonymous in the seventeenth and early eighteenth centuries - in Ireland" (Dorian 1994: 117).

#### 4. Two issues of mother-tongue-medium education

There are as yet no binding international covenants specifically on linguistic rights. Despite fine declarations to promote diversity, including linguistic rights, the most important LHRs needed for the maintenance of linguistic diversity are absent from binding international human rights instruments. Thus mother-tongue-medium education is not an LHR in the legal sense. This state of affairs has severe consequences. Language gets much poorer treatment in human rights instruments than other important human

attributes. The depth of the linguistic problems are often not recognized or they are presented as unavoidable givens we just have to live with. I will give two examples, both from the approximately 1.5 million strong Hungarian minority in Romania.

#### 4.1. Problem 1: The medium of instruction<sup>5</sup>

Article 22, paragraph 1 of Act 84/1995 on Education in Romania (republished in 1999) states that

Upon completion of their general studies [i.e. 5<sup>th</sup> to 8<sup>th</sup> grades – my note], pupils take national aptitude tests, which are designed by the National Educational Ministry and published by the beginning of the respective school year, in the following subjects: Romanian language and literature, Mathematics, and a test in either the History of Romanians or the Geography of Romania. Pupils belonging to national minorities who receive education through the medium of their mother tongue also take a test in their mother tongue and literature.<sup>6</sup>

<sup>5</sup> This part of my paper draws heavily on Kontra and Szilágyi (2002).

<sup>6</sup> “Art. 22. – (1) Studiile gimnaziale se încheie cu susținerea unui examen național de capacitate, structurat pe baza unei metodologii elaborate de către Ministerul Educației Naționale și dată publicității până la data începerii anului școlar, la Limba și literatura română, Matematică, și la o probă din Istoria românilor sau Geografia României. Elevii aparținând minorităților naționale, care frecventează cursurile gimnaziale în

According to this text, a Romanian pupil – that is an ethnic Romanian pupil in Romania – takes an exam not in his or her *mother tongue* and literature, but in *Romanian* language and literature. The wording of the law does not even refer to the fact that Romanians also have a mother tongue. It suggests that all pupils in Romania, irrespective of the medium of education, take *the same* exams: *Romanian* language and literature, Mathematics, etc., *and, in addition*, national minority pupils should also take exams in their *mother tongue* and literature.

In fact, however, what happens is that *all* pupils take an exam *in their own mother-tongue* language and literature (Romanians in Romanian, Hungarians in Hungarian), and, *in addition*, Hungarians and other minorities take an exam in the state language and literature, which is Romanian. (This extra burden is increased by the fact that exams in history and geography must be taken in Romanian by all pupils, because the law only allows these subjects to be taught in the state language. So in these subjects Romanian pupils take the exams in their mother tongue, while minorities do so in a second language, a task which is much more difficult.)

The wording of the law conceals what really happens, suggesting that the exams in minority mother tongue and literature are *added to* what is common to all.

This concealment is omnipresent in Romanian laws. In the general provisions,

limba maternă, susțin și o probă la limba și literatura maternă.”

if language is specified, it is specified as Romanian, never as mother tongue. Then, after the general provisions, some “extra provisions” are made for minorities, which can or may take place in their mother tongues. It is worth observing that in Romanian laws the expression “mother tongue” appears exclusively with respect to minorities. Thus, the use of the mother tongue is constructed as a privilege, or as a kind of extra burden. It seems to be a privilege because it is mother-tongue education which requires extra provisions or extra paragraphs in the law which specify the circumstances under which mother-tongue-medium education may take place. If something is presented in a separate paragraph of the law, it must be a privilege that the majority speakers do not enjoy.

Now let us rephrase the law such that all pupils, not just minority pupils, have a mother tongue. It would look like this:

Aptitude tests must be taken in: Mother-tongue language and literature, Mathematics, and either the History of Romanians or the Geography of Romania. Pupils belonging to national minorities who receive education through the medium of their mother tongue also take a test in Romanian language and literature.

This text gives a more accurate or adequate picture of what is really happening. It shows what is really added to what. It shows quite clearly that mother-tongue-medium instruction is common for all, and, on top of that, minority pupils take

instruction in the state language and literature. Of course, such a rephrasing recognizes the basic fact of human life that everybody has a mother tongue, regardless of their belonging to the majority or a minority in a state. Such a rephrasing is also in harmony with what many consider a linguistic human right, namely the right to receive education through the medium of one’s mother tongue – at least primary education. Clearly, such a rephrasing takes education through the medium of one’s mother tongue, rather than education through the medium of a state language, as basic. Such a rephrasing is in harmony with what most linguists, educators and social scientists advocate on the basis of their best research. Such a rephrasing, which is also in harmony with *The Hague Recommendations Regarding the Education Rights of National Minorities* issued in 1996, could make it more evident that linguistic rights are universal human rights, belonging to both majority and minority, and not some particular rights applied only for the conditions of the minorities (see Andrásy 1998).

The educational implications of such a law are quite important. For instance, if we look at the teaching/learning load of minority pupils in Romania, and if we recognize the fact that all pupils have a mother tongue, hence all learn their mother tongue and literature in school, and some also learn the state language (with the respective literature), then it is quite clear that the teaching/learning load of the minorities is different from that of Romanians. More precisely, if minority pupils were to study according

to the Romanian pupils' curriculum or weekly teaching load, they would need 13.5 years to complete the studies which the Romanians complete in 12 years. Of course, minority pupils also go to school for 12 years only, which means they stay in school longer every day. (According to the general perception in Romania, this extra load is caused by the "extra lessons" in mother tongue and literature, for example Hungarian.) But this added 1.5 years is not quite the same as 1.5 average school years. The average school year has room for music classes, physical education, and other "less academic" activities, but the minorities' "extra" 1.5 years are all filled with Romanian lessons only. It is obvious that such a curricular arrangement is disadvantageous for the minority pupil because s/he has to study the majority language while the majority pupil may be playing soccer, or, conceivably, is studying for the university entrance exam.

It seems that nobody is concerned about the "extra" teaching load of the minority pupil. It is viewed as an extra load which is undertaken by the minority pupil or their parents voluntarily. The minority pupils have only themselves to blame if they find school too hard. If education through the medium of the mother tongue (L1) is too hard, pupils are free to choose the "easier" way: education through the state language (L2).

Now how could this situation be improved? If the law were to recognize the universal fact that all people and all citizens of a state have a mother tongue, then this would make it easier to see what is basic education, and what is added to basic education. Policymakers and

educators who may be concerned about overburdening pupils in school would better see where the problems lie and how they can be solved. In the concrete example we have used, it would be easier to attack the educational discrimination which concerns minority pupils in Romania. It is clear that minority pupils must and need to learn Romanian in school, but it also seems clear, at least to Szilágyi and myself, that they should not be overburdened to such an extent by studying the state language.

Such a change in the wording of the law would also make it easier for the Romanian authorities to understand that the subject "Romanian language and literature," although identical in name both in the curriculum for majority Romanian pupils and for minority pupils, actually means different things for Romanians and minority pupils. Clearly, in the first case the goal is to educate mother-tongue (L1) speakers of Romanian in Romanian language and literature, but in the second case the goal is to enable minority pupils to acquire Romanian as a second language (L2). Understanding the difference in goals may help politicians understand why minority pupils should not study Romanian according to the same curriculum and should not use the same teaching materials as native speakers of Romanian do. If they do, as is unfortunately the case today, the result can only be unsatisfactory: despite the great number of Romanian lessons, Hungarians do not acquire Romanian well enough in school, which later renders them disadvantaged (see Szilágyi 1998).

According to *The Hague Recommendations*, "persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language." This recommendation has an important pedagogical implication: the responsibility to acquire a second language should be matched by the possibility or right to learn it as a second language. Szilágyi and I are convinced that the right to learn an L2 as an L2 is important. If L2 learners are taught the L2 as if it were their L1, without regard for their drastically different needs for teaching materials and methods, the pedagogical conse-

quence will be poor proficiency in the L2. Moreover, social conflicts will accrue, as is the case, for instance, in Subcarpathia, Ukraine, where government pressure on Hungarians to learn the state language Ukrainian is increasing at a time when the Ukrainian educational authorities have not yet trained teachers in sufficient numbers who are bilingual in Ukrainian and Hungarian, nor have they published a Ukrainian-Hungarian dictionary for their minority citizens.

Table 2 summarizes the differences between state-language-medium education and mother-tongue-medium education.

Table 2. From state-language-medium education to mother-tongue-medium education

#### (1) STATE-LANGUAGE-MEDIUM EDUCATION

In State A the state/official language is X.

A mother tongue is a language/a vernacular different from the state/official language.

Therefore:

*L1 speakers of X don't have a mother tongue.*

*L1 speakers of Y, who may speak X as an L2, have a mother tongue.*

Education in State A is through the medium of X.

For L1 speakers of Y, it can also be through their mother tongue.<sup>7</sup>

*Education through the mother tongue is constructed as a privilege but is made to be perceived as a burden freely assumed by the minorities, according to their own wishes.*

<sup>7</sup> See, for example, the Constitution of Romania:

"Article 13: In Romania, the official language is Romanian.

Article 32: (1) [...]

(2) Education of all grades shall be in Romanian. Education may also be conducted in a foreign language of international use, under the terms laid down by law.

(3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law."

**(2) MOTHER-TONGUE-MEDIUM EDUCATION**

Everybody has a mother tongue.

In State A the state/official language is X.

Therefore:

*L1 speakers of X use their mother tongue as the state/official language, without any special effort.*

*L1 speakers of Y are compelled to make special effort to acquire language X as the state/official language.*

Education in State A is through the medium of mother tongues.

Therefore:

*For L1 speakers of X, education is through the medium of X.*

*For L1 speakers of Y, education is through the medium of Y, and X is taught as an L2.<sup>8</sup>*

<sup>8</sup> "The official State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background" (*The Hague Recommendations*, p. 7).

*Education through the mother tongue is NOT constructed as a privilege, but as a universal right. The learning of the state language (and literature) is recognized as an additional burden not depending on the choice made by the minorities, and this extra burden should be as small as possible for L1 speakers of the minority language Y.*

Few politicians deny that the right to education is a human right. Many maintain that mother-tongue-medium education for minorities is not a human right, implying that the right to education means the right to education in the state or official language. Such trivialization of the language issue in education often leads to severe social conflicts as well as unprofessional language pedagogy which yields poor results. It can also dilute human rights to such a degree that they become meaningless.

#### **4.2. Problem 2: How to set limits on mother-tongue-medium higher education**

In the news media but even in some scholarly texts, one often comes across arguments against minority-language use based on cost to the taxpayer. As if minority citizens did not pay taxes... Here is one example of many: Kenneth Minogue, of the London School of Economics, in a review of the book *Language and Minority Rights* by Stephen May, has this to say:

Rights are curious concepts, being imperious in what they demand and flabby in what holds them up. At their worst, they constitute an argument for riot. They make rigid what in political and, especially, tribal terms is flexible.

Worse, they obscure other realities, in particular economic ones. May tells us quite a lot about how Welsh or Irish or Maori have been revived in recent times, but hardly concerns himself with the costs. ... it costs the British taxpayer quite a bit to supply a few Welsh speakers with a television channel of their own. (Minogue 2002: 333)

People who subscribe to the principle of superiority of the dominant nation often argue that minorities cannot possibly have state universities because the costs to the taxpayer would be prohibitive. Counterexamples such as Åbo Akademi, the Swedish University in Finland, are then brushed aside with the argument that it is impossible to set up a mother-tongue-medium university for each of the 19 or so national minorities in a country like Romania. This point lumps together numerically large minorities with tiny ones, e.g., Hungarians in Romania who constitute about 7% of the population (over 1.4 million people) and Armenians, who number only about 2000 speakers. The question is how does one prevent a State from granting equal rights *and* funds to a large minority and a tiny one? How does one prevent Romania from granting the same rights and funds to Armenians as to Hungarians?

Here is Szilágyi's (1994) solution. Briefly, he says that the proportion of students belonging to a linguistic minority in relation to all students attending state universities should be equivalent to the proportion of the linguistic minority members in the population as a whole.

That is to say, if Hungarians constitute 7% of all citizens of Romania, then Hungarian students in higher education should also constitute 7% of all the students attending state universities in Romania.

On the other hand, if a minority is tiny, say .01 percent of the population, and if the number of their university students calculated as in the previous paragraph would be smaller than the number of students in the smallest state university, then this minority should not have the right to a mother-tongue-medium university.

The right of a minority to a university with the minority language as the medium of instruction is calculated in the following way:

- Take the number of students in all the state universities;
- Multiply it by the percentage indicating the linguistic minority's proportion in the entire population of the country;
- If (b) is equal to or greater than the number of students in the smallest state university, then the linguistic minority has the right to a state university.

Here are three hypothetical examples to show how Szilágyi's bill would work if it were to be passed into law.<sup>9</sup>

<sup>9</sup> In present-day Romania, such a law has no chance of being passed in parliament. Perhaps surprisingly, most of the leading politicians of the largest Hungarian party, the Democratic Federation of Hungarians in Romania, have also been reluctant to support Szilágyi's bill.

**HYPOTHETICAL EXAMPLE (1):**

Romania has 22 million citizens, of whom, say, 20% study in state universities/colleges, that is 4.4 million students;

Hungarians in Romania constitute 7% of the entire population;  
 $4,400,000 \times 0.07 = 308,000$ ;

If 308,000 is equal to or greater than the number of students in the smallest state university, then Hungarians have the right to a Hungarian-language university.

**HYPOTHETICAL EXAMPLE (2):**

Romania has 22 million citizens, of whom 20% study in state universities/colleges, that is 4.4 million students;

Armenians in Romania constitute 0.01% of the population, that is 2200 people;  
 $4,440,000 \times 0.0001 = 440$ ;

If 440 is smaller than the number of students in the smallest state university, then Armenians don't have the right to an Armenian-language university.

**HYPOTHETICAL EXAMPLE (3):**

Before the third hypothetical example is demonstrated, section (3) of paragraph 58 in the revised bill (Szilágyi 2003: 612) should be introduced to readers. Here is my translation of it:

If the number of university students belonging to a linguistic community is smaller than the percentage that is calculated according to (b) above, and the balance is large enough for an independent university, then the minority has the right to a new university.<sup>10</sup>

Linguistic community X constitutes 10 percent of the population, that is, 2.2 million people;  
 $4,400,000 \times 0.1 = 440,000$ ;

There are 380,000 university students belonging to linguistic community X;  
 $440,000 - 380,000 = 60,000$ ;

The smallest state university has 45,000 students; consequently, X has the right to one more university than they have.

<sup>10</sup> This is necessary because a minority may have a university with their mother tongue as medium of instruction, yet the proportion of its students can fall below what their percentage in the total population would justify. For instance, in 1992 Hungarians represented 7.12% of the population of Romania, but only 5.18% of the university students in the country (Szilágyi 1999, ms.). Thus Hungarians were undereducated compared to Romanians, even if we disregard the fact that most of them studied not in mother-tongue-medium institutions but in Romanian-language universities. Similar data could be cited from Serbia (see Göncz 1999: 103) and Slovakia (Lanstyák 2000: 57).

**5. Ain't this a punchline though?**

A considerable amount of research has been carried out on language rights, but the greater part of this research concerns cases of inter-language discrimination rather than intra-language discrimination (e.g., Skutnabb-Kangas and Phillipson, eds, 1994, Kontra et al, eds, 1999, Skutnabb-Kangas 2000). This is in no way to underestimate the importance of work by such American linguists as Labov (1970, 1982), Baugh (1999), Lippi-Green (1997), Rickford (1999), Smitherman (1998), and Wolfram (1998), or by such British linguists as Milroy and Milroy (1999) or Cameron (1995). What I believe is missing is research on the interactions between inter-language discrimination and intra-language discrimination. Like many other linguists (but not nearly all), and unlike most non-linguists (or "normal people", to use Dennis Preston's appropriate phrase), I am convinced that language-based discrimination also hurts most majority monolingual speakers, in the US as well as in Hungary and most other countries where prescriptivism necessarily reinforces social inequalities (see Myhill 2004). I am also convinced that the major institutions which maintain and re-create this linguistic discrimination are the public schools.

If you happen to use multiple negation in your English or know such an unfortunate person, you also know that such people are incapable of logical thought, probably have a low IQ or worse. If your school teacher never told you this,

I suspect you are either a liar or never went to school. (That's bad enough, but at least you are not a liar.) Now this multiple negation business has always amazed me because I am Hungarian and we all use multiple negation regardless of our IQ. All the famous Hungarian-American physicists who participated in developing the atomic and hydrogen bombs during World War II, Eugene Wigner, Leo Szilard, and Edward Teller, spoke their mother tongue the way I do, with the same rule of multiple negation. But if that is not enough to convince somebody, here is my trump card: about 150 million native speakers of Russian are multiple negators. If this has anything to do with limited intellectual capacity, how come those Russians got the first Sputnik up in orbit in 1957, effectively scaring Americans that they were being left behind in the space race?

**Bibliography**

- Andrássy, György. 1998. *Nyelvi jogok: A modern állam nyelvi jogának alapvető kérdései, különös tekintettel Európára és az európai integrációra* [=Language Rights: Fundamental issues in the linguistic rights of the modern state, with special regard to Europe and European integration]. Pécs: A Janus Pannonius Tudományegyetem Európa Központja.
- Baugh, John. 1999. *Out of the Mouths of Slaves: African American Language and Educational Malpractice*. Austin: University of Texas Press.
- Blommaert, Jan. 2001. The Asmara Declaration as a socio-linguistic problem: Reflections on scholarship and linguistic rights. *Journal of Sociolinguistics* 5: 131-142.
- Bruni, Frank. 2003. What's in a Name? For a Turkish Youth, Maybe Jail. *The New York Times*, April 11, 2003, p. A3.
- Cameron, Deborah. 1995. *Verbal Hygiene*. London/New York: Routledge.
- Dorian, Nancy C. 1994. Choices and values in language shift and its study. *International Journal of the Sociology of*

- Language* 110: 113–124.
- Göncz, Lajos. 1999. *A magyar nyelv Jugoszláviában (Vajdaságban)* [=The Hungarian language in Voivodina, Yugoslavia]. Budapest–Újvidék: Osiris Kiadó, Forum Könyvkiadó, MTA Kisebbségkutató Műhely.
- Kemény, István. 1996. A romák és az iskola [=The Roma and school]. *Educatio* 1996/1: 71–83.
- Kontra, Miklós, Robert Phillipson, Tove Skutnabb-Kangas, Tibor Várady, eds., 1999. *Language: A Right and a Resource. Approaching Linguistic Human Rights*. Budapest/New York: Central European University Press.
- Kontra, Miklós and Sándor N. Szilágyi. 2002. A kisebbségeknek van anyanyelvük, de a többségnek nincs? [=Minority-language speakers have a mother tongue, but majority-language speakers don't?] In: Kontra, Miklós and Helga Hattay, eds., *Magyarok és nyelvtörvények*, 3–10. Budapest: Teleki László Alapítvány.
- Kusý, Miroslav. 1996. The Hungarian Minority in Slovakia Under the Conditions of the Slovak Nation State. *Perspectives*, Nos. 6–7: 63–73.
- Labov, William. 1970. *The study of nonstandard English*. Champaign, IL: National Council of Teachers of English.
- 1982. Objectivity and commitment in linguistic science: The case of the Black English trial in Ann Arbor. *Language in Society* 11: 165–201.
- Lanstyák, István. 2000. *A magyar nyelv Szlovákiában* [=The Hungarian language in Slovakia]. Budapest–Pozsony: Osiris Kiadó, Kalligram Könyvkiadó, MTA Kisebbségkutató Műhely.
- Lippi-Green, Rosina. 1997. *English with an accent: Language, ideology, and discrimination in the United States*. London/New York: Routledge.
- Marshall, David. 1986. The question of an official language: language rights and the English Language Amendment. *International Journal of the Sociology of Language* 60: 7–75.
- Milroy, James and Lesley Milroy. 1999. *Authority in Language: Investigating Standard English*. Third Edition. London/New York: Routledge.
- Minogue, Kenneth. 2002. Review of *Language and Minority Rights: Ethnicity, Nationalism and the Politics of Language* by Stephen May. *Journal of Multilingual and Multicultural Development* 23: 333–334.
- Myhill, John. 2004. A parametrized view of the concept of 'correctness'. *Multilingua* 23: 389–416.
- Phillipson, Robert and Tove Skutnabb-Kangas. 1995. Linguistic rights and wrongs. *Applied Linguistics* 16: 483–504.
- Rickford, John R. 1999. The Ebonics controversy in my backyard: A sociolinguist's experiences and reflections. *Journal of Sociolinguistics* 3: 267–275.
- Skutnabb-Kangas, Tove. 2000. *Linguistic genocide in education – or worldwide diversity and human rights?* Mahwah, N.J.: Lawrence Erlbaum.
- Skutnabb-Kangas, Tove and Robert Phillipson, eds., 1994. *Linguistic human rights: overcoming linguistic discrimination*. Berlin: Mouton de Gruyter.
- Skutnabb-Kangas, Tove and Robert Phillipson with inserts by Miklós Kontra. 2001. Reflections on scholarship and linguistic rights: A rejoinder to Jan Blommaert. *Journal of Sociolinguistics* 5: 143–155.
- Smitherman, Geneva. 1998. Ebonics, King, and Oakland: Some Folks Don't Believe Fat Meat is Greasy. *Journal of English Linguistics* 26: 97–107.
- Stein, Gabrielle and Randolph Quirk. 1995. Standard English. *The European English Messenger* IV/2: 62–63.
- Szilágyi, N. Sándor. 1994. Törvény a nemzeti identitással kapcsolatos jogokról és a nemzeti közösségek méltányos és harmonikus együttéléséről [=Bill on the Rights Concerning National Identity, and the Fair and Harmonious Coexistence of National Communities]. *Korunk* 1994/3: 131–150.
- 1998. De ce nu-și pot însuși copiii maghiari limba română în școală? [=Why can't Hungarian children learn Romanian in schools in Romania?] *Alterra* [Tg.-Mureș, Romania] VII: 131–148.
- 1999. Data concerning the participation of Hungarian young people in the Romanian institutions of higher education in 1992. Manuscript, 1999.
- 2003. Törvény az etnikai és nyelvi identitással kapcsolatos jogokról, valamint az etnikai és nyelvi közösségek méltányos és harmonikus együttéléséről [=Bill on the Rights Concerning Ethnic and Linguistic Identity, and the Fair and Harmonious Coexistence of Ethnic and Linguistic Communities]. In: *Mi egy más: Közéleti írások*, 576–664. Kolozsvár: Kalota Könyvkiadó.
- The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note*. The Hague: Foundation on Inter-Ethnic Relations, October 1996.
- Trudgill, Peter. 1995. Dialect and Dialects in the New Europe. *The European English Messenger* IV/1: 44–46.
- 1996. Standard English and the National Curriculum. *The European English Messenger* V/1: 63–65.
- Wolfram, Walt. 1998. Scrutinizing linguistic gratuity: Issues from the field. *Journal of Sociolinguistics* 2: 271–279.

# Six months in Colorado

Péter Kovács

University of Miskolc  
Department of Public and International Law  
3515 Miskolc, Egyetemváros  
www.jogikar.uni-miskolc.hu  
profpeterkovacs@botmail.com

University of Denver  
College of Law  
2255 East Evans Avenue, Denver, CO 80208  
www.law.du.edu  
Adviser: Dr. Ved P. Nanda

How can I summarize on a few pages my impressions related to my six months' stay in the United States at the Denver University College of Law as a visiting professor? As my wife and our three daughters joined me, I also had an insight in elementary, middle school and high school life. Last but not least, all the treasures of Colorado that we saw cannot be forgotten.

## Teaching and contacts with students

I had two subjects to teach twice a week: the European protection of national minorities and international humanitarian law (law of warfare). These optional classes were taken by cca dozen students each: the ambiance was rather convivial and I have very good memories of these classes.

E.g. I had a Cherokee girl in my class in my class on minority protection. She was slightly older than the others but she had already considerable practice as far as she acted as counsel for her tribe. After the

classes, she explained to me interesting cases from her practice related to the issues of native Americans in the US. There was also a Russian pharmacist, having newly arrived in the US, he wanted to have a law degree and, for evident reasons he was very interested in studying minority issues. The students were curious about how a regional international organization, namely the Council of Europe could develop a concise system of protection for the benefit of linguistic or national minorities.