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Language without Rights

Lionel Wee

LANGUAGE WITHOUT RIGHTS

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Introduction

We have, for some time now, been aware that language can play a critical role in reflecting, reproducing, and even reconstituting relations of power and dominance. Our general appreciation of this fact has in turn led to an increased interest in the relationship between language and justice, since there are many situations where language is seen to play an invidious role in the perpetuation of social inequity. Such situations, broadly speaking, involve individuals or groups being denied access to social and economic goods, or even a sense of dignity and pride in their own identities, simply by virtue of the language that they happen to speak.

The most prominent response to such linguistic discrimination has been to call for the recognition of language rights. Exactly what is meant by the concept of language rights, however, is not always clear, since it has been variously asserted that the holders of such rights need not be speakers of languages, but can include the languages themselves, usually on the grounds that languages are intrinsically valuable. If speakers have rights, then we need to further clarify whether such rights accrue to speakers as individuals or by virtue of their status as members of particular groups. And if languages also have rights, then we need to ask whether we are in danger of reifying a social practice that is inherently changeable and variable by dissociating it from the interests of speakers. Furthermore, there are real problems of conflicts between the two kinds of rights, since ‘far from grounding an individual right to use language x or y, appealing to the intrinsic value of *languages* is actually a way of ascribing rights to languages or linguistic communities against their own members’ (Weinstock 2003: 255, italics in original).

Leaving such questions aside for the time being, it is fair to say that the general motivation behind the concept of language rights is to ensure that an identifiable group—usually an ethnic minority—is granted specific forms of protection and consideration on the basis of their associated language. The suggestion here is that the absence of such rights can lead to the exacerbation of interethnic tensions. For example, in justifying what they call *linguistic human rights* (see chapter 3), Phillipson and Skutnabb-Kangas (1995: 483, italics added) state, ‘If the rights of minorities are respected, there is less likelihood of conflict. Linguistic diversity is not causally related to conflict, though of course language is a major mobilizing factor in contexts where an *ethnic group* feels itself threatened’. The concept of language rights has had enormous appeal, finding a broad swathe of support among linguists, sociologists, political philosophers, policy makers, and community activists (Kymlicka 1995; May 2001; Phillipson and Skutnabb-Kangas 1995; see also Blommaert 2001a, b). And this makes it all the more critical that language rights be subjected to careful scrutiny, so that we can better appreciate the pros and cons of proposing language rights as a means of dealing with linguistic discrimination.

This book aims to present a critical but balanced consideration of language rights, acknowledging those areas where it has managed to alleviate the experience of linguistic discrimination while also highlighting various conceptual and practical problems that need to be addressed. Granted, linguistic discrimination is a problem that deserves to be addressed carefully and seriously, yet I remain skeptical about the viability of language rights, mainly because the arguments in favor of such rights, although clearly well-meaning, seem overly optimistic and fundamentally flawed. While language rights may be useful as a short-term measure, perhaps for drawing attention to issues of linguistic discrimination, they are untenable in the longer term because it is almost impossible to achieve any kind of consensus on whether they have indeed served their purpose in redressing linguistic discrimination. There will also be parties who have a vested interest in maintaining their (usually hard-won) language rights, and their motivations—such as the desire to cling to political power or to continue enjoying the benefits afforded by such rights—can be quite independent of how effective such rights may actually have been in eliminating or mitigating linguistic discrimination. As a result of these factors, the appeal to language rights tends to exacerbate rather than reduce social tensions (see chapter 6).

Some of the problems that I discuss in the ensuing chapters are specific to language rights (such as questions about who the rights holder ought to be), while others are of a more general nature that would need to be addressed in any proposal for dealing with linguistic discrimination (such as the lack of consensus among members of a group or community). I suggest ways in which these problems can be addressed, and argue that the problem of linguistic discrimination needs to be tackled at the most fundamental level involving conceptualizations of language. I then offer a conception of language that builds on a number of ongoing research strands in linguistic anthropology, construction grammar, sociolinguistics, sociology, and political philosophy, treating language as an inventory of constructions, that is, pairings of form and meaning, that have varying degrees of schematicity. In

particular, I view constructions as semiotic resources that are performatively enacted (Agha 2007; Blommaert 2005a; Coupland 2007). Such a view of language avoids treating ‘an abstract “language”’ as the unit of analysis, focusing instead on ‘*the actual and densely contextualized forms in which language occurs in society*’ (Blommaert 2005a: 15, italics in original), and it can provide us with a more realistic and nuanced understanding of the lived experiences of speakers. Taken seriously, this view of language leads us to treat the concept of language rights with caution. Indeed, it appears that some cases of social inequity may be better approached without singling out language for any special treatment. And in those cases where attention needs to be drawn specifically to language, this should be done in a way that requires speakers to be *reflexive* about what they can reasonably expect from the use of language, that is, to be prepared to critically evaluate their own as well as others’ assumptions about language. Both these situations, I will argue (chapter 8), can be properly handled within the ambit of the political framework known as deliberative democracy (Benhabib 1996; Bonham 1998; Dryzek 2000).

I do not expect that arguments against language rights will necessarily convince everyone, in particular minority language speakers, who may feel that the appeal to such rights constitutes their best (if not their only) option in the face of massive and systemic discrimination. However, at the very least, I hope that the examination of language rights and the case studies presented here will encourage both advocates of language rights and their critics to engage in greater dialogue about possible ways of responding to linguistic discrimination, since this is a problem that is likely to grow in urgency and complexity with increased globalization.

In the rest of this introductory chapter, I preview a number of ideas that will help set the scene for the discussion in the rest of the book. These include the relationship between language rights and language ownership, the partial and semiotically mediated nature of language encounters, the impossibility of achieving social and political neutrality given the unavoidability of language, and the need for a deliberative approach to addressing issues of linguistic discrimination.

LANGUAGE RIGHTS AND LANGUAGE OWNERSHIP

In order to provide an initial demonstration of some of the claims involved when we speak of language rights, I want briefly to remark on an interesting complementarity between the discourse of language rights and that of language ownership.¹ The call for language rights is often motivated by the desire to protect the

1. While the notions of language rights and language ownership both have their limitations, it is the problems of the former that are of greater interest here. This is because the notion of ownership is usually intended as an informal way of challenging commonly held assumptions about who should have legitimate control over a dominant language. In contrast, the notion of language rights is usually intended as a legally enforceable principle, where various institutions (particularly governing states) are held responsible for ensuring that official recognition and appropriate resources are allocated to minority languages and their speakers (Kymlicka 1995; May 2001; Phillipson and Skutnabb-Kangas 1995).

interests of minority language groups, usually in reaction to the presence of a highly dominant language. A prime example is the global spread of English, which has often been described as a threat to the existence of many ethnic minority languages and the cultural heritage of their speakers (Maurais and Morris 2003; Phillipson 1992). The assertion that speakers have a right to their minority languages is then presented as a political strategy for repelling the encroachment of English into domains of social life that have hitherto been the province of these other languages. Other scholars (e.g., Jenkins 2000; Kachru 1986; Widdowson 1994), rather than adopting a rights-based discourse, have instead suggested that it is important to reconsider the issue of language ownership. Here, the assertion is that as the dominant language becomes used by those who are not traditional native speakers of the language, they, too, should be considered legitimate owners and, as such, should have equal say in what linguistic constructions count as appropriate, grammatical, or standard.²

Thus, while the discourse of language rights tends to be employed with regard to minority languages and their speakers, the discourse of language ownership is used to call for the shared ownership of ‘languages of wider communication’ (Fishman 1989: 254), such as English, French, or Spanish. The discourse of language rights is consequently primarily concerned with interlanguage inequality (Blommaert 2001a; Wee 2005). By focusing mainly on the relationship between minority and dominant languages, and presenting this as a question of preserving a minority group’s cultural integrity or autonomy (May 2005), the notion of language rights says relatively little about intralanguage issues. In contrast, the discourse of language ownership focuses more on intralanguage inequality, that is, the relationship between different varieties of a single language.³

This is not to say that supporters of language rights have completely ignored the issue of intralanguage inequality. On the contrary, and to their credit, they have recognized the need to address the problems that arise when speakers of a stigmatized variety of a language are penalized compared to their counterparts

2. It is possible to narrow the difference between language rights and language ownership if we aim to define the former more broadly, in terms of ‘voice’ (Coupland 2007: 114) rather than being narrowly concerned with the recognition of rights within a legislative framework. (I thank Nik Coupland and Adam Jaworski (p.c.) for raising this point.) Under this broader conception, the focus might involve a concern with having the necessary skills or infrastructure for making oneself ‘heard’, either through the Internet or various nonmainstream organizations that serve specific ethnic communities. However, the common understanding of language rights does involve the goal of legal recognition (see note 1), often in comparison with the kind of recognition already enjoyed by speakers of a dominant language. Where language rights advocates are concerned, then, this broader definition is not likely to suffice because there are larger structural conditions of social inequality that already impact on the potential for voice and its capacity to bring about the desired uptake (Blommaert 2005a: 15, 45, 136). In fact, it is the intention to compensate for such structural inequalities that motivates the move toward a legislatively oriented conception of language rights. As Edwards (2003: 553) puts it: ‘if they have any teeth, rights are—after all—matters of law’. That having been said, I will, however, in this book, argue for an approach that comes very close to the broader definition with its reliance on voice, given the premium that deliberative democracy attaches to discourse and public reason.

3. There is, of course, no objective way to distinguish between ‘different languages’ and ‘different dialects of the same language’, since such a distinction depends on an interplay between considerations of linguistic structure, mutual intelligibility, and sociopolitical factors that either play up or play down group identities. The distinction between interlanguage and intralanguage discrimination should not therefore be treated as a sharp one. It is changeable and its application in any given context depends very much on the dynamics of the aforementioned factors.

who speak a more prestigious variety. However, the general assumption has been that it is a relatively straightforward matter to extend the notion of language rights from cases of interlanguage discrimination to those involving intralanguage discrimination (Phillipson and Skutnabb-Kangas 1995). But in order to grapple with intralanguage inequality, it is not possible simply to assert that nontraditional speakers should also have the right to a language of wider communication. This is because the spread of a language of wider communication tends to give rise to new varieties (such as ‘new Englishes’), which means that there is no unitary language that could be treated as the object of the right.⁴ So, this raises the question of which variety (of the language) speakers should be claiming a right to.⁵

One possible answer to this question might be to suggest that each variety has its own legitimate community of native speakers, such that speakers of Singlish (the colloquial variety of English spoken in Singapore) (Wee 2003a), or speakers of the English spoken in southern Africa (Chisanga and Kamwangamalu 1997), have the right to their own specific variety. This position has a certain degree of plausibility since it is unlikely, for example, that speakers of Singlish would wish to lay claim to the variety of English spoken in southern Africa, and vice versa. However, it is complicated by the fact that new Englishes are often stigmatized so that there is likely to be a fair amount of disagreement among speakers about the desirability and legitimacy of these language varieties. Returning to Singlish, it is demonstrably the case (see chapter 4) that some Singaporeans vehemently oppose the use of this variety even as other Singaporeans enthusiastically support it. For some of the speakers then, ‘their’ new Englishes are not even proper languages, but are instead nothing more than markers of poor proficiency or a lack of education. This means that the notion of language rights needs to address the question of whether and how such rights can be assigned to a community in the absence of a consensus among the members regarding a language’s desirability and legitimacy. For many speakers, it is access to the standard prestige variety that is desired, since this is the variety that they consider more useful for improving their socioeconomic prospects. But the standard variety is typically exonymic, and claims made toward the standard on the basis of perceived economic advantage

4. The idea of English as a lingua franca (ELF) (House 2003; Jenkins 2000; Siedlhofer 2001) is, arguably, an attempt at discerning the contours of such a unitary entity. ELF proponents would deny this, although it has been pointed out that the ELF project does in fact tend to present ‘a homogenous view’ that treats international communication as a ‘unitary concept’ (Prodromou 2008: 255). The ELF project aims to identify a core set of linguistic variables that might facilitate communication between speakers of different linguistic backgrounds. Work on identifying a set of phonological variables has made far greater progress than work on pragmatics or lexicogrammar, which is not surprising, given the more open-ended nature of the latter. In this regard, Jenkins (2008) has recently suggested that the idea of ‘core’ was only ever intended to apply to phonology. Be that as it may, a possible weakness of the ELF project is that it appears to be focused on achieving communicative success in the narrow sense of information transfer. It does not address the prejudices that speakers may encounter simply because they speak the language ‘differently’, despite having made themselves understood, and it is situations such as these that would be considered instances of linguistic discrimination.

5. It may occur to some readers that the absence of a unitary language is an issue that could also arise with a minority language, so that the question of which variety should be considered the object of the right may prove problematic even in cases of interlanguage inequality. This issue is discussed in chapter 2 (see, in particular, the subsection on “Reinvention”).

and in the absence of any established cultural-historical affiliation represent rather unfamiliar ground for the notion of language rights, since most discussions have tended to begin with a culturally and historically affiliated minority variety and then argue for the extension of this variety into domains of social and economic value (cf. May 2005).

The lack of consensus regarding the assignation of rights also returns us to one of our earlier questions: Are the bearers of language rights properly conceived as individuals or groups? Language rights are generally understood to be group rights (May 2001, 2005), since language is construed as a form of social practice that is reflective and constitutive of group culture. But it has sometimes been suggested that in addition to groups, individuals should also be considered bearers of language rights (Skutnabb-Kangas, Kontra, and Phillipson 2006). This latter position is sustainable, provided we are prepared to distinguish between different kinds of language rights, since the kinds of language rights that individuals and groups can properly lay claim to are different in character. Rights that accrue to individuals on the basis of their status as *persons* are more likely to be inalienable and transferable across social and geographical boundaries, making these more relevant and arguably more useful in dealing with the challenges posed by migration and global mobility. In contrast, rights that accrue to groups are only available to those individuals who are acknowledged as group members, and this raises further questions about the criteria by which group membership is recognized: Who decides on these criteria? How contestable are they? Are exit strategies available should some individuals wish to renounce group membership? Exit strategies can be sensitive and controversial, since if a sufficiently large number of individuals desire to leave a group, this could be perceived as jeopardizing the continued existence of the group itself. Under such circumstances, it is entirely possible for individual and group rights to be in conflict, and the individual right to exit may even come under the threat of being revoked in order that the group's right to continue existing may be secured.

A related issue that requires serious consideration is the reification of social practices that are inherently mutable and variable. Whether or not we decide to make the new variety or the standard variety the object of a right, we are in either case assuming that there is an *identifiably stable variety* that can be coherently construed as such an object. That is, we are assuming that there exists a definable linguistic entity to which a speaker (qua individual or group member) can claim some moral or legal privilege as the object of a right. But this assumption becomes problematic in light of the historicity of language. At the very least, it is an assumption that warrants revisiting. Varieties take time to emerge as recognizably distinct linguistic systems with conventionalized names.⁶ And long before any such recognizably distinct linguistic system emerges (if in fact it ever does), speakers could already be experiencing linguistic discrimination. In other words,

6. In the case of new varieties of English or 'postcolonial Englishes', see Schneider (2007) for a detailed discussion of the processes that can be halted or, if allowed to continue, can at some point lead to their emergence as recognizably distinct forms of English that mark differentiated group identities.

the experience of linguistic discrimination need not always involve identifiable or established varieties, since the very act of speaking differently—as an ‘other’—may be sufficient for discrimination. Shibboleths can be based on the denigration of the speakers’ use of individual lexical items, phonological variables, or styles of discourse, without necessarily assuming that such uses belong to some identifiably stable variety. Particular constructions can themselves become the direct objects of social comment: a turn of phrase may be considered socially inappropriate, marking a speaker as uncouth and raising questions about his or her class background; the unexpected placement of a preposition may lead to questions about the speaker’s linguistic competence; and the use of alveolar stops instead of dental fricatives (so that the English words *tree* and *three* become homonyms, for example) may lead to unkind remarks about the speaker’s apparent lack of proper education (cf. Cameron 1995). The reason for this is that discriminatory language practices are less often about the properties of language itself than about how speakers are perceived.

This problem—how to deal with linguistic discrimination that does not involve access to an identifiably named variety—is compounded by the fact that there is no principled basis on which we can justifiably limit our discussion of linguistic discrimination only to those cases involving identifiable varieties, while ignoring discrimination that involves individual lexical items or styles of discourse. Language practices are thoroughly and robustly present in all these cases, and if the idea of language rights is to be truly viable, it needs to be able to deal with these more subtle and nebulous forms of linguistic discrimination. Underlying the notion of language rights, then, is a conception of language that needs to be interrogated: Is language the kind of thing that can be appropriately construed as the object of a right?

By way of illustration, let us consider a series of examples drawn from Turkey, Sweden, and Malaysia. It is well recognized that speakers can be discriminated against because they are perceived to speak a linguistic variety that marks a distinct ethnic identity. This is the case, for example, with the ethnic minority Kurds in Turkey, where strict adherence to Kemal Atatürk’s historical vision of nationalism has led the Turkish government to show little tolerance for Kurdish expressions of a distinct cultural identity, including those involving language and dress (Dent 2004: 96; see also May 2001: 171). Speakers can also be marginalized because they are seen as nonlegitimate speakers of a variety that ‘rightly’ belongs to a native group. Thus, in Sweden, immigrants—despite their ethnic heterogeneity—are stereotypically characterized as speaking Rinkeby Swedish. This is a panimmigrant variety that is considered by both native Swedes and the immigrants themselves to be inauthentic, improper Swedish in relation to the ‘authentic/proper’ variety spoken by ‘real’ Swedes (Stroud 2004).

In both these cases, a recognized named variety (Kurdish and Rinkeby Swedish) indexes a negatively valued identity within the larger society (Kurds in Turkey and immigrants in Sweden, respectively), and the variety is denigrated as a result of this association. But—and this is a point of some importance—in both these cases there is no direct encounter with the variety as a linguistic totality. The

experience of language is ever only via encounters with specific constructions that are then treated as indices of a linguistic variety. This also means that what is ostensibly the ‘same’ construction may be assigned subtly different interpretive values—sometimes (less) negative, sometimes (more) positive—with concomitant social consequences for the speaker. Stroud (2004) shows how specific Rinkeby Swedish constructions can be appropriated by native Swedes who wish to appear hip, trendy, or linguistically innovative. That is, whereas some constructions, in the mouths of immigrants, are simply taken as confirmation of their inability to speak proper Swedish, once appropriated by ‘bona fide’ Swedes, they acquire a legitimacy that the immigrants were unable to bestow because of their social positions as outsiders. However, it is not always the case that constructions are necessarily evaluated as metonyms or representatives of recognizably established varieties. In the Swedish case, for example, the social recognition of an identifiable variety was a later development, emerging from the stigmatization of specific language practices associated with immigrant speech. The immigrants’ early experiences of linguistic discrimination *preceded* and subsequently set the stage for the social reification of their language use as an established variety socially dubbed as ‘Rinkeby Swedish’.

The fact is, then, that the named language variety is not always the level at which actual language practices are evaluated. We can see this illustrated in Ong’s (2006) observation that in Malaysia, feminists like the Sisters of Islam, who aim to oppose the monopoly that ulamas (traditionally male Islamic scholars and officials) have over Islamic ethics,

must first legitimize their claims as rational and therefore equal moral partners (sisters) in the interpretation of Islamic texts. The first of feminists’ struggles with ulamas is over women’s intellectual and moral capacity to interpret Islam for themselves, instead of relying solely on ulamas’ interpretations. This assertion of women’s intellectual role in Islam is part of Muslim feminists’ worldwide strategy to increase higher education for girls.

. . . By arguing that ulamas’ claims are not divine revelations but man-made interpretations (however authoritative), feminists have opened a space for women’s voices in debates about religious truths. (Ong 2006: 42–43)

As an indication of the Sisters’ ongoing struggles, a book recently published by them, *Muslim Women and the Challenge of Islamic Extremism*, was banned by the Malaysian government on the grounds that it gave a ‘misleading view of the religion’ (‘Activists slam ban on books,’ *The Straits Times*, August 16, 2008). In this example, what is at stake is not so much a named or stable language variety as the discursive right to legitimately propose alternative interpretations of religious texts. The exclusion of women from such a right and the concomitant status of men as the sole legitimate interpreters of Islam stem from the belief that men are by nature inherently more rational than women, who are characterized as being more passionate and out of control. As Ong (2004: 39) points out, ‘[t]apping into these beliefs, ulamas use masculine speech, representing rationality,

to typecast female thinking and practice as unruly, unreliable, and irrational, thus unsuitable for both understanding Islamic texts and for claiming gender rights'. However, there are no linguistic properties that clearly and objectively identify men's speech from women's speech, so that one could point to these properties in order to justify a decision to admit or dismiss a given interpretation of Islamic texts. Rather, what has been characterized as 'men's speech' and 'women's speech' are simply discourses produced by individuals of specific gendered identities, and the subsequent characterization of the discourses as rational or irrational is based on considerations of gender rather than language.

It is worth noting that as part of their strategy to claim the right to offer their own textual interpretations, the Sisters have had to 'cultivate an ascetic self-representation . . . to appear cool, reasonable, and morally above reproach in order to be effective in issuing rebuttals and in negotiating for (morally acceptable) gender rights . . . women's desires must be channeled away from pleasures that men can brand and damn as passionate and disruptive' (Ong 2004: 46–47). There is thus a trade-off, where, in attempting to acquire 'discursive rights', progressive-minded Muslim women have had to compromise on other rights, such as those involving assertions of sexual autonomy (Ong 2004: 47). This obviously does not foreclose the possibility that feminist Muslims in Malaysia might one day enjoy both the ability to offer their own Islamic interpretations as well as the ability to celebrate their sexual identities on a par with their male counterparts. However, the situated nature of any cultural struggle requires the adoption of strategies that are attuned to the affordances of a specific sociocultural milieu. And in the case of the Sisters, the strategy adopted has been to first aim at acquiring the discursive ability to intervene in religious pronouncements and then, having succeeded in the former, hopefully make headway with regard to sexual freedom.

It is therefore certainly reasonable to note that the issue of linguistic discrimination can and often does involve identifiable linguistic varieties where one variety is stigmatized vis-à-vis some other. This is the case with Kurdish and (over time) Rinkeby Swedish. But in other cases, what is at stake need not be the status of an identifiable variety. Instead, the struggle may well be over the ability to legitimately use what is ostensibly the same variety, but for previously unsanctioned and unimagined practices, as in the case of the Sisters of Islam in Malaysia. Throughout all three cases, then, we need to pay attention to the processes by which social valuations get attached to particular language practices and, where possible, explore ways of contesting and changing such valuations.

This enterprise is difficult because, as we have just seen, language practices are not easily isolatable from other cultural representations, but may instead be intertwined with deeply entrenched understandings about appropriate gendered and religious behavior (as in the case of the Sisters of Islam) or class distinctions. The pursuit of language rights may therefore be achievable only if we are also prepared to revisit received understandings pertaining to other areas of cultural life, bearing in mind that such visitations need not always lead to the exercise of greater liberties in these other areas. It could equally require that we temper or compromise on our ability to enjoy other kinds of activities. Conversely, there

may well be cases where speakers have decided to prioritize the pursuit of other (nonlinguistic) areas of life while being prepared to make language-related sacrifices, such as engaging in language shift. The significance of these observations cannot be understated: It is not feasible to talk about language rights in a universalistic or absolute sense, since normative visions regarding the use of language also need to be sensitive to other (potentially competing) moral systems and visions of the good life (Ong 2004: 31).

The fact that language exists in conjunction with other cultural activities requires us to approach language itself as an activity. And, as the next section shows, this further requires that we rethink some commonly held assumptions about the nature of language.

LANGUAGE IN THE MATERIAL WORLD

To understand that language can serve as a resource for identity work and the distribution of social and economic goods, and because of this has material consequences for its speakers, is to understand language as a phenomenon that is firmly embedded in the social world. In this regard, it has become increasingly common in recent years to speak of language as a form of social practice. The notion of practice has the merit of moving attention away from ideas and values as the conscious content of individual cognition to their status as sociocultural habits that are enacted anew each time social actors come into contact with each other (Swidler 2001: 75). In the case of language, this means that rather than treating language as a fully formed cognitive system that happens to be realized in actual behavior, it is better to construe language as a social activity whose regularity is the outcome of temporarily conventionalized patterns of usage. Perhaps most significantly, this requires that we rethink the ontological status of a language. As Hopper (1998: 171) puts it, it is ‘not a circumscribed object but a confederation of available and overlapping social experiences’. As language conventions change, as they inevitably do, what were once regularities may now be perceived as irregularities, and vice versa. Hopper (1998: 156) explains this by describing grammar as *emergent*, since ‘structure, or regularity, comes out of discourse and is shaped by discourse in an ongoing process. Grammar is, in this view, simply the name for certain categories of observed repetitions in discourse’.

There are two important implications to viewing grammar as emergent: any encounter with language is necessarily both *partial* and *semiotically mediated*. Partiality follows because if language is not a fully circumscribed object, then there is no completed system or finalized inventory of constructions waiting to be learned, acquired, or invoked, even by a so-called native speaker. There are, instead, linguistic regularities existing dynamically alongside linguistic irregularities, so that in the light of newer experiences, the relations between specific linguistic constructions may be reevaluated. This reevaluation may result in the formation of newer constructions, the jettisoning of older ones, or the reanalysis of the properties attributed to extant constructions leading to their resignification.

Semiotic mediation follows because, as a form of social practice, language is firmly embedded in the world of actors, groups, and communities, with all their attendant biases, prejudices, and interests. Any encounter that an actor has with a linguistic construction is mediated by layers of interpretations informed by the actor's own earlier history of experiences with other constructions (Agha 2007; Silverstein 2004). In this way, constructions are semiotic resources that an actor can draw upon because of the kinds of values that they index. Because constructions can range in schematicity, individual lexical items are constructions, as are larger phrasal units and even genres of discourse (Croft 2001; Goldberg 1995; Kay and Fillmore 1999; Michealis and Lambrecht 1996, Östman 2005). At the same time, there is always a degree of indeterminacy involved in how constructions are interpreted, and this applies no matter how lexically specified or schematic a construction may be. This is because no single actor fully controls their indexical values. Instead, the attribution of such values is always intersubjectively negotiated, notwithstanding the fact that actors enter into interactions with different degrees of power and status, and hence, with different abilities to impose their preferred interpretations onto particular constructions.

Consider, as an illustration, the following situation, where three interlocutors of roughly equal status are involved in code-switching. In Singapore, the colloquial variety of English known as Singlish has often been contrasted with standard English. Singlish broadly indexes various social meanings, such as a local Singaporean identity, being less educated, and being less cosmopolitan. In contrast, standard English is associated with meanings such as being better educated, being more sophisticated, and perhaps being more international or global in outlook. In this example, three Singaporean radio deejays are discussing the song *Ironic* by the pop singer Alanis Morissette, who has been famously criticized for using lyrics that suggest that she may not really understand the meaning of the word *ironic*. All three deejays are aware of this criticism, which forms the basis of their discussion. The discussion initially takes place with all three deejays using standard (somewhat Americanized) English. After playing the song, one of the deejays (A) begins recounting the criticism made about Morissette. This deejay then starts to quote from a dictionary the definition of *ironic* in order to explain its correct meaning. The other two deejays (B and C) immediately react to this act of dictionary-quoting by switching from standard English to Singlish. In making this switch, they also profess their ignorance of dictionary meanings and proclaim their simple-mindedness in contrast to their colleague's 'scholarship'. Here is a reconstruction of the conversation (Singlish utterances have been italicized).

Deejay A: According to the Oxford Dictionary, 'ironic' actually means.

Deejay B: *Wah, you so clever one.*

Deejay C: *Yeah lah. We not so clever one; we just play the song only, hor?*

Recall that Singlish is popularly conceived as the language of less-educated Singaporeans, who are therefore (by virtue of a cultural stereotype) assumed not to be able to speak a more standard form of English. By implication, such

Singaporeans are less knowledgeable, and certainly less aware of dictionary definitions of word meanings. In addition, a Singlish speaker may also be presented as being less sophisticated or less pretentious. These meanings are conveyed by deejays B and C, as they switch to Singlish the moment their colleague starts trying to provide a definition of *ironic*. By switching to Singlish, deejays B and C position their colleague, deejay A, as pedantic, pompous, and possibly pretentious, while simultaneously positioning themselves as ignorant but down-to-earth ‘ordinary/regular’ Singaporeans.

This example illustrates that independent of the specific context, the codes (Singlish, standard English) are associated with social meanings that the speakers can draw upon for local exchanges. But this is not to say that speakers are only ever able to passively reflect preexisting meanings. The preexisting meanings are usually quite broad or vague and, in this way, form a resource that speakers can exploit in local contexts, sometimes by imbuing them with greater specificity and other times by contravening the expected associations. Also, even though we are describing code-switching here as the move from one variety to another, we should not forget that there is *no direct access per se to the variety as a linguistic totality*. Instead, it is always specific linguistic constructions serving as semiotic resources—some indexically associated with Singlish (such as the use of the particles *lah* and *hor*, and the absence of a copular verb in *We not so clever one*), others indexically associated with standard English—that provide the point of entry not just for us in our roles as analysts of what is going on in a given exchange, but also for how the interlocutors themselves are relating to each other.

By way of closing this section, I want to highlight a further advantage of thinking about language in constructional terms. The inventory of constructions that makes up a speaker’s repertoire may well be hybridized in the sense that it crosscuts the boundaries of what are popularly thought of as named varieties. To take a simple example, an ostensibly monolingual speaker of English may have in his or her repertoire, in addition to conventionally accepted English language constructions, bits and pieces of other constructions associated with other languages. It is not unlikely for an English-speaking wine enthusiast, for example, to have some knowledge of French lexical items or phrases. Or, more commonly, coffee drinkers may have in their repertoire lexical constructions such as *espresso* or *cappuccino* without even thinking of themselves as speaking (bits of) Italian. Yet, these same speakers would also be quite reluctant to treat these words as ‘English’. In a fundamental sense, then, it is very much *beside the point* to tie ourselves up in knots trying to decide whether such a speaker is truly monolingual or not, or whether such constructions themselves are ‘really’ French, ‘really’ Italian, or ‘really’ English.

Attempting to answer such questions privileges named linguistic varieties with an undeserved ontological priority. Instead, it is more useful to adopt the notion of ‘social languages’, which are sets of ‘lexical and grammatical resources (whether in speech or writing) that a recognizable group of people uses to carry out its characteristic social practices’ (Gee 2001: 652). Here, it is worth appreciating that a constructional approach can easily accommodate the social and hybrid

nature of speakers' repertoires, regardless of whether these conform to the boundaries of named varieties or not. And because such hybridity usually emerges under conditions of contact between diverse communities (the emergence of Rinkeby Swedish as a label for a myriad of hybrid constructions is a case in point), it is particularly relevant to the kind of identity politics (Fraser 1997; Taylor 1994) that has become increasingly prominent in plural societies. This includes the kinds of situations that the notion of language rights is most likely to be concerned with, where groups with different ethnolinguistic affiliations are all vying to be given due recognition. Consequently, any proposal that attempts to address the problem of linguistic discrimination cannot afford to ignore the challenges posed by linguistic hybridity.

THE UNAVOIDABILITY OF LANGUAGE

Viewing language as a form of social practice should not blind us to the fact that not all social practices are alike. Language differs from practices pertaining to religion, diet, or dress in that it is *unavoidable*. Unlike other cultural practices, it is simply impossible in most, if not all, situations to avoid the use of a specific language, since some form of communication is necessary if the participating individuals or communities are to successfully coordinate their actions. The unavoidability of language has serious political implications, since it is not possible for any institution to be completely neutral in the sense of being seen not to favor a particular language. A governing state, for example, may aim to be secular, and it can do this by ensuring that any decision it makes is not influenced by the worldviews or values espoused by a particular religion. But the state clearly has no choice but to adopt a specific language if it is to conduct any kind of activity at all, with the consequence that those individuals who are unable to speak this chosen language are automatically disadvantaged compared to those who can.

The unavoidability of language is not a novel observation (Kymlicka 1995: 111; Rubio-Marín 2003: 55), but it does present an interesting challenge to the notion of language rights, especially for proponents of language rights who appeal to liberalism (Kymlicka 1995; May 2001). Liberalism provides the idea of rights with its most coherent justification, and the liberal justification of rights is based in no small measure on neutrality as a desired political goal (cf. Taylor 1994: 62). There is a need therefore to clarify how both the unavoidability of language and any aspiration toward neutrality can coexist in the context of a liberal democracy. If, for example, what we hope to achieve via the notion of language rights is neutrality in the sense that each community within a society gets to use its own language for all major institutional purposes (such as employment, education, mass media, and politics), we could be criticized for advocating a return to some version of apartheid (cf. Wallerstein 1991: 73–75; see also T. Turner 1993). At the very least, such a position embodies what Benhabib (2002: 8) describes as 'mosaic multiculturalism', where 'human groups and cultures are clearly delineated as identifiable entities that coexist, while maintaining firm boundaries, as would pieces of a mosaic'.

But if what we hope to achieve is neutrality in the sense of a shared public sphere where diverse communities can come together, then neutrality is compromised by the unavoidability of language. The reasons for this are clear enough. First of all, it is unlikely that the language of the public sphere would be a language that is equally alien to the different groups in the society. While the choice of a totally alien language might be interesting as a thought experiment to ensure that no particular group is advantaged over some other, this is impractical. It would simply penalize the entire society by making the conduct of any institutional activity unnecessarily difficult. The public-sphere language, in all likelihood, would be one that is already spoken by some members of society, thus immediately privileging those speakers. But even if a completely alien language were somehow to be chosen, we can expect that in the course of time, some individuals would become more adept at using this language than others. This could come about when expatriates (as native speakers of the alien language) are brought in to provide the necessary language training. Or it might come about simply because individuals who are required to use the language for the conduct of various activities start to develop their own stylistic register. Regardless of these two scenarios, over time, the ostensibly neutral public language is also likely to start being used in the home environment so that eventually it would effectively become the first language of at least some individuals and their families.⁷ And this, of course, brings us back to the problem that we began with: how to reconcile unavoidability with neutrality.

The problem of unavoidability posed by language therefore means that there is no realistic possibility of neutrality ever being achieved. In fact, expectations of neutrality are only likely to exacerbate social tensions as bearers of language rights embark on the slippery slope of comparing the relative gains made by different groups. For example, members of one group, A, may argue that some other group, B, is 'more equal' than it ought to be, particularly if it is B whose language is being used in the public sphere. Members of A may then argue that this situation is unfair and that their own language should instead be the language of the public sphere. This line of argument, of course, simply displaces one privileged language (and its associated speakers) with some other. Perhaps even more damagingly, it could encourage a potentially unending series of comparisons of relative privilege that might not be mitigated by any sense of compromise or mutual accommodation. There is also the option of having both A's and B's languages share the public sphere, though this is viable only provided relations between the two groups have not deteriorated to the point of open hostility. But more significantly, the practicality of this option decreases as the number of groups increases, as would be the case with highly plural societies.

7. Close historical precedents exist, of course. These would involve the imposition of a colonial regime and the training of selected 'natives' to serve as language brokers between the dominated population and the colonial administrators. In Singapore's colonial history of British rule, for example, these brokers were drawn mainly (but not exclusively) from the Peranakan Malay and Eurasian communities. English, which started out as a foreign language, became the home language of a small local elite. In the postcolonial era, English became the medium of education, and today, different varieties of English are even more widely spoken throughout the island across multiple ethnic and social categories.

A more realistic alternative might be to acknowledge that neutrality—given the unavoidability of language—is simply not attainable. Such a move would concede that language is *irreducibly illiberal* in nature, and any social compromise will instead require actors to be reflexive about what they can reasonably expect from their own language practices as well as from those of others around them. In this way, rather than attempting to realize an unlikely state of linguistic neutrality, the goal is to acknowledge and foreground the many different interests that are at stake and which need to be negotiated. This alternative would have the advantage of foregrounding the fact that language is always inextricably intertwined with potentially conflicting interests, and that compromises are often necessary in a plural society. The unavoidability of language just happens to be a particularly strong reminder of this fact.

THE IMPORTANCE OF DELIBERATION

The need to negotiate and compromise on different interests raises another problem that is pertinent to the issue of language and justice. It is extremely difficult to predict exactly what interests actors may have in the course of their life trajectories or what language practices will be relevant to those interests. Language can serve a primarily instrumental function such as facilitating access to socioeconomic goods. It can also serve a more symbolic function such as marking ethnic identity. These are functions that, depending on the actor and his or her stage of life, could be served by the same language or by different languages. We therefore need to deal with the possibility that interests can change in the course of an actor's social trajectory, including the fact that such changes can sometimes come about as a result of *being engaged in the process of negotiation itself*.

This is why any approach to language and justice needs to pay attention to the idea of deliberation. The process of deliberating forces actors to confront, and thus become aware of, their own interests as well as those of others. And deliberation is metalinguistic when, in the course of such discussions, background assumptions about the nature of language and about what purposes language can be expected to serve, are foregrounded as the direct object of query, justification, and counterargument. The important contribution that a deliberative approach makes is that acts of deliberation typically aim to arrive at working agreements rather than consensus (Dryzek 2000). A working agreement differs from a consensus in a crucial respect: it acknowledges that the deliberating parties may still be divided by fundamental differences, but are willing to put these aside *for the time being*. This, too, is crucial. Because a working agreement is necessarily provisional or temporary in nature, it can be revisited. In this way, a working agreement allows for the possibility of revision in the light of changing social conditions, and is thus able to accommodate the changing interests of actors.

I am not suggesting that a deliberative approach is without problems of its own. For one, deliberating parties may be of unequal status and power, and this raises the problem of how fair the deliberation process itself can be if one party

has the ability to impose its own agenda to the point where any counterperspectives are effectively quashed. Related to this is the question of what forms of communication ought to be admitted. Should it be the case that only arguments that follow the principles of logic are admissible, or should other forms of communication (stories, jokes, anecdotes, etc.) also be considered? What kind of language(s) should be used? And what happens to the interests of those who do not speak any of the chosen languages? These are difficult questions indeed, but theorists of deliberative democracy have made significant headway toward resolving them (Bonham 1996; Dryzek 1990; Gutmann and Thompson 1996).

It is therefore worth pursuing the question of whether it might be possible to situate language rights in the context of deliberative democracy. There is certainly no incompatibility in principle between the general idea of rights and the model of deliberative democracy. Indeed, a case can be made that individual basic rights, such as freedom from torture or freedom of association, are needed to ensure that deliberative processes are as democratic as possible (Guttmann and Thompson 1996). The issue at hand, then, is not the relationship between rights in general and deliberative democracy. Rather, it is the relationship between the notion of rights, on the one hand, and its application to the changing nature of actors' interests as well as the changeability of language itself, on the other.

In order for language practices to be the kind of thing that a group can claim entitlement to, both the group's interests and associated language practices as well as the relationship between the two are usually ontologically constituted as having a unity and consistency that allows each to be coherently identified. The result is a significant appeal to erasure (Gal and Irvine 1995) as heterogeneity internal to the group, variability in practices, and changes in the relations between them are all downplayed or even ignored. In other words, while the concept of language rights is intended to reflect and protect the interests of actors, it has the disadvantage of taking for granted the nature of such interests because it tends to assume that actors already have well-formed stable interests and enter into negotiations only in order to ensure that these preexisting interests are protected. This means that we will need to address the issue of essentialism and how this can be mitigated (chapter 2).

OUTLINE OF THE BOOK

Because this book is broadly concerned with language rights, it is important to understand what exactly is involved when an appeal is made to the discourse of rights. Chapter 2, "On Boundary Marking," examines the extent to which the idea of a right is dependent on the notion of a boundary. For the concept of a right to be coherent, clear boundaries have to be drawn between different rights-bearers. Demarcations also have to be made between the objects of rights, that is, the 'things' that rights-bearers are entitled to. Such considerations lead us to ask whether language can or should be treated as a bounded entity, as would be the case with the concept of language rights.

Chapter 3, “Language and Ethnic Minority Rights,” traces three identifiably distinct groups or movements associated with the concept of language rights. This chapter reviews the differences and similarities between these groups. Despite their differences, the three movements share a particular conception of language, one that assumes the existence of neat and clear boundaries between languages. Also, for all three movements, the prototypical cases motivating the appeal to language rights involve speakers of ethnic minority languages. These observations serve to delineate the conceptual and empirical scope of language rights.

Chapter 4, “Beyond Ethnic Minorities,” examines examples of linguistic discrimination that extend beyond ethnic minority languages. It discusses cases of intralanguage discrimination as well as language use in educational and workplace settings, and shows that such cases are not easily handled via an appeal to language rights. The chapter concludes by discussing the circumstances under which language rights might be useful, arguing that the usefulness of the notion of language rights lies mainly in helping to raise awareness of the problems of discrimination faced by a specific ethnic minority group. But there are significant costs involved, since the different problems and experiences of individual group members are not taken into consideration.

Chapters 5, 6, and 7 deal in detail with a variety of case studies, applying the arguments developed in the preceding chapters. Chapter 5, “Ethnic Diversity and Nationalism,” compares the different ways in which Sri Lanka, Malaysia, and Singapore have tried to deal with ethnolinguistically diverse populations within the context of nationalism. These cases usefully represent a continuum of societies, from Sri Lanka, where the discourse of rights is highly prominent, to Singapore, where it is largely absent, with Malaysia situated somewhere in between. This selection of societies allows for a useful comparison of the relative effects that language rights can have in mitigating linguistic discrimination. Here, we will see that contrary to claims by language rights advocates, the employment of a rights discourse is more likely to exacerbate rather than alleviate ethnic tensions.

Chapter 6, “Migration and Global Mobility,” focuses on one of the most pressing sociopolitical challenges facing the world today: that of ensuring the well-being and dignity of individuals as they move across the globe in search of a better life. This chapter argues that migration and global mobility pose serious conceptual and practical problems for language rights. Following Jacobson (1997), I show how many states are acting as ‘midwives’ to international law as they try to accommodate the presence of foreign workers and other aliens within their territories. I argue that both states and the residents within them are best placed to accommodate the challenges posed by immigration and global mobility when the emphasis is on respecting the rights of individuals, interpreted in accordance with international law. As a consequence, the notion of language rights can either be dispensed with or, if retained, be interpreted as being borne by individuals (rather than groups).

Chapter 7, “Language Education and Communication in the Workplace,” argues that any education system that gives emphasis to minority languages cannot at the same time ignore the need to provide access to a language of wider

communication, such as English, since a key purpose of education includes preparing learners for the communicative demands they will encounter in the workplace. The chapter suggests that the notion of language rights, rationalized as the protection of an inherited ethnic identity, is not well placed to accommodate the task of helping learners navigate a changing and unpredictable workplace. With this in mind, I go on to examine three specific issues. The first has to do with the place of minority languages in language education, specifically ‘heritage education’, since these have sometimes been criticized as obstacles to socioeconomic mobility. The second concerns the kind of language education that might best prepare learners for the workplace, since the workplace itself represents an increasingly changing and unpredictable environment. The third issue has to do with how the notion of language rights, understood as the protection of an inherited ethnic identity, compares with other kinds of rights, such as the right to decide for oneself what languages to learn, especially if these present opportunities for socioeconomic betterment.

Chapter 8, “Language, Justice, and the Deliberative Democratic Way,” explores an alternative to language rights. I argue that language needs to be consistently viewed as a set of constructions that serves as a semiotic resource, and that this view of language has to be situated within a model of justice that encourages a reflexive stance toward language practices if we are to make any progress in addressing linguistic discrimination. I also suggest that there are features of the political model known as deliberative democracy that appear to be promising in accommodating a reflexive view of language as a semiotic resource.

Chapter 9, “Culture without Rights?,” concludes the book by asking to what extent the lessons learned from our study of language rights might also have implications for the notion of cultural rights in general. The broader notion of cultural rights is intended, like language rights, as a form of protection in a globalizing world where the pace of cultural change has accelerated as different societies become increasingly interconnected and interdependent. Here, I suggest that if the notion of rights is to be of use in a culturally complex world, it needs to be returned to a basic understanding of the protection afforded to each individual on the basis of their ‘universal personhood’ (Maher 2002: 21).

The organization of the book is such that chapters 2 through 4 can be read as laying out the groundwork for the more empirically oriented discussions in chapters 5 through 7. The structure of the book thus allows arguments about language rights to be evaluated on the basis of their conceptual merits as well as after having been conjoined with the details of specific case studies, and before the presentation of a non-rights-based approach in chapters 8 and 9.

On Boundary Marking

This chapter focuses on the idea of language being amenable to boundary marking. While acknowledging that the notion of a boundary is indeed necessary when talking about rights, the chapter questions whether this is an appropriate move when it comes to language. The chapter begins by explaining why boundary marking and essentialism are inescapable features of the discourse of rights. After identifying three effects of rights discourse (selectivity, reinvention, and neutralization), the chapter concludes by observing that language neutrality is chimerical, and furthermore, that the unavoidability and hybridity of language pose significant challenges for the notion of language rights.

THE BEARER OF A RIGHT, THE OBJECT OF A RIGHT

The idea of a right involves both a bearer of the right as well as the object of the right, the latter being that to which the bearer is due or that to which the bearer can lay claim. In the simplest cases, the bearer of the right is an individual and the object of the right is something that is individuated by virtue of being solely associated with the bearer. As Dershowitz (2004: 15) defines it, a right is

Something that is due to a person by just claim, legal guarantee, or moral principle . . .
A power, privilege, or immunity secured to a person by law . . . A legally enforceable claim that another will do or will not do a given act; a recognized and protected interest, the violation of which is a wrong.

This is a relatively unproblematic interpretation of a right because when both the bearer and the object of a right are conflated within an individual, these automatically acquire a boundary marking or delimitation by virtue of the fact that each individual is physically demarcated from other individuals.

This demarcation is critical because it allows us to determine when a particular bearer has had his or her rights respected or violated. For example, while everyone has the right to freedom from torture, it is extremely important not to forget that one person's right to freedom from torture is *not exchangeable* with someone else's. Each individual, depending on the circumstances that he or she finds himself or herself in, may thus experience a violation or observance of his or her particular right not to be tortured. In this way, the ability to distinguish the boundaries that individuate each rights-bearer and his or her respective object allows us to evaluate claims regarding equality of treatment: the possibility of making sensible comparisons depends on consistently distinguishing between the entities being compared. This relatively simple scenario, however, becomes considerably muddled once we start entertaining the idea of group rights, since these are rights to social goods such as culture or language, whose continued existence (and thus the possibility of continued enjoyment) depend on the activities of people acting as a collective rather than as individuals (Waldron 1993: 32).

Let us first consider the issue of the group as the bearer of rights. Each group will need to be distinguishable from every other group, so that it is possible to make sense of claims about the observance or violation of the right of a particular group. In this regard, one widely acknowledged problem with group rights is that there are often difficulties involved in identifying and defining the boundaries of a group (May 2001: 8; Waldron 1993: 32). For example, there may be conflicts between how a group is externally defined and how it is internally defined by the members themselves. And since the group itself may not be homogenous, the internal criteria employed may differ across members. Unlike groups whose existence and identities are defined independently of the individuals that make up the group, such as corporate entities, social or cultural groups are supposed to be representing the identities and activities of their members. Because members' understanding of these identities and activities can be variable and contested, they are less likely to be resolved by definitional fiat. This then raises the question of how conflicts between individual and collective rights are to be resolved, since the privileging of some criteria for defining the group could well be at odds with the choices or preferences of some of the members. Moreover, as Edwards (2003: 555) points out, when we move from individual rights to group rights, there immediately arises the problem of differential treatment, since it is not possible to recognize the rights of all groups. As a consequence, some justifications must first be made as to why some groups and not others deserve recognition, and then, why from the set of recognized groups, rights attach to some groups and not to others.

In this regard, it is instructive to consider the United Nations' own attempts to formulate a policy for the protection of minority groups. Duchêne (2008) demonstrates how the goal of protecting minorities by according them rights is surrounded by institutional debates about how to define the term 'minority', and how

such debates are influenced by the need to respect the interests of the state. States are keen to be seen as respecting the cultural distinctiveness of minorities. There is, however, a fear that too broad a definition of ‘minority’ might prove problematic for the construction of national unity by encouraging the rise of resistance or separatist movements, thus foregrounding the somewhat paradoxical relationship between minorities and states. Of particular interest from a linguistic perspective is Duchêne’s discussion of the use of language as a significant characteristic for identifying minority groups. An initial tripartite focus on race, religion, and language ultimately led to the privileging of language so that ‘linguistic minorities, although appearing later in discussions on minority protection, are progressively and almost automatically embedded in the totality of characteristics constituting a minority’ (Duchêne 2008: 86). In short, the UN’s discursive trajectory—from the Universal Declaration of Human Rights, to the International Covenant on Civil and Political Rights, and finally to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities—arrived at the concept of ‘linguistic minority’ only because of the assumption that language provides a relatively unproblematic cultural characteristic for the purpose of identifying minorities compared to other cultural criteria:

The emphasis on the language element allowed discussion on national, religious and ethnic minorities to be avoided, these being too nebulous or even politically sensitive.

The question of linguistic rights initially allowed significant ideological divisions to be avoided, and effectively applicable measures to be considered in an ‘objective’ manner: language issues were seen as easily defined and somehow a-problematic. (Duchêne 2008: 171)

And Duchêne (2008: 261) goes on to explain:

Language, inasmuch as it is observable and variable, is considered as a non-problematic given, in the sense that there is no need to question it—it is evident. Discourses on language and linguistic minorities are not situated at the level of practices but at the level of object.

This is a particularly important point, since it indicates that much policymaking is reliant on simplifying or perhaps even doggedly ignoring the complex nature of language (Blommaert 2001b; Makoni and Pennycook 2007).

Having seen some of the problems involved in identifying the group as the bearer of a right, let us move on to consider the object of a group right, such as culture or language. There are equally serious difficulties involved in identifying and defining the object of the right itself, in this case, the associated culture or language, since the object of the right itself must now be delimited in such a way as to distinguish it from similar objects that may have other groups as bearers. To appreciate the difficulties involved, it is instructive to consider one widely discussed attempt to resolve this problem, namely, Kymlicka’s (1995) concept of a ‘societal culture’ (for more on Kymlicka’s work, see chapter 3), which he defines as (1995: 76)

a culture which provides its members with meaningful ways of life across the full range of human activities, including social, education, religious, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language.

Kymlicka's concept of societal culture is intended to capture a set of cultural institutions, values, and practices that is supposed to be identifiably associated with a specific group, and hence demarcatable from other forms of culture that might be associated with other groups. These other groups would presumably have their own distinctive societal cultures or have cultures that do not merit the status of 'societal'. Kymlicka needs the concept of societal culture or something similar because, within his proposed framework for group rights, only particular cultures (those that are 'fully developed') qualify for self-government rights. Only societal cultures warrant or deserve the kind of political autonomy that amounts to self-government. Nonsocietal cultures do not qualify for self-government rights, but have to be satisfied instead with polyethnic rights (see the section on "Responses to Unavoidability" for an explanation of the various kinds of group rights proposed by Kymlicka).

Kymlicka's appeal to this notion of societal cultures has been criticized for oversimplifying the vast range of cultural practices that humans engage in. The problem, as Carens (2000: 56; see also De Schutter 2007: 14) observes, is that the concept of societal culture homogenizes culture by 'obscuring the multiplicity of our cultural inheritances and the complex ways in which they shape our contexts of choice'. For example, some cultures might not have a territorial concentration, especially if they are defined by a nomadic way of life. Others may not distinguish between the religious, economic, and educational activities presupposed by Kymlicka's definition. Yet other cultures may not see themselves as having a shared language, since such a conception of language may be one that is imposed by external observers. Canagarajah (2007: 234), for example, points out that people in India 'have difficulties identifying themselves in terms of one language'. Despite this, they have managed to 'keep in tension and to dynamically negotiate competing claims such as identity/communication and inter/intra-group communication without letting them become a source of conflict and disharmony. Their language practices were based on negotiation rather than *fidelity to unitary constructs*' (Canagarajah 2007: 234, italics added). All these cultures would, in one way or another, fail to qualify as Kymlicka's 'societal cultures' and, as a consequence, fail to qualify for self-government rights.

An even more general problem with Kymlicka's approach, as Benhabib (2002: 60–61) points out, is that the notion of societal culture 'confuses social structure with social signification':

Kymlicka has conflated institutionalized forms of collective public identities with the concept of culture. There are British, French and Algerian nations and societies that are organized as states; but there are no British, French or Algerian 'societal cultures' in Kymlicka's sense. Any complex human society, at any point in time, is composed of multiple material and symbolic practices with a history . . . There is never a single

culture, one coherent system of beliefs, significations, symbolizations, and practices, that would extend ‘across the full range of human activities’.

Kymlicka, however, has little choice in this matter. He needs the concept of a societal culture (or something similar) because he needs to delimit the object of a (self-government) right against some other form of culture that may serve as the object of a (polyethnic) right. But it is only because of its artificiality that the concept of a societal culture is able to provide the delimitation needed to mark off the contours of one kind of culture (and one form of group right) from some other.

To summarize the discussion thus far, the idea of a right requires that clear boundaries be drawn between different rights-bearers, as well as between the objects of rights. At this point, however, we are still dealing with the question of how to justify group rights in the form of cultural (rather than language) rights. Language rights advocates make the move from the broader category of cultural rights to the narrower one of language rights by arguing that language is an especially worthy candidate as the object of a right because it is often considered a critical part of a group’s identity, and because it also influences access to socioeconomic goods.

However, given the need for boundary marking in a rights-based discourse, any language that has been enshrined as the object of a right (like the culture that it is supposed to be a part of) then acquires a solidity that can be significantly at odds with the actual experiences of its speakers. It is this that opens language rights advocates to charges of essentialism, despite the fact that some language rights advocates are acutely aware of the pitfalls of essentialism and have striven to avoid them (chapter 3). Essentialism still remains a problem, however, because of the very nature of a rights-based discourse itself. This is the focus of the following section.

THE ESSENTIALISM OF RIGHTS DISCOURSE

The reason why the discourse of rights contains essentializing tendencies is that in order for traits/practices to be the kind of thing that a group can claim entitlement to, both the group and the traits/practices, as well as the relationship between the two, have to be ontologically constituted as having a unity and consistency that allows each to be coherently identified. This happens through a significant appeal to erasure (Gal and Irvine 1995), as heterogeneity internal to the group, variability in the traits/practices, and changes in the relations between them are all downplayed or even ignored in order to fit the dictates of the discourse of rights.

It should be clarified that essentialism does not necessarily mean stasis. Essentialism is able to accommodate change in that some changes to a trait/practice may be viewed as having a relatively superficial effect that does not compromise its authenticity, while other changes may be seen as having a more fundamental effect that undermines the authenticity of the trait/practice. The point to bear in mind is that there is no objective way to decide which changes are superficial and which are not, since what counts as authentic is itself the outcome of socially negotiated

processes of authentication (Bucholtz 2003: 408), including those processes sanctioned by a rights discourse (see, in particular, the discussion of *reinvention* below).

The discourse of rights, despite its ‘emancipatory aura’, is neither ethically unambiguous nor neutral (Cowan, Dembour, and Wilson 2001: 11). It is crucial therefore that we analyze this discourse for the kinds of effects that it brings about (cf. Freeman 2002: 85). Focusing on the particular case of language rights, I argue that a rights discourse imposes the following three effects:

- i. Selectivity: Since not all the practices associated with a social group are appropriate candidates as the objects of rights, a rights discourse exerts pressure such that a few selected practices are privileged over others (Ford 2005: 71).
- ii. Reinvention: In some cases, the pressure to come up with appropriate practices can lead a group to engage in reinvention, such as modifying the practices in ways that fit the demands of a rights discourse. This may include providing the practices with the necessary authentication demanded by rights-conferring authorities, and asserting that these practices unanimously reflect the collective history of the group (Tamir 1993: 47).
- iii. Neutralization: A rights discourse neutralizes the distinction between strategic and nonstrategic essentialism. Essentialism is strategic when group members or advocates acting on their behalf deliberately treat as stable and clearly defined phenomena that (they are aware) are in fact highly fluid, variable, or even conflicting (Cowan et al. 2001: 10; McElhinny 1996). Bucholtz (2003: 401) suggests that strategic essentialism is usually intended as a short-term measure, although ‘not all participants who commit themselves to an essentialist position necessarily recognize it as a temporary tactic’. Neutralization means that an essentialist claim (strategic or otherwise), once locked into the rights discourse, has no clear ‘exit strategy’, making it difficult for such a claim to work as a temporary tactic (Ford 2005: 68).

Some of these effects undoubtedly exist independently of a rights discourse, but the point I am pursuing here is that these effects are necessitated, if not exacerbated, by the demands of this discourse, where the rights tail comes to wag the cultural dog. The result is a situation where ‘rights may be *constitutive* of cultures and their associated identities’ (Cowan et al 2001: 11, italics in original; see also Ford 2005: 73) rather than simply protecting them.

In the following section I provide an overview of critical investigations into rights discourse, focusing on how it encourages essentialism. I then attend specifically to language rights and consider, in turn, the effects of selectivity, reinvention, and neutralization, drawing on data from Singapore, South Africa, and Sri Lanka, respectively.

SELECTIVITY, REINVENTION, NEUTRALIZATION

Barry (2001: 252ff) points out that there is a tendency to defend a cultural practice on the grounds that it is part of the culture of the group whose practice it is, so that ‘simply in virtue of forming part of the group’s culture, it is essential to its

well-being'. The corollary of this tendency is that any change to the nature of the practice, particularly if such change is seen as being imposed from outside the group, can be perceived as a threat to the group's cultural identity. Citing a variety of examples of such defenses, including the 1835 Maori massacre of the Mori people ('these we killed . . . It was in accordance with our custom'), the clubbing of seals by Canadian sealers ('My family has gone sealing for generations . . . It's a vital part of our culture'), and the killing of whales by the Chukchi ('the right to hunt whales when it is deemed a traditional part of their culture and diet'), Barry (2001: 258) argues that

if there are sound reasons against doing something, these cannot be trumped by saying—even if it is true—that doing it is a part of your culture. The fact that your (or your ancestors) have been doing something for a long time does nothing in itself to justify your continuing to do it.

Ford (2005) delivers a similar critique in his discussion of *Renee Rogers et al. v. American Airlines, Inc.* (1981), where the plaintiff was a black woman seeking damages against the airline for prohibiting employees from wearing an all-braided hairstyle. Rogers' assertion (quoted in Ford 2005: 23) was that 'the "corn row" style has been, historically, a fashion and style adopted by Black American women, reflective of cultural, historical essence of the Black women in American society'. Ford (2005: 25, italics in original), however, points out that

What's clear is that the assertion that cornrows are the cultural essence of black women cannot be taken as conclusive evidence that a 'right-to-cornrows' is an unadulterated good thing for black women. Even if we take it on faith that cornrows represent black nationalist pride as against the integrationist and assimilationist coiffure of chemically straightened hair, it's clear that a right to cornrows would be an intervention in a long-standing debate *among* African-Americans about empowerment strategies and norms of identity and identification. More generally, it is by no means clear that an argument that presumes that blacks or black women have a cultural *essence as blacks or as black women* is a vehicle of racial empowerment. A right to group difference may be experienced as meddlesome at best and oppressive at worst even by some members of the groups that the rights regime ostensibly benefits. For the black woman who dislikes cornrows and wishes that no one—most of all black women—would wear them, the right not only hinders her and deprives her of allies, but it also adds insult to injury by proclaiming that cornrows are *her* cultural essence as a black woman.

Ford (2005: 26, italics in original) further observes that 'If an all-braided style is the cultural essence of black women *by law*', this would imply that non-black women who adopted braids might be seen as "'white Negro" wanna-bes':

It's likely that a right premised on the immutable link between blacks and braids will discourage white and Asian women from wearing braids by sending the message that

the hairstyle “belongs” to another social group. Although a right to cornrows might seem only to enhance the freedom of potential cornrow wearers, it is arguably better understood as a policy of segregation through which a set of grooming styles are [sic] reserved for a particular group.

The observations by Barry (2001) and Ford (2005) are relevant to May’s (2005) assertion that when groups engage in rights claims, they do so only in order to secure cultural and linguistic autonomy without making any claims involving essentialism. There are two problems here. First, the autonomy of the rights-claiming group vis-à-vis other groups or society at large is secured on the basis that the cultural practice in question represents the group’s collective identity. Thus the autonomy of the group is privileged over the possibility that individual members within the group may in fact have a different view of the practice in question, and may reject its putative role as a representative practice.

Kymlicka (1995: 35) is well aware of the seriousness of this problem and has attempted to handle it by distinguishing between ‘internal restrictions’ and ‘external protections’. The former are intended to refer to the kinds of obligations that a group may expect of its members. In contrast, the latter refer to the kinds of demands that the group may place on the larger society. Kymlicka (1995: 37) wants to allow for (at least some kinds of) external protections, such as group rights, while rejecting internal restrictions that ‘limit the right of group members to question and revise traditional authorities and practices’. Unfortunately Kymlicka’s distinction presupposes and reifies the boundary between a group and society at large. The statement that internal restrictions should not prevent group members from rejecting traditional authorities and practices, meanwhile, does nothing to address the fact that, because a rights discourse is being invoked, there is going to be enormous pressure on the group to present a unified front. This means that dissenting members, rather than voicing a different opinion that might undermine the group’s rights claims, may feel obligated to adopt a stance of silence instead (cf. Tamir 1993: 47), such that the group’s autonomy is achieved at the expense of the autonomy of individual members.

Second, the idea that autonomy implies freedom from interference by other groups is unrealistic. If the goal is a concept of multiculturalism where different groups coexist in separate cultural cocoons, then this fails to recognize that in any plural society, some form of social interaction and cross-cultural ‘seepage’ is inevitable. Even if such cultural separatism is not the goal, entrenching practices as rights makes it difficult for groups to dynamically negotiate and accommodate changes to the practices in response to changing social conditions. This is because a rights discourse is usually intended as an attempt to enforce a legal limit on the social and political power of the state or that of a more dominant group, in order that the ‘threatened’ group can then be free to continue its practices in a maximally unfettered manner (cf. Ford 2005: 68). But rather than being conceptualized as freedom from outside interference, the idea of autonomy is better recognized as the ability to reciprocally negotiate, at a variety of levels (individual, intragroup, and intergroup), how much change to any kind of practice is acceptable, tolerable,

or even desirable. Unfortunately the often hard-fought and adversarial conditions under which rights are gained tend not to encourage this kind of reciprocal engagement (B. Turner 1993: 175–76).

The combination of privileging group autonomy over that of its individual members with the understanding of autonomy as freedom from meddling by non-members leads to the idea that rights can be used to curb interference from without, and so allow the rights-claiming group to freely express its cultural identity. This points clearly to an assumption of essentialism. It treats the group's identity as *sui generis*, preexisting and intrinsic, thus privileging it above and beyond the diverse lived experiences of its members. It enshrines the practice as one that genuinely reflects the group's identity only insofar as the integrity of the practice is maintained. That is, the practice is perceived to reflect the group's 'intrinsic' autonomy rather than undesirable influences 'from without', for only in this way can it be seen as helping the group to maintain its distinctiveness.

A right seen in this way is not a device that simply reflects or protects an existing cultural practice. Rather, it transforms the practice by institutionalizing it as being especially important, and in this way elevates the selected practice over other practices that might also be said to be just as relevant to the group's identity (cf. Freedman 1991: 43). As a consequence, the right comes to play a constitutive role in the culture of the group, since it helps to mark some practices as being more significant than others, more worthy of group attention and support. The discourse of rights thus encourages essentialism by insisting that particularly strong reasons be given for according the selected practice the status of a right. And the strongest possible reason that can be given is that the practice embodies an essential property of the group.

Having looked at how a rights discourse encourages essentialism, I now elaborate on the various effects it has on claims involving language, namely selectivity, reinvention, and neutralization, in the following subsections.

Selectivity

Selectivity is built into the notion of rights because it is not the case that anything can or should be accorded the status of a right. Rather, 'the language of rights is used to refer to any demand that an individual interest should be protected or promoted . . . and *accorded decisive moral importance*' (Waldron 1993: 32, italics added). Allowing otherwise would mean trivializing the idea of a right.

Although selectivity is clearly a separate issue from standardization, Milroy's (2001) discussion (see chapter 4) of the ideology of a standard is still relevant here. As he observes, once a particular variety has been chosen as the standard, other varieties, by implication, are nonstandard, and consequently less prestigious. Similarly, selectivity in the case of language rights manifests itself as the selection of a particular linguistic code deemed to be of sufficient importance to represent a group's cultural identity, with the consequence—whether intentionally or not—that other varieties are diminished in stature, or even denigrated. Speakers

who insist on using the nonselected codes may be judged less sophisticated, less respectable, or even unpatriotic. It may also be the case that clinging to these nonselected codes prevents the speakers from participating in status domains of influence, such as politics or education.

An example from Singapore will illustrate these points. In Singapore, the management of ethnic diversity is guided by the principle of multiracialism, where respect and equal treatment must be accorded each ethnic community (Benjamin 1976; see also chapter 4). This commitment to multiracialism stems from the government's belief that the desire to maintain ethnic and cultural distinctiveness is a primordial fact, and any policy that tries to force different 'tribes' to submerge their differences can only lead, in the end, to insurgency. We see this in the following statement by Singapore's first prime minister, Lee Kuan Yew (cited in Han, Fernandez, and Tan 1998: 163–65):

The Indians have their own method. So do the Malays. The Malays: Islam and also the kinship ties . . . I don't think you can erase all that. That's for hundreds of years, or thousands of years. You can't erase it. Because I recognized it, I decided you cannot change it. Or if you tried to change it, you'd change it for the worse . . . In every culture, there is a desire to preserve your distinctiveness. And I think if you go against that, you will create unnecessary problems, whether it is with the Indians and their caste or with the Chinese and their clans.

Given this assumption, it is not surprising that the Malays, the Chinese, and the Indians each have an officially recognized mother tongue:¹ Malay, Mandarin, and Tamil, respectively. While it is arguably the case that having the Malay language as the mother tongue for the Malays accurately reflects the sociolinguistic reality of that relatively homogenous community, this is less plausible when it comes to the more heterogeneous Chinese and Indian communities. I discuss here the case of the Chinese community (see PuruShotam [1998] for a discussion of the Indian community).

The selection of Mandarin as the Chinese community's official mother tongue was made in the face of a great deal of linguistic heterogeneity—until the 1980s, approximately 11 different Chinese dialects were widely spoken.² But once Mandarin was selected, a number of language planning activities were undertaken to reflect the status of Mandarin as the Chinese *community's* mother tongue, including a Speak Mandarin Campaign (SMC), first launched in 1979 and relaunched annually since. Campaign slogans include 'hua ren hua yu' (literally, 'Chinese people, Chinese language'), 'Mandarin is Chinese', and, 'If you are Chinese, make a statement—in Mandarin'.

1. Interesting complications arise in the case of the Eurasian community, which has attempted to claim English as its mother tongue, a move rejected by the government since this is 'essentially' a Western language. See Wee (2002a) for a detailed discussion.

2. These include Cantonese, Hainanese, Hakka, Hokkien, Khok, and Teochew. Following the parlance of the Singapore government, the term 'dialects' here refers to Chinese languages other than Mandarin.

To enforce Mandarin's preminent status, the SMC aims not only to encourage the use of Mandarin but also to eliminate dialects. Lee Kuan Yew (1979 SMC speech) mapped out the various changes to the public environment: 'All government officers, including those in hospitals and clinics, and especially those manning counters, will be instructed to speak Mandarin except to the old, those over 60' (Bokhorst-Heng and Wee 2007: 326). Furthermore, 'all Chinese taxi-drivers, bus conductors, and hawkers, can and will be required to pass an oral Mandarin test, or to attend Mandarin classes to make them adequate and competent to understand and speak Mandarin to their customers' (Bokhorst-Heng and Wee 2007: 326). In addition, television programs and radio broadcasting eliminated the use of dialects; the censorship board stopped authorizing dialect films and videos unless they were dubbed in Mandarin; and Mandarin lessons appeared regularly on television and radio, in the newspapers, and on posters around the country. The removal of dialects from the media affected particularly the older Chinese, who spoke little or no Mandarin and were consequently deprived of access to news, entertainment, and general information. Lee Hsien Loong (then Trade and Industry and Second Defense Minister) in fact recognized this 'sacrifice' in his 1988 SMC speech:

At first, many, especially older folks, were unhappy that SBC was phasing out dialect programs on television. Now, Singaporeans have accepted it . . . I recognize what a sacrifice the older generation of dialect speaking Chinese have made, for us to achieve this transformation. I thank them for making this sacrifice, and co-operating in this effort to change the spoken language of the whole community. Their grandchildren will be grateful for what they have done.

There are a number of qualifications worth making here. One, the selection of Mandarin was not simply a top-down imposition by the government. Although early Chinese education was privately funded by Chinese businessmen of different dialect affiliations, after 1920 the medium of education shifted to Mandarin, 'a consequence of the sweeping tide of Chinese nationalism and the increasing supply of teachers from China' (Hill and Lian 1995: 71). In the 1950s the Chinese Chamber of Commerce argued that the Chinese language (Mandarin) deserved greater recognition in the schools and in the legislature (Hill and Lian 1995: 59). This was in vain, however, because graduates of Chinese high schools still found fewer opportunities for employment or higher education compared to those from English-speaking schools, leading eventually to a growing sense of resentment and 'political radicalization' (Hill and Lian 1995: 71). Clearly the government's decision to select Mandarin was in part a response to a variety of historical factors that had already given this language a highly significant role in the Chinese community.

Two, even though there were strong justifications for the choice of Mandarin, the fact remains that a rights discourse intent on recognizing the ethnolinguistic distinctiveness of the Chinese community forced a choice as to *which* linguistic variety would be selected. This brings up the strongly comparative orientation

that a rights discourse encourages—the need to keep up with the Joneses, where if some group is given a particular right, then other groups must also be accorded comparable ones. In the Singaporean context, the commitment to multiracialism and the recognition of one mother tongue for each community forced the privileging of exactly one language, Mandarin, over other Chinese dialects. If the Chinese community had been allowed more than one official mother tongue, this would have been acceptable only if the other ethnic communities were also given the *same number* of options. But notice that even here, there is no escaping selectivity, in this case, a selection of some *arbitrary* number of languages.

Three, as a result of the elevation of Mandarin as the community's mother tongue, the variegated linguistic experiences of individual speakers and their families diminished in importance. The most poignant example, as noted above, involves the elderly who were later 'thanked' by the state for their linguistic sacrifice—a sacrifice that they did not engage in volitionally, especially since it also created serious intergenerational communication difficulties between dialect-speaking grandparents and their (grand)children who were brought up with English and Mandarin (Mauzy and Milne 2002: 107). This reinforces the point made earlier that individual autonomy and group-internal diversity tend to be sacrificed at the altar of group rights, which insists on the presentation of a unified front.

Four, while speaking Mandarin started off as a right (albeit one primarily assigned by the government³), it quickly also became an obligation. Changes made to the public environment created a linguistic market (Bourdieu 1991) that penalized those lacking knowledge of Mandarin. In addition, dialects were characterized as vulgar, primitive, and a major cause of miscommunication; and dialect-speakers were often disparaged as being unsophisticated, uneducated, or just plain boorish (Bokhorst-Heng 1999: 250–52; Wee 2002b: 212). Thus only by speaking Mandarin (rather than dialects) was one considered to be truly manifesting one's identity as a Chinese Singaporean.

Reinvention

Whether one wishes to speak nonjudgmentally of 'nationalist imaginings' (Anderson 1991) or adopt a more evaluative stance on their truth/falsity (Hobsbawm 1990; see May 2001: 68), the formulation of language policies is widely recognized to be influenced by ideologies of various sorts (Fishman 1973: 31–32; Spolsky 2004). The issue at hand, however, is not simply that 'imaginings' occur, perhaps necessarily, whenever a group of people attempts to construct a shared identity and sense of destiny. It is that a rights-based approach forces such imaginings to take on starkly defined contours so as to satisfy the demands of legality, which I refer to here as reinvention. Since claims to rights tend to take place in the context of 'competitive struggles' between groups (B. Turner 1993: 175–76), such

3. See chapter 5 for a discussion of the relative absence of a rights discourse in Singapore, compared to countries such as Sri Lanka or Malaysia.

claims may be challenged, and this creates a ‘need to make a *clear case* to counterbalance an opposing one’ (Clifford 1988: 321, italics added). However, as Ford (2005: 71) points out, a legal demand for clarity conflicts with the flux and variability of actual lived cultural practices:

The legalism of difference discourse encourages, and rights-to-difference require, formal conceptions of social identity that easily can be asserted in courts. Courts and judges will most likely protect cultural styles that can be easily framed in terms of fixed categories, bright-line rules and quasi-scientific evidence. Courts will want experts to testify as to the content of the group culture, they will want lists of specific and concrete manifestations of the culture. Judges are likely to want the culture to be fixed and knowable and will want the protected behavior to be reflexive so as to distinguish culture from merely deviant behavior.

... The blame lies with the very project of trying to define group differences with sufficient formality as to produce a list of traits at all.

Likewise, as Clifford (1988: 338; see also Cobo 1987) tells us in his discussion of the Mashpee’s 1976 claim for tribal status in Cape Cod, legal understandings of culture contain a ‘bias toward wholeness, continuity and growth’. This is despite the fact that ‘[m]etaphors of continuity and “survival” do not account for complex historical processes of appropriation, compromise, subversion, masking, invention and revival’ (Clifford 1988: 339).

These problems are illustrated in the dilemma faced by speakers of Northern SiNdebele in South Africa (Stroud 2001). Although both Northern and Southern SiNdebele formed part of the Nguni group, only speakers of the latter had their language officially recognized under apartheid because they had accepted the offer of a homeland. This was the situation inherited by the new South African government in 1994, so that Northern SiNdebele speakers still found themselves excluded from any discussion of language rights. This led the Northern AmaNdebele National Organization (NANO) to lobby the government and the Pan South African Language Board (PANSALB) to have their language officially recognized. The call was rejected, however, because, as one PANSALB executive explained (quoted in Stroud 2001: 349, italics in original), ‘we could not promote their case until we had clarity on whether Northern SiNdebele was a *separate language* from Southern SiNdebele.’ Northern SiNdebele was considered a dialectal variant of Southern SiNdebele, and until proven otherwise, could not be considered sufficiently important to warrant the status of a right.

As a result, Northern SiNdebele speakers have had to accommodate a rights discourse that ‘views language as an essentially unproblematic construct—an identifiable ontological entity’ (Stroud 2001: 348). As Stroud (2001: 349) explains:

NANO found itself in the position of having to argue that Northern SiNdebele was a language, which meant a grassroots investment in developing orthography, grammar and glossaries for school. The organization also developed grassroots strategies to demand the use of SiNdebele as a medium of instruction in primary education.

While Stroud does not himself emphasize this point, it seems clear that the activities involved in constructing an orthographic system for the language, providing a grammar and glossaries, and ensuring that the language can be used as a medium of instruction will lead to transformations in the language itself (Cooper 1989: 33; Wee 2005),⁴ since any language that is used as a medium of education or has its lexicon reflected in glossaries will have to undergo some degree of standardization, where there is pressure toward the elimination of otherwise informally tolerated linguistic variation (Milroy and Milroy 1999). Furthermore, the pressure to present Northern SiNdebele as a language that is *equal to* but *distinct from* Southern SiNdebele will undoubtedly also encourage various linguistic innovations that are intended to serve the purpose of marking a different group identity (cf. Bucholtz and Hall 2004: 385; King 1994; Pullum 1999: 44).

This kind of reinvention in and of itself is neither necessarily good nor bad. The point to note, though, is this: The reinvention that the Northern SiNdebele speakers are engaged in here is a direct response to the dictates of a rights discourse, which assumes that (i) only a language (as opposed to a dialect) is worthy of being granted rights status; (ii) there exist clear and unambiguous criteria for the language-dialect distinction; and (iii) if such criteria are not currently available, they can and should be created. Community resources are thus pooled specifically in order to satisfy these assumptions.

Neutralization

With selectivity and reinvention, there is arguably a much greater degree of agency available to rights petitioners, since they can make decisions—however constrained—regarding which language should be the object of a right, and what kinds of efforts ought to go into making a case for such a right. In contrast, neutralization draws attention to the limits of agency, since despite any intention to restrict the tenure of a right, once enshrined as such, the right becomes extremely difficult to dismantle. This indicates another difference—a sequential one—between selectivity and reinvention, on the one hand, and neutralization, on the other. The first two precede the granting of a right, whereas the third is concerned with what happens after the right has been granted.

Consider the case of Sri Lanka, where the ongoing ethnic conflict between the minority Tamils and the majority Sinhalese revolves around language issues, framed variously as ‘mother tongue versus English’ and ‘Tamil versus Sinhala’ (Canagarajah 2005: 419–20, 424). Sri Lanka’s independence from British colonial rule in 1948 was quickly followed by the demand that English be replaced by the people’s ‘own language’, even though there was no single ‘own language’ but at least two major languages: Tamil and Sinhalese (Sowell 2004: 84).

4. Spolsky (2004: 11) makes the same point when he observes that corpus planning activities and status planning activities are not easily separable from each other.

By 1956 a new government under Solomon Bandaranaike was elected on the platform that Sinhala would serve as the official language of Sri Lanka. Crucially, Bandaranaike's own commitment to the Sinhalese cause was strategic: he grew up unable to speak Sinhalese, only learning the language much later in life. His adoption of an extremist position on Sinhalese culture was purely driven by his desire to become prime minister (Sowell 2004: 85), and once this goal was achieved, he set about moderating his own anti-Tamil policies, 'but this only set off howls of protest from other Sinhalese demagogues with political ambitions of their own, including a future president, J. R. Jayawardene' (Sowell 2004: 86).

In 1990, after years of increasingly hostile anti-Tamil policies, the militant Liberation Tigers of Tamil Eelam (LTTE) managed to set up a regime that was intended to be free from Sinhala government. According to Canagarajah (2005: 424–25):

the regime insisted on Tamil Only and Pure Tamil in certain extreme terms when they established their *de facto* state in 1990. This policy also served to prove themselves more Tamil than the middle-class politicians . . . they found support for the argument that it is only in creating a separate state of homogeneous Tamil community that the mother tongue could be empowered . . . Their own monolingual/monocultural ideology has always been claimed by the LTTE as evidence that they were more faithful to the Tamil cause.

The result has been an emphasis on 'pure' Tamil and the marginalization of those Tamils for whom code-mixing might actually constitute a normal language practice. In other words, emphasizing Tamil in its purest form helped to legitimize the denigration of other codes that may be mixed or hybridized varieties, and which are considered illegitimate precisely because of their perceived linguistic impurity. As a consequence, speakers for whom such hybridized creoles (Blommaert, Collins, and Slembrouck 2005) are in fact naturalized ways of speaking may end up being penalized. Thus in the LTTE-governed regime of Jaffna, with its emphasis on pure Tamil, warnings are given that the use of English is 'damaging traditional Tamil culture and hindering the nationalist struggle' (Canagarajah 2005: 425). Petitions or applications to the police, the courts, and village councils are likely to be rejected if these are not made in 'pure' Tamil or 'Tamil only'. Such penalization can in fact be gleaned from the following exchange (from Canagarajah 2005: 426), where a Tamil woman applying for a travel permit is observed to have unwittingly used an English borrowing (*wedding*) in what is otherwise supposed to be an exchange conducted in pure Tamil.

Officer: *appa koLumpukku een pooriinkaL?*

'So why are you traveling to Colombo?

Woman: *makaLinTai wedding-ikku pooren*

'I am going for my daughter's "wedding"'

Officer: *enna? unkaLukku tamiL teriyaataa? England-ilai iruntaa vantani-inkal?*

‘What? Don’t you know Tamil? Have you come here from “England”?’

Officer: *enkai pooriinkaL?*

‘Where are you going?’

Woman: *cari, cari, kaLiyaaNa viiTTukku pooren, makan*

‘Okay, okay, I am going to a wedding, son’

The woman’s use of *wedding* immediately leads to a rebuke from the government officer and ‘although *it takes some time for her to realize her blunder*, she corrects herself as her petition can easily be turned down for such mistakes’ (Canagarajah 2005: 426, italics added).

The insistence on Tamil only has proven more effective vis- -vis Sinhala than English, since there is a desire for Tamil–English multilingualism among many ordinary Tamils, who associate English with socioeconomic mobility and liberal values (Canagarajah 2005: 438). Despite this, the LTTE cannot be seen to support such multilingualism since ‘the reason they won the leadership in the struggle for Tamil rights . . . is because they could come up with a more populist and radical slogan . . . to give up their language policy is political death’ (Canagarajah 2005: 441).

We therefore see evidence from both sides of the civil conflict of how essentialist positions (Sinhala only, Tamil only) are adopted by political and military leaders in order to gain popular support in the struggle for rights on behalf of the Sinhalese and Tamil communities, respectively. Furthermore, proponents of these different positions are each victims of their own success in that they are unable to moderate their respective platforms without the risk of losing their power base, since any such moderation would be vulnerable to the charge that it jeopardizes the very right that it is supposed to champion. In this way, once an essentialist position is intertwined with the discourse of rights, it then takes on a life of its own regardless of whether it was intended strategically or not. The reasons for this are fairly obvious. Neither groups (and their members) nor their cultural practices are ontologically fixed and homogenous entities, even though a rights discourse treats them as such. But precisely by doing so, a rights discourse ignores the dynamic struggle for goods, services, and privileges that results when a particular linguistic practice is given the status of a right. For example, Bandaranaike’s ‘Sinhala only’ policy gained popular support because it was seen as a response to a situation where Tamils were disproportionately represented in the upper echelons of Sri Lankan society. This policy therefore provided the rationale behind the implementation of preferences and quotas that limited the Tamils’ education and employment prospects, and included allowing Sinhalese applicants to meet lower standards for university admission than their Tamil counterparts (Sowell 2004: 86).

The link between language and socioeconomic privileges, predictably, meant that any subsequent attempt to loosen the connection would lead to protests from the Sinhalese. And, of course, there is always the issue of different cohorts internal to the group. Not all Sinhalese benefit from the ‘Sinhala only’ policy in exactly the same manner or at the same time. Thus, while some may later on be willing to moderate the policy, others will still feel that they have not been sufficiently

compensated to justify the policy's weakening or dismantling. Likewise, the declining socioeconomic prospects for Tamils triggered a strong pro-Tamil reaction. By the same token, there was an attempt by the LTTE to create, within its own autonomous regime, a connection between the Tamil language and socioeconomic privileges. Again, predictably, any weakening of this connection becomes extremely difficult to achieve since it could lead to accusations from different cohorts within the Tamil community that the LTTE are losing their commitment to the very ideals that legitimized their ascendancy to political power.

The reason, therefore, why a rights discourse neutralizes the distinction between strategic and nonstrategic essentialism is that groups and their members are not, as Sowell (2004: 7–8) points out, 'inert blocks of wood to be moved here and there according to someone else's grand design'. A rights discourse has the effect of freezing group relations and privileges, while in reality, sociocultural differences and inequalities are constituted by *ongoing and ever-changing processes* of struggle, as individuals *qua individuals* as well as *qua group members* strategically utilize available resources to maintain, enhance, or transform their various life-chances.

LANGUAGE NEUTRALITY: A CHIMERA

We have seen that a rights discourse encourages essentialism by imposing sharp and rigid boundaries on cultural practices that are fundamentally at odds with their more fluid and dynamic nature, manifested via selectivity, reinvention, and neutralization.⁵ Such an approach has the unfortunate effect of confining and restricting 'behavior, expression and identity to precisely the degree to which it protects them' (Ford 2005: 90). In the case of language practices, the appeal to rights is particularly problematic because—perhaps more so than other kinds of cultural practices—language is 'irreducibly dialectic in nature', 'an unstable mutual interaction of meaningful sign forms, contextualized to situations of interested human use and mediated by the fact of cultural ideology' (Silverstein 1985: 220).

Other cultural practices are by comparison *relatively* stable (however, see chapter 9). For example, prohibitions against the consumption of pork or the wearing of a turban or cornrows are practices that are fairly easy to distribute in a homogenous manner across all the relevant members of a group (notwithstanding the question of individual preferences). These practices involve a high degree of agency, in that individual actors make conscious decisions about whether or not they wish to observe group restrictions concerning diet, dress, or hairstyle. Consequently changes in how these practices are observed are more easily detected, and are thus more amenable to discussions and debates regarding their

5. This is not necessarily an undesirable outcome. There are good reasons why a rights discourse ought to encourage essentialism, since it aims to protect specific attributes or conditions that are considered especially significant. But precisely because of this, we have to be careful about how broadly we are prepared to extend the notion of rights and, in particular, whether language warrants such an extension.

acceptability both to the group itself and to the wider society. These practices arguably involve relatively clear boundaries that make it less problematic to distinguish members from nonmembers.

In contrast, language practices are extremely variable since control over lexicogrammatical resources and how these are used is highly dependent on the gender, status, and age of individual members (Spolsky 2004: 9), as well as the kinds of activities they engage in (Levinson 1992). This means that language is never distributed uniformly across even what might be considered the same cultural group (since there will inevitably be internal sociocultural distinctions along the lines of gender, age, status, etc., and acceptable associated activities). And unless interaction between members and nonmembers is completely eliminated, some form of linguistic exchange—perhaps starting with code-switching and gradually resulting in fused lects (Auer 1999)⁶—is also inevitable. Such exchanges can have subtle effects on speakers' communicative resources, effects that the speakers themselves may not be aware of nor are consciously able to control.⁷ This makes it even more critical to appreciate that language is possibly more unsuitable than most other cultural practices for the kind of boundary marking needed for enshrinement within a rights discourse.

Such a conclusion does not deny the critical role language plays in influencing the distribution of sociocultural and economic resources (Heller and Martin-Jones 2001: 2, 419). But it does suggest that treating language as a cultural right tends to obscure the changing interests and needs of different individuals and groups. Perhaps most significantly, the liberal ideology, which provides the grounding for the conception of rights (Ford 2005: 6; Ryan 1993: 296), will inevitably always create tensions, since expectations of autonomy and equality are simply impossible in the case of language. Neutrality is impossible in the case of language since *some* language will always have to be used in order to facilitate the conduct of any social activity, with the consequence that speakers of this language will automatically be advantaged in relation to those who don't (cf. Rubio-Marín 2003: 55). Such a situation violates the liberal ideals of equality (since advantages accrue to individuals as a result of whether they happen to speak the dominant language, which is often a happenstance of one's birthright) and autonomy (since disadvantaged individuals may have no choice but to accommodate the dominant language, possibly resulting in language shift and the consequent loss of their own language, with attendant implications for their sense of community and cultural identity).

6. Auer (1999) suggests that there is a unidirectional continuum from code-switching to language mixing to fused lects. This progression is contingent, in the sense that it is not necessary for the move from one end of the continuum to continue all the way to the other. The main difference, as Auer (1999: 321) points out, is between code-switching and language mixing, on the one hand, and fused lects, on the other. The difference lies in the possibility of alternation. With code-switching and language mixing, speakers still have the option of deciding whether or not to juxtapose elements from different varieties. With fused lects, speakers no longer have such an option; the drawing together of elements from erstwhile different varieties has stabilized to the point where it constitutes a grammatical obligation or constraint.

7. Speakers who code-switch are not always aware that they are doing so (Blom and Gumperz 1972). Thus, requiring speakers to constantly monitor their speech for violations of 'purity' (as in the Sri Lanka example discussed previously) only impedes communicative fluency, which depends significantly on the use of routinized and formulaic expressions (Nattinger and DeCarrico 1992; Wray 2002).

It is therefore imperative to recognize that language neutrality is a chimera, and consequently so is the vision of linguistic autonomy and equality that the notion of language rights promises. There is no escaping this sociolinguistic reality, and to bring this point home, I now focus on two specific properties of language: its *unavoidability* and its *hybridity*. Unavoidability refers to the situation described in chapter 1, where it is simply not possible to avoid privileging some language. This alone poses serious challenges for the liberal commitment to autonomy and equality, since it is not a normative but rather a functional fact of human interaction that some specific language will need to be used. Hybridity refers to the fact that language change and variation is inevitable as a result of language use and contact. This is particularly relevant in the context of plural societies where diverse communities and languages coexist—although it also applies in what we might want to think of as relatively homogeneous societies, and creates equally serious problems for the liberal commitment to autonomy and equality.

RESPONSES TO UNAVOIDABILITY

Both Kymlicka (1995: 111) and Rubio-Marín (2003: 55) acknowledge the issue of unavoidability, the latter in her remarks that it is not possible for the state to guarantee ‘linguistic neutrality’ and the former in a succinct observation about the difference between language and religion. I reproduce Kymlicka’s comments here:

It is quite possible for a state not to have an established church. But the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services. The state can (and should) replace religious oaths in courts with secular oaths, but it cannot replace the use of English in courts with no language.

Both Kymlicka and Rubio-Marín are supportive of the notion of language rights and respond to the problem of unavoidability in similar ways—by differentiating between different kinds of rights. Kymlicka does this by introducing the different kinds of group rights briefly mentioned earlier: self-government rights, to allow a group ‘full and free development’ of its culture (1995: 27); polyethnic rights, to allow a group to ‘express [its] cultural particularity’ (1995: 31); and special-representation rights, to compensate for the underrepresentation of specific groups such as the disabled or the poor (1995: 32). Only the last is intended as a temporary right, which should be removed once specific sources of oppression have been removed. The first two are intended to be permanent, but they differ in that only self-government rights allow for the possibility of secession, while polyethnic rights, in contrast, are intended to promote integration into the larger society (Kymlicka 1995: 31).

I leave aside for the moment discussion of special representation rights (see chapter 9) since it is really the other two kinds of rights that are most directly

related to the issue of language and culture. Kymlicka's (1995: 76) application of self-government and polyethnic rights is best illustrated by the distinction he makes between national minorities and immigrant groups, and their relationship to his highly problematic concept of a 'societal culture'. For Kymlicka (1995: 113), national minorities have the strongest claim to language rights because they are in possession of a societal culture:

In a democratic society, the majority nation will always have its language and societal cultures supported, and will have the legislative power to protect its interests in culture-affecting decisions. The question is whether fairness requires that the same benefits and opportunities should be given to national minorities. The answer, I think, is clearly yes.

On the other hand, Kymlicka expects immigrant groups to integrate into the existing national culture because they are construed as having (mostly) come voluntarily to the new host society and, by so doing, are no longer entitled to have their original societal culture established in their new home (Carens 2000: 55). Kymlicka (1995: 114) suggests that the provision of language training may be more appropriate here.

This last observation concerning language training for nonspeakers of the dominant language leads us nicely to Rubio-Marín's (2003) proposal, which builds this expectation that minority groups should learn the language of the dominant culture into a right and duty.⁸ Rubio-Marín (2003: 68) makes a distinction between noninstrumental and instrumental language rights. The former is concerned with protecting 'one's membership in a language community, [protecting] a certain context of choice and sense of identity provided by its culture'. In contrast, the latter is concerned with ensuring that all members of a society have the right to learn the dominant language so as to avoid 'linguistic obstacles that may curtail the enjoyment of rights, freedoms, and opportunities that rest on the possibility of comprehensible linguistic interactions'. Rubio-Marín's argument is that there are circumstances, such as the state's provision of social services or schooling, where the purpose served by language is mainly instrumental or narrowly communicative in orientation, rather than identity related (2003: 57). Under such circumstances, having everyone learn the dominant language is 'less harmful to other general interests', such as the issue of cost-effectiveness, and the preservation of national identity through a common language (Rubio-Marín 2003: 68).

The key difference between Rubio-Marín (2003) and Kymlicka (1995) lies in whether or not self-government rights are needed. Kymlicka explicitly argues that national minorities should be accorded such rights to the point that they should be allowed to secede if they so wish, whereas Rubio-Marín does not see the need for

8. Rights and duties can be treated as correlative (Waldron 1993: 32), where one entity's right involves a duty (on the part of some other entity) to ensure that this right is observed. And since Rubio-Marín is especially concerned with public interaction in a shared domain, where everyone is potentially expected to interact with everyone else, then the same right and duty (to learn the dominant language) is visited simultaneously on each and every member of the society.

such rights. Consequently, while both scholars acknowledge the importance of learning the dominant language, Kymlicka's self-government rights trump the desire to develop a unified national identity, whereas Rubio-Marín acknowledges that broader public policy considerations may override the desire to preserve a separate societal culture by highlighting cost-effectiveness and other general interests.

Unavoidability, Autonomy, Equality

In Kymlicka's (1995) proposal, equality is itself unequally distributed, since only national minorities, in contrast to immigrant groups, qualify for self-government rights, which would allow a group to decide if it wishes to have its own language used in various social institutional settings. And even though he is aware that not all immigrants (such as refugees) would have left their countries of origin voluntarily, he seems reluctant to deal fully with the concomitant complexities that this raises, as highlighted by Carens (2000: 55). Consequently the viability of Kymlicka's proposal rests on 'too neat' (Parekh 2000: 103) a distinction between immigrants and citizens, and cannot accommodate categories of individuals such as guest workers, refugees, slaves, and descendents of colonizing powers (Benhabib 2002: 63).

But this 'neatness', however fictive, is crucial for Kymlicka if he is also to suggest that his proposal respects the autonomy of minority groups, despite the fact that he does not think that they warrant self-government rights. This is because Kymlicka portrays immigrants as generally having *voluntarily* left behind their original societal cultures, and by implication, signaling their intention to become part of the new host country's societal culture. The kind of language training Kymlicka suggests is aimed at facilitating this. In this scenario, then, autonomy is not compromised as long as we (i) are prepared to believe that every immigrant actually wants to replace his or her original culture with that of the host country, and (ii) are willing to ignore inconvenient categories such as refugees or slaves.

Rubio-Marín's (2003) proposal in turn is, simply put, Kymlicka's polyethnic rights writ large, in that each minority community is allowed to maintain its own language and culture because these are seen to serve primarily noninstrumental purposes. Nevertheless, in the shared public domain that the state oversees, everyone has the right and the concomitant duty to use the dominant language for instrumental purposes. Rubio-Marín's conceptual distinction between noninstrumental and instrumental purposes is critical in seeing how her proposal deals with equality and autonomy. Each minority community has the autonomy to decide on community-specific affairs, to the extent that these do not work against the larger national interests. This includes preserving the community's own language so long as this does not mean neglecting one's duty and right to learn the dominant language. In this way, each community has equal status relative to every other. However, each community is also equal, relative to the state, because the public

arena of the state is envisioned as culturally neutral, bleached of any ethnic bias by virtue of the fact that the use of language here is ‘purely’ instrumental.⁹ Admittedly equality (of participation) in the shared public arena is achieved at the expense of autonomy by requiring all members of the society, regardless of their ethnic community affiliations, to learn the dominant language. This is problematic because the main sticking point for many language rights advocates is the fact that native speakers of the dominant language already use their language for both instrumental and noninstrumental purposes. Nonspeakers therefore carry the extra burden of having to learn the dominant language, and in Rubio-Marín’s proposal, they still do. Rubio-Marín’s proposal therefore seems to justify the very situation of linguistic inequality that most language rights advocates would consider in need of redress.

HYBRIDITY

Neither Kymlicka (1995) nor Rubio-Marín (2003) provides much discussion about the complexity of language.¹⁰ Minority speakers are described as either learning the dominant language or not—they either retain their own language or not. Furthermore, each language is assumed to be clearly associated with a specific and distinct cultural community. What is missing is an attempt to come to grips with the sociodynamics of contact situations—surely a key consideration in plural societies—where, as speakers of different languages interact, hybrid varieties can emerge. The rights-based proposals of Kymlicka and Rubio-Marín are unable to accommodate hybrid varieties because their proposals presume that languages are preexisting, and hence preowned by specific communities. The status of new linguistic varieties that come about, for example, as a consequence of contact between immigrants and their new ‘host’ societies is not addressed. And addressing this is critical because it reminds us that the relationship between minority communities and the host society is not a simple dichotomy between retaining the minority language or not, or learning the dominant language or not. Hybrid varieties often emerge when different languages come into contact with each other, even when speakers of the minority language are attempting to learn the dominant language.

9. Rubio-Marín (2003) also relies on making a clear distinction between the culturally inflected minority community and the culturally neutral public arena to sustain her claim that noninstrumental rights are group rights while instrumental ones are individual rights. Needless to say, the realistic existence of a culturally bleached public arena untainted by issues of culture is highly questionable. At the very least, it requires us to believe that individuals are capable of leaving behind their cultural habitus once they enter the public arena and make their decisions in purely rational terms, unaffected by their gender, class, or ethnic backgrounds—a belief already sharply criticized by Bourdieu (1977; see also Jenkins 2002).

10. This is not an uncommon problem. For example, De Schutter (2007: 3) observes that political philosophers tend to have an ‘outdated empirical understanding of the concept of language itself. I will call this a *linguistic distinctness* understanding. This notion of *linguistic distinctness* takes the world to be a neat patchwork of separate monolingual geographical areas almost exclusively populated by monolingual speakers. As a result, many of these philosophers, often unaware of important sociolinguistic and other research on these matters, endorse an ill-conceived notion of the concept of language on which they build their theories’.

Learning of the dominant language can take place both within as well as outside the confines of a formal learning environment, such as an educational institution. Let us focus first on the ‘informal learning’ that comes about as a result of interacting with members of the dominant language, or by simply being immersed in an environment where the dominant language is pervasive. In such a situation, a contact variety is more likely than not to arise, one that, while bearing some similarities to the dominant language, is sufficiently distinct to be considered a socially marked variant. Stroud’s (2004) discussion of Rinkeby Swedish provides a relevant illustration of these issues.¹¹ As noted in chapter 1, Rinkeby Swedish is a contact variety of Swedish, used in reference to the Swedish spoken by immigrants. The invocation of Rinkeby Swedish as a characteristic of immigrant speech thus politicizes the boundary between ‘real’ Swedes and others, where this variety is presented as a clear indication of ‘contagion, inauthenticity and undesirable contact and change’ (Stroud 2004: 200). The immigrant, marked by the Rinkeby Swedish shibboleth, is therefore neither able to fully assimilate and partake of mainstream institutional resources, nor able to claim an authentic Swedish identity. In this way, public discourses around Rinkeby Swedish provide a ‘powerful but subtle means for the exclusion and stigmatization of migrants in Swedish public spaces, at the same time that the significance of speaking Swedish is resymbolized’ (Stroud 2004: 197).

All this is deeply ironic because the immigrants are being penalized for doing exactly what Kymlicka (1995) and Rubio-Marín (2003) ask of them: learning the dominant language. But even as Kymlicka and Rubio-Marín expect immigrants to learn the dominant language, they make no serious attempts to address the linguistic difficulties that learners are likely to encounter, in particular, the denigration of hybrid varieties. Rubio-Marín (2003: 63), for example, says little beyond noting that speaking the dominant language *poorly* can lead to stigmatization of the speaker as being illiterate. The implication is that such stigmatization can be avoided by learning the language *well*. But, of course, whether one is speaking a language well or poorly is, ultimately, an evaluative characterization that depends significantly on the ratification of those in power, as is the case with Rinkeby Swedish.

The widespread tendency to view hybrid varieties as linguistically deficient is also relevant when we consider language learning in formalized educational settings. Since knowledge of other languages can influence the learning of a target language, a common educational response is to ban other languages from classroom contexts, especially if these are already viewed negatively in wider society (Siegel 1999). Such a response simply assumes that the stigmatized variety, which is often the first language for the students, has no contribution to make toward learning the target language. Even worse, such a response not only dismisses the variety as useless, but by doing so, also denigrates their speakers and violates the fundamental

11. It is important to bear in mind that even though the example of Rinkeby Swedish involves immigrants, the point about hybridity is relevant to any kind of contact involving speakers of different languages, including national minorities.

pedagogical principle that students' existing (linguistic) knowledge can and should be used as a resource to help them learn more effectively (Siegel 1999).

Hybrid varieties thus pose significant problems for language rights. Being the result of intergroup contact, they cannot be easily claimed under either Kymlicka's (1995) self-government or polyethnic rights, both of which assume that the community must have had a historical association with the language. Rubio-Marín's (2003) proposal runs into similar problems, since hybrid varieties—by virtue of their stigmatization—cannot be said to serve the noninstrumental value of protecting a community's identity. This is because hybrid varieties are often considered to be deficient dialectal variants of 'proper' or 'fully developed' languages, even by their own speakers. It is therefore unlikely that the speakers would want these varieties to be accorded the protection of instrumental rights, even if this was an option. For the same reason of low prestige, neither can such varieties overcome the linguistic obstacles to participation in wider society that Rubio-Marín's instrumental rights are intended to redress. In fact, because of social prejudice, these hybrid varieties become seen as the obstacles themselves that need to be overcome. Thus, whether we are looking at language learning in formal or informal situations, these rights-based proposals are unable to come to grips with the problems posed by hybrid varieties.

Notwithstanding the fact that their stigmatized status means that most speakers would not want to have the 'right' to hybrid varieties, there are other problems that we should be aware of. First, recall that we are talking about a linguistic variety that arises as a result of contact, rather than one that preexists the contact situation. This is somewhat problematic for the idea of language rights, since the object of the rights discourse here is an anticipated entity, one that does not yet exist. This might not be too serious a problem since we do sometimes talk about the rights of future generations of human beings, especially in relation to environmental issues of sustainability. Since the rights-holders are imagined future entities, advocates of language rights may want to argue that the bequests to rights-holders can also be future entities. One might therefore imagine an argument that should a new linguistic variety arise as a result of contact, then minorities should be able to lay claim to this variety. This suggestion is not without its own problems, though. Because the variety is a hybrid, then speakers of the dominant language—from which the hybrid is likely to obtain most of its lexicon—may also feel that they too (and not just the minority communities) have an equal right to it. This is a problem for the notion of language rights, which typically focuses on trying to ensure that a group's language is accorded recognition. The assumption here is that there is an unambiguously identifiable rights-holder. The notion of language rights says little about how to handle a situation where different parties lay claim to what is ostensibly the same linguistic object, since the question then arises as to which party 'really' has the right to this object.

But even if rights advocates were to somehow provide guidelines for identifying which of the parties involved in a hybrid variety is the 'real' rights-holder, there is another problem. The hybrid variety, while stigmatized because of its association with minorities, can gain a degree of prestige once it is associated with

members of the dominant community. Recall from the Rinkeby Swedish example (see chapter 1) that native Swedes can appropriate some Rinkeby Swedish constructions as ‘trendy’ or ‘hip’, while at the same time, the constructions spoken by immigrants continue to be stigmatized (Stroud 2004: 204–6). Thus different speakers do not merely lay claim to the ‘same’ variety. Some speakers are in a better position than others to transform the variety, legitimizing it from ‘broken’ or ‘error-driven’ to ‘novel’ or ‘innovative’, and thus bestowing upon it the status of a cultural capital from which symbolic profits can be extracted (Bourdieu 1991). Addressing this requires that we attend to the issue of political power involved in defining what counts as legitimate uses of a language—including what particular linguistic constructions are being appropriated in what contexts—rather than just focusing on the concept of language simpliciter. As Duchêne (2008: 11) puts it:

Language interactions in plurilingual contexts thus bring about pragmatic, specific and contextualized ways and means. The utilization of language forms is balanced by strategies that are not homogenous and that constantly modify the normalized state of the language. Internal or external migration situations create new language forms that are progressively incorporated into the dominant language of a region, without the native speakers necessarily realizing it (cf. Grosjean and Py 1991).

And this brings us to what is perhaps the most serious problem with the notion of language rights: the ontological assumption that there is an identifiable linguistic variety that can be coherently treated as the object of a rights discourse. As mentioned in the preceding chapter, Stroud’s discussion of Rinkeby Swedish deals with a situation in Sweden where, *after a period of time*, there arises the general perception that there is a pan-immigrant speech that can be attributed to immigrants. When Swedes label this speech ‘Rinkeby Swedish’, they give it the appearance of ontological stability, which allows it subsequently to become the object of further public discourses and debates. But, of course, linguistic discrimination need not always occur in the context of an established variety. Perceptions that a particular speech form is ‘bad’ and its speakers ‘illiterate’ can occur even before multiple speech performances by multiple communities of immigrants have ‘congealed’ (Butler 1990: 33) to give us the impression of a ‘stable’ linguistic variety. In this way, the recognition of a linguistic variety occurs only after myriad acts of linguistic discrimination have culminated to the point where the formation of a linguistic stereotype is possible. So language rights advocates also need to address the problem of linguistic discrimination that may already precede the (subsequent) naming of a variety. An approach that advocates language rights, however, is likely to find it extremely difficult to deal with such a situation, where sociolinguistic categories and practices are not only unstable, but so incipient that no clear named varieties can yet be said to exist (cf. Clifford 1988: 338–39; Ford 2005: 71).

The kind of hybridity that is characteristic of contact situations and the problems it raises for language rights should in fact *not* be considered exceptional;

rather it should be treated as a characteristic of languages in general (Makoni and Pennycook 2007). Hopper (1998: 157–58; italics added) describes the matter thus: ‘there is no natural fixed structure to language . . . Systematicity, in this view, is an illusion produced by the partial settling or *sedimentation* of frequently used forms into *temporary subsystems*.’

In the case of linguistically diverse societies, it is therefore not possible to assume that there are at least three distinct linguistic varieties that exist in separate compartments: the dominant language A, the minority language B, and the hybrid variety C. The emergence of C (as the result of the interaction between A and B) does not necessarily leave A and B themselves untouched. Rather, we have to recognize that A, B, and C all continually undergo changes as a consequence of being in contact with each other. As such, any attempt to talk of three distinct isolable varieties is really a convenient fiction that may not really reflect the linguistic practices of the various speakers.

It should be noted that by making this observation, I am not suggesting that named varieties should be dismissed. On the contrary, I am fully aware that names of varieties, while not neatly corresponding to a coherent linguistic entity, carry ideological significance that must be accounted for. The desire of speakers to associate particular constructions with labels such as ‘Japanese’, ‘English’, or even ‘Indian English’ or ‘Marathi English’ are inevitably informed by broader ideological understandings of what these labels entail. If there exists a group of speakers for whom the labels ‘Indian English’ or ‘Marathi English’ reflect some sociolinguistic reality, this is a phenomenon that is in turn indicative of these speakers’ (growing, emerging) metalinguistic awareness that there are shared commonalities in their linguistic practices. At the very least, it is an indication of the speakers’ expectations that such commonalities do or should exist. As an in-group metalinguistic label, the name of a variety very possibly orients the linguistic practices of these speakers toward each other and away from those whom they might consider nonmembers of the group. Effects on grammatical structure can be plausibly expected as the manifestations and interpretations of linguistic forms are gradually adjusted or calibrated in the course of recurrent interactions. But it is precisely because the correlations between practices and labels are subject to changes and contestations that we should be careful about advocating the use of language rights.

CONCLUSION

I began this chapter by demonstrating that for the concept of a right to be coherent, clear boundaries have to be drawn between different rights-bearers. Demarcations also have to be made between the objects of rights, that is, the ‘things’ that rights-bearers are entitled to. Extrapolating this discussion from rights in general to the case of language rights in particular, similar considerations led us to ask whether it is likewise possible to impose boundaries between different holders of language rights and between the objects of those rights, which are, presumably, specific

languages. I argued that there are several difficulties involved in treating a language as the object of a right, since this would require homogenizing what are in fact variable practices across individuals. These difficulties were illustrated via the discussion of three effects: selectivity (where only a few selected practices are privileged over others), reinvention (where the pressure to come up with appropriate practices can lead a group to modify its practices so as to fit the dictates of a rights-based discourse), and neutralization (where, once locked into the rights-based discourse, there is no clear ‘exit strategy’, thus making it difficult for a rights-based claim to work as a temporary tactic). The chapter ended by discussing two properties of language—unavoidability and hybridity—which, taken together, pose strong challenges to the idea of language rights.

Language and Ethnic Minority Rights

Language rights advocates have generally devoted a lot of time and effort toward describing the problems faced by speakers of minority languages. This is understandable, since such speakers are often the most visible victims of linguistic discrimination because their languages may also mark them as being ethnically distinct from the dominant group. Ethnic minority groups and their members may then experience discrimination, where their language and other cultural practices are suppressed by a dominant group intent on eliminating any marker of distinctiveness in both public and private domains, perhaps via a process of forced assimilation.

Even where an ethnic minority group may enjoy *tolerance-oriented* rights, such as the right to use their language in their homes, it is still possible to argue, as many language rights advocates do, that the group also needs *promotion-oriented* rights, which would require the provision of active support for the use of their language in various public domains (Kloss 1977). Otherwise, in comparison with members of the dominant majority, attempts by ethnic minorities to sustain their cultural identities remain hampered, as does the possibility of their participation in the public sphere. Thus, one of the reasons consistently given as to why language rights may be needed is that not all groups in an ethnolinguistically diverse society are likely to enjoy equal protection and respect for their cultural identities, or equal access to channels of participation in the broader society.

It is important, though, to appreciate that not all language rights advocates are cut from the same cloth, since there are significant differences in emphasis and

orientation among the major groups pushing for the recognition of language rights. According to May (2005: 319), there are three identifiably distinct movements associated with the concept of language rights:

- i. The Language Ecology (LE) movement (Dalby 2003; Maffi 2001; Mühlhäusler 2000; Nettle and Romaine 2000), which takes as its point of departure the loss of many of the world's languages, treating this as part of the imminent collapse of a total ecosystem (Nettle and Romaine 2000: ix).
- ii. The Linguistic Human Rights (LHR) movement (Kontra et al. 1999; Phillipson 2003; Phillipson and Skutnabb-Kangas 1995), where the more specific concept of linguistic human rights is pursued and rationalized as an extension of basic human rights.
- iii. The Minority Language Rights (MLR) movement (May 2001, 2005), which is concerned with language rights as one aspect of a more general attempt to defend minority group rights (May 2005: 319). This enterprise is part of a larger and more general project that aims to reconcile the notion of group rights with that of liberal democracy.

In this chapter, I discuss the differences between these three movements, as well as their similarities. While each movement has its merits, I would suggest that it is the MLR paradigm that warrants particular consideration because it provides the most thoughtful and developed articulation of language rights. But, before I do so, I look first at the LE movement.

THE LANGUAGE ECOLOGY MOVEMENT

The Preservation of Languages

The LE movement is primarily concerned with language preservation and revitalization, and tends to employ a variety of biological metaphors, such as 'murder', 'endangerment', 'extinction', and 'death' (Nettle and Romaine 2000: 5–7) when describing the fate of languages:

are such metaphors useful? We will argue that the death and extinction (and even murder) perspective is useful because languages are intimately connected with humans, our cultures, and our environment.

... Language death is symptomatic of cultural death: a way of life disappears with the death of a language. *The fortunes of languages are bound up with those of its speakers*. Language shift and death occur as a response to pressures of various types—social, cultural, economic, and even military—on a community. Every time a language stops performing a particular function, it will lose ground to another that takes its place. Death occurs when one language replaces another over its entire functional range, and parents no longer transmit the language to their children. (Nettle and Romaine 2000: 6–7, italics added)

The priority for the LE movement lies with the preservation of languages, as the italicized portion of the previous extract makes especially clear. The following statements further demonstrate that priority typically lies with the language rather than the speaker:

Of the 20 Alaska Native languages alive today, only two—Siberian Yup'ik and Central Yup'ik—are still being learned in the traditional way, of parents speaking to children. One language, Eyak, has left only one speaker, and she is in her 70s . . . Without radical change, these languages will be extinct or have no native speakers left some time during the first half of the century nearly upon us. (Krauss 1995, quoted in Dauenhauer and Dauenhauer 1998: 59)

The fundamental cause for the disappearance of a human language is well known. Speakers abandon their native tongue in adaptation to an environment where use of that language is no longer advantageous to them. This much about language death is simple and uncontroversial. The more complex, and thus obscure, issue is '*What brings about the decreased efficacy of a language in a community?*' (Grenoble and Whaley 1998: 22, italics in original)

The accelerating extinction of languages on a global scale has no precedent in human history. And while it is not exactly equivalent to biological extinction of endangered species, it is happening much faster, making species extinction rates look trivial by comparison . . . Language disappearance is an erosion or extinction of ideas, of ways of knowing, and ways of talking about the world and human experience. (Harrison 2007: 7)

There are good reasons for this prioritization. The interest lies in the possibility that such languages contain a store of human knowledge about the natural world (medicinal properties of plants, descriptions of animal species, technologies for cultivation and domestication) as well as cultural achievements (oral histories, epic tales, riddles, and lullabies) that might otherwise be lost, and that linguistic inquiry into their lexical and grammatical properties (number systems, word order) can make substantive contributions to the scientific investigation of human cognition (Harrison 2007: 19–20). It is the tantalizing possibility that investigation into these languages may offer some insight into human cognition or culture that draws the LE movement, and in this regard, it is plausible for the movement to claim that the preservation of endangered languages is an important enterprise.

But while the LE movement is mainly concerned with the preservation of languages, it would be grossly unfair to assume that speakers are valued only as a means for language preservation. The fieldwork in which members of the LE movement engage brings them into close and sustained contact with human informants. This is because fieldworkers rely on human informants, often extremely small groups of speakers, to provide them with linguistic information regarding endangered languages. Their encounters are therefore likely to lead to the development of bonds with individuals and small communities who are proud of their

language and who regret the fact that the language is no longer widely spoken (Hinton 2001: 3–4). Such encounters with speakers who express regret and a sense of loss can naturally evoke sympathy. In response, various language programs have been initiated aimed at helping speakers recover and revitalize their languages, as demonstrated by the two examples (from Grenoble and Whaley 2006) that I discuss below, to illustrate the resourcefulness and inventiveness that necessarily go into designing programs for speakers and languages of vastly different sociohistorical backgrounds.

The first is the ‘language nest’ model, exemplified by the revitalization of Maori in New Zealand (see also King 2001; Spolsky 2003). Maori first developed an orthographic system in 1818, and the Maori people subsequently established a strong and vibrant literary history, with a rich body of written materials. However, in 1867, the Native Schools Act mandated English as the sole language of instruction. This led to Maori being banned from the schools and in official discourses. By the 1970s, it was a language clearly in decline, with its use essentially limited to tribal meetings and the church (Grenoble and Whaley 2006: 54). To deal with the situation, language nests were established in the 1980s, with fluent elders being brought in to teach preschoolers how ‘to speak and live Maori’ (Grenoble and Whaley 2006: 54). The success of the program at the preschool level eventually led to the establishment of primary and secondary schools that emphasized Maori culture. In 1987 the language was even granted official status via the Maori Language Act. Today, the language has a healthy number of speakers and is widely used in the community, providing grounds for optimism regarding its long-term future.

The second example is the Master-apprentice program (Hinton 1997) developed in California in 1992, where there are a large number of indigenous languages with very few speakers each. California thus presents a significantly different situation from New Zealand in that ‘there is no single language which is an obvious candidate for revival . . . [and] speaker numbers are so low that one cannot turn to a community of speakers to engage in the effort’ (Grenoble and Whaley 2006: 60). Also, the few tribal elders who constitute the language masters may not have actively used their language for many years. So, even these ‘masters’ need time to get used to using their language again. In addition, the program is committed to oral rather than written communication, because these linguistic communities do not have a tradition of reading and writing. With these factors in mind, the program pairs master speakers with language learners in learning situations that are expected to follow very specific principles (Grenoble and Whaley 2006: 61). For example, (i) no English is allowed; (ii) the focus is on oral, not written, communication; and (iii) learning takes place in the context of real-life activities such as cooking or gardening, rather than in a classroom setting. The goal in the Master-apprentice program is accordingly much more modest in comparison with the ‘language nest’ model. Apprentices are not expected to develop the same level of fluency as masters. Rather, it is hoped that by the end of about three years, apprentices will be able to hold simple conversations. As Grenoble and Whaley (2006: 63) point out, ‘The program does not attempt to revitalize speaker bases and make

the target language a fully used system of communication in all aspects. Instead, it is a realistic, practical approach in situations of severe language attrition where it is most probably impossible to build a new speaker community’.

The ‘language nest’ model and the Master-apprentice program represent two dramatically different sets of circumstances that the LE movement seeks to address. Respect for the fact that the languages vary in their access to a strong written tradition, awareness of the differential levels of fluency that elder speakers possess, and appreciation of the limitations posed by actual numbers of available speakers have all had to be taken into consideration when developing a suitable language program. There are obviously many other cases that present their own particular problems and challenges for language revitalization. Despite this, there also appears to be a common thread running through these programs, which is where the notion of language rights comes in, namely, the assumption that addressing the perceived decline in linguistic diversity helps to maintain the traditions and address the oppression of indigenous peoples (cf. Hinton 2001). This is admittedly the case in the examples discussed previously, but it is not always the case, since the relationship between languages and speakers is an asymmetrical one. For endangered languages to be protected or even revitalized, it is crucial that speakers be allowed and encouraged to use these languages. But the reverse is not necessarily true, since there are speakers who may feel compelled to shift languages, or who may even want to, in order to have a better future. So, while it is true that the continued existence of a language critically depends on it having a community of speakers, the continued existence of a community does not depend on its using a specific language.

This means that we should be careful not to equate the desire to preserve particular languages with concerns over linguistic discrimination, even if the two are sometimes closely related. In this regard, it is helpful to bear in mind Mufwene’s (2002b: 376–77) observation that the needs of the speakers and the needs of languages do not always go together:

Language endangerment is a more wicked problem than has been acknowledged in the literature. It sometimes boils down to a choice between saving speakers from their economic predicament and saving a language. Seldom can both goals be congruent unless the ecologies are made more advantageous to the relevant populations.

The fact that this linkage between language preservation and the welfare of speakers can be quite a complex one is illustrated in the following example from Dauenhauer and Dauenhauer (1998), who note that the teachers involved in teaching Native American languages are sometimes disappointed by the reactions of parents concerned that, among other things, learning a language like Tlingit may negatively affect their children’s earning power. Dauenhauer and Dauenhauer (1998: 67, italics added) go on to observe that ‘the economic and political success of the most acculturated groups and individuals show that Native-language skills and a traditional world-view are not only unnecessary for achieving such success, but may even be *barriers* to it’. If this is the case, then it is perhaps up to

the parents to decide for small children, and younger adults to decide for themselves, whether they wish to learn the Native American language at all, whether they think it is in fact possible to achieve economic and political success *with* the language, or whether economic and political success are relatively unimportant compared to knowledge of a traditional language.

This suggests that programs of language preservation or revitalization should probably only be initiated if this is in fact the expressed desire of the relevant community of speakers (Ladefoged 1992), given that some communities may be quite willing to engage in language shift. But this is a scenario that the LE movement seems reluctant to recognize, as seen in its rejection of the notion of ‘language suicide’, despite its willingness to embrace biological metaphors elsewhere:¹

The notion of language suicide of course puts the blame squarely on the victim. This view is not constructive and in any case, is ill-founded. People do not kill themselves on a whim. Suicide is indicative of mental and often physical illness brought about by undue stress. Likewise, people do not fling away their languages for no good reason. We will show throughout this book how many instances of language shift and death occur under duress and stressful social circumstances, where there is no realistic choice but to give in. Many people stop speaking their languages out of self-defense as a survival strategy. (Nettle and Romaine 2000: 6)

But to the extent that the LE movement is concerned with the broader issue of language rights rather than the narrower issue of language preservation, it has to be more willing to allow for the possibility that the interests of (at least some) speakers might be better served by facilitating language shift, especially if this turns out to be what the speakers themselves want. This is the issue to which we now turn.

The Protection of Speakers

There are undoubtedly instances where speakers have had little choice but to abandon their languages. For example, Nettle and Romaine (2000: 6) describe the events in El Salvador in 1932, where, following a peasant uprising, anyone who was identified as Indian risked being killed by Salvadoran soldiers. As a result, people stopped speaking their languages in order to avoid being identified as Indian. This is a clear example where the loss of a language, the violation of a people’s right to decide for themselves, and the disruption of their lifestyle all converged.

1. Rather more usefully, Levy (2003: 230) prefers to speak of ‘language “desuetude” and “disuse” rather than the more common, more vivid and poetic images of “death”, “extinction”, “genocide”, and so on’, pointing out that the ‘the latter have a generally pernicious influence on debates about language policy’: ‘such images make it too easy to blur the difference between language shift and violence. This either makes the former seem worse than it is, or cheapens our moral language for talking about the latter’.

But there are also cases, as with the Tlingit example, where the switch to another language has been a consequence of choices made in other aspects of life, such as the desire for higher status or possibly better economic prospects. In cases such as these, language shift may even occur at a relatively gradual pace so that the dramatic overtones associated with terms like ‘death’ and ‘murder’ are harder to accept. Consider the following example, where the loss of a language does not appear to have been accompanied by either the violation of a people’s right to choose or any disruption of their lifestyle. In the village of Gapun, Papua New Guinea, there appears to be a generational shift from the local vernacular, Taiap, to the national language of Tok Pisin (Kulick 1992). Younger men who had left the village to work on distant plantations were returning and bringing back with them ‘two items of value: a “cargo box” of physical objects and proficiency in a new language that marked their added status’ (Spolsky 2004: 6). The gradual shift to Tok Pisin was therefore motivated by the association that this language has with modernity and economic prosperity. The shift itself has apparently been so gradual that adult speakers are unaware that their patterns of language use are slowly changing. More importantly, this shift has not been accompanied by turbulent changes in the villagers’ lifestyles (Nettle and Romaine 2000: 127), so we would be hard pressed to argue that such a shift has been detrimental to the speakers.²

Clearly, choice is at the heart of the matter, and there are even instances where speakers actively decide to shift away from their inherited language *as part of their cultural practices*. As an example, consider the language practices of the exogamous Sui clans in rural southwest China discussed by Stanford (2008). In the world of the Sui, language varieties are differentiated primarily along clan lines, resulting in distinct ‘clanlects’. Following local customs, women are expected to marry men from another clan and to live in the men’s village. Married women continue speaking their original clanlects, but their children are expected to grow up acquiring the clanlect of their father over that of their mother, despite occasional expressions of regret from the mothers. This example might seem irrelevant to the LE movement, since it does not appear that any of the clanlects are actually endangered. But this is precisely the point, since it goes to the larger issue that the concerns of speakers extend beyond the vitality of languages. It is not impossible to imagine a scenario where clanlect A might begin to lose speakers as the speakers shift to a more dominant regional language, perhaps because of exposure and outward migration to the cities (as in the case of Taiap). Under such circumstances, clanlect A might well become endangered, and this imminent language death would be exacerbated by the lack of intergenerational transmission, since Sui children are expected to acquire the clanlect of their father and not their mother. Because language shifting is itself an intrinsic part of the cultural practices of the Sui, this example serves as a useful reminder that the cultural protection of minority groups need not always involve the protection of

2. Of course, this shift can be considered detrimental to the language itself. Thus Taiap has been described as a ‘dying’ language (Nettle and Romaine 2000: 13).

specific languages. Indeed, the protection of a cultural tradition may require facilitating a language shift, even where it might lead to language death, as in the Sui example.

Of course, there are other possibilities that we might wish to consider; for example, individual Su women feel a sense of loss regarding the transmission of their own clanlect to their children. Such a situation would not be too dissimilar in spirit from the example of the Sisters of Islam described in chapter 1. In both cases, a traditional set of cultural practices and assumptions result in gendered expectations that differentially value the language practices associated with men and women. Thus it is not impossible that, like the Sisters of Islam, more progressively minded Sui women may begin to seriously question a tradition that insists on automatically valuing the father's clanlect over the mother's. Here, the LE movement may wish to institute language programs that allow the children to acquire *both* the father's and the mother's clanlects. Such an initiative might be read as interfering with the traditional cultural practices of the Sui, which is not necessarily problematic in and of itself. But it does need to be reconciled with the LE movement's assumption that the preservation of languages and the protection of cultures necessarily go hand in hand. The Sui example is relevant to our understanding of language rights, since it contributes to our appreciation of the complexity of circumstances under which speakers may decide to, or be compelled to, avoid speaking a particular language.

Finally, we should note that efforts at revitalizing endangered languages can themselves easily lead to further instances of linguistic discrimination. In an important discussion, Jaffe (2007) describes efforts at revitalizing Corsican, and points out that 'essentializing discourses' about language and identity were a formative aspect of Corsican language activism. Such efforts have had the desired effect of creating a strong sense of pride in Corsican identity and the Corsican language, but have also had various negative consequences. Jaffe's (2007: 63–64) description of these consequences is worth reproducing in full:

Corsican language purism, while good for the status of Corsican, stigmatized many habitual language practices, including codeswitching between Corsican and French and the use of contact-induced forms. In a purist framework, such forms were negatively evaluated as 'interference' from French. Here, we see the risks for the speakers of 'endangered' languages of essentializing discourses in which cultural identity is exclusively identified with language as a bounded, formal code. In this framework, language shift and other forms of contact-induced linguistic change become, by definition, forms of cultural deficiency at both the collective and the individual levels. The fact that not all Corsicans speak Corsican undermines claims to a unique cultural identity and any other rights attached to that (including political self-determination). At the individual level, not speaking Corsican (or speaking it 'badly' or using mixed codes) can give rise to linguistic insecurity and, lurking in the background, a sense of cultural inauthenticity. For example, I still hear occasional disparaging comments about Corsican nationalists who don't speak Corsican, as though such a person couldn't possibly be culturally or politically credible.

Jaffe's (2007) warning about the dangerous negative consequences of essentializing discourses needs to be borne in mind. As we saw in the previous chapter, an integral problem that we need to be wary of when discussing the concept of language rights is to avoid slipping into essentialism.

THE LINGUISTIC HUMAN RIGHTS MOVEMENT

Separating Linguistic Human Rights From Language Rights

The problem of essentialism does, however, tend to surface in arguments associated with the LHR movement (Kontra et al. 1999; Phillipson and Skutnabb-Kangas 1995), where 'an almost ineluctable connection between language and (ethnic) identity' is assumed (May 2005: 327). As its name suggests, the LHR movement is specifically concerned with *linguistic human rights* rather than language rights in general. Skutnabb-Kangas (2000: 497–98, bold and italics in original) explains the difference between the two:

the difference between *language* rights and linguistic *human* rights has to be clarified. The first concept is obviously much broader . . . It should undoubtedly be a human right to learn one's mother tongue, a right that speakers of the dominant language take for granted for themselves . . . I have suggested that we differentiate between *necessary* rights and *enrichment-oriented* rights. Necessary rights are rights which, in human rights language, fulfill basic needs and are a prerequisite for living a dignified life . . . Only the necessary rights should be seen as linguistic human rights. Enrichment-oriented rights, for instance the right to learn foreign languages, can be seen as **language** rights but I do not see them as inalienable human rights, i.e., they are not linguistic **human** rights.

The distinctive characteristic of linguistic human rights, then, is that these are considered to meet necessary and basic needs rather than enrichment-oriented ones. Learning one's mother tongue is considered necessary while learning a foreign language is not. Moreover, the mother tongue is not only necessary, but inalienable, which suggests that it cannot or should not be separated from its speakers.

The LHR movement further distinguishes, as subsets of linguistic human rights, 'necessary individual rights' and 'necessary collective rights' (Skutnabb-Kangas 2000: 498). Included among the former are the following: 'that everybody has the right to identify with their mother tongue(s) and have this identification accepted and respected by others', 'use the mother tongue in most official situations (including schools)', and 'that everybody whose mother tongue is not an official language in the country where s/he is resident, has the right to become

bilingual (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)' (Skutnabb-Kangas 2000: 502). As regards the latter, necessary collective rights are concerned with ensuring that minorities and indigenous peoples are allowed to 'reproduce themselves as distinct groups, with their own languages and cultures' (Skutnabb-Kangas 2000: 498). Phillipson and Skutnabb-Kangas (1995: 485) explain the reason for having both individual and collective linguistic human rights as follows:

Until recently, rights have been conceptualized and formulated as the property of the individual, but there is increasing recognition that this has not prevented violation of the rights of minority groups, and that *collective* and individual rights are, in fact, two sides of the same coin. Rights pertaining to the use of a given language are an eminent example of the way in which the rights of the individual presuppose their social and collective exercise.

We noted in the previous section that choice is a key element in understanding language rights, and this is reflected in the LHR movement's emphasis that an individual speaker should be allowed to choose which of the official languages she wants to acquire, in addition to her own mother tongue(s). Curiously, however, the issue of choice is not presented as arising vis-à-vis the mother tongue(s). In short, the LHR movement seems to assume that neither individuals nor groups would ever need to be given a choice about using their mother tongue(s). The reason for this, it would seem, is because the mother tongue, as we already observed, is supposed to be inalienable. And this is where May's (2005) remarks about the essentialist tendencies of the LHR movement appear to be justified, since as far as the movement is concerned, no shift away from the mother tongue can be countenanced. Even where the shift appears to be voluntary, it is rejected on the grounds that the speakers have not been properly informed about the consequences of their choice, hence there was no real choice in the first place:

In relation to the **relationship between languages**, it is clear that if parents/guardians, choosing the medium of day-care and education for children, are not offered alternatives or do not know enough about the probable long-term consequences of their choices, the change of mother tongue which mostly is the result of majority-medium education for minorities, cannot be deemed voluntary, meaning it reflects linguistic genocide: the child has been 'forcibly transferred' to the linguistic majority group. The parents **must** know enough about the research results when they make their choices—they must, for instance, know that good MT-medium teaching can also lead to a better proficiency in *both* the dominant language, for instance English, *and* in the mother tongue than English-medium teaching. (Skutnabb-Kangas 2000: 503, bold and italics in original)

Despite Phillipson and Skutnabb-Kangas's (1995: 499) acknowledgement of the fact that languages are not 'monolithic crystallized wholes', as well as their apparent appreciation that linguistic identities can be fluid and multiple, the concept

of linguistic human rights relies on a number of sharp dichotomies, such as the distinction between mother tongue and foreign language, necessity and enrichment, and (free) choice and force. It is only with regard to mother tongues that linguistic human rights are claimable; linguistic human rights have no basis with regard to foreign languages (Phillipson and Skutnabb-Kangas 1995: 487). This is because a mother tongue, unlike a foreign language, is not considered to be something that an individual or group would conceivably ever want to give up, however freely such a decision might appear to have been made. It is the sharpness of these dichotomies, no matter how intuitively appealing, that contributes to the LHR movement's tendency toward essentialism, since, taken as they stand, such dichotomies do not seem to be able to accommodate the fact that, over time, identities may change and so may the languages that speakers consider to be their mother tongues. In the rest of this section we consider a number of examples that pose empirical challenges to the essentialism of linguistic human rights.

Let us start by recalling our discussion of Taiap, which already shows that sociolinguistic realities are far more complex and nuanced than such dichotomies would lead us to believe. Presumably, within the LHR movement, Taiap would represent the mother tongue of the villagers of Gapun, and Tok Pisin a foreign language. The retention of Taiap would then be considered an inalienable necessity while the acquisition of Tok Pisin is a form of enrichment. The observed language shift that predicts the imminent 'linguistic genocide' of Taiap would then be treated as a gross violation of linguistic human rights—both those of the individual speakers and of the village as a collective. It is difficult, however, to reconcile the conceptual lenses provided by the terminology of the LHR movement with the acknowledgement that village life remains largely undisrupted despite the shift, and that the shift itself is motivated by the attraction that Tok Pisin's associations with modernity and higher socioeconomic status hold for the villagers.

The LHR movement might claim that the villagers should have been provided an education that allows them to be bilingual in both Taiap and Tok Pisin, so that the learning of Tok Pisin would not have to come at the expense of Taiap. This would have been ideal, but given the isolation of the village and the resources of the government of Papua New Guinea, this is an unlikely scenario. More likely is the kind of attitude that might accompany the language shift (similar to that regarding the learning of Tlingit)—that while bilingualism in both Taiap and Tok Pisin may be desirable, it is not necessary if it takes too much time and effort. Under such circumstances, we have to allow for the possibility that some individuals may then choose to abandon Taiap and aim for monolingualism in Tok Pisin. We could debate, perhaps endlessly, about whether choices made under such circumstances are truly 'free', but it is worth noting that even when an education system provides support for bilingualism, individuals have been known to reject knowledge of their 'mother tongue' in favor of what the LHR movement would consider a 'foreign language'.

Stroud and Wee (2006, forthcoming) describe the case of Sha, an Indian adolescent based in Singapore, whose ethnic mother tongue is Punjabi, but whose

father has impressed upon him the instrumental value of speaking good English. The father represents a highly influential role model because, to Sha, he is someone who has (i) personally experienced the disadvantages of not being able to speak (standard) English; (ii) through his own efforts, improved his English substantially, and in so doing (iii) improved both his own and his family's socioeconomic status. Sha indicates that the use of English (rather than Punjabi) as the home language is not unique to his family, but is actually a common feature of the Sikh community in Singapore. Thus, among Sikh families in Singapore, especially where younger speakers are concerned, Punjabi appears to be ceding ground to English, as Sha (quoted in Stroud and Wee, forthcoming) explains: 'Because most of our parents also speak primarily English with us, lah. They don't really focus on Punjabi so much, maybe food or something when they talk in Punjabi. Normally they speak English with us so it is like the first language to us.' English, for Sha and his family, is inextricably linked to better socioeconomic prospects, and because of this, knowledge of English is considered far more valuable and important than knowledge of Punjabi ('He [Sha's father] always stresses on English first then my mother tongue'). What is interesting is how vehemently negative Sha is toward his ethnic mother tongue. He is very clear that Punjabi holds little or no value for him, given that he does not see any role for Punjabi in his life ('I never going to go to Punjab; I am never going to write a story in Punjabi; I still don't still see a point in it'). English is now the 'first language' for Sha and many of his contemporaries. And while Sha still thinks of Punjabi as his ethnic mother tongue, it holds little value for him in terms of how he sees his life trajectory developing—it seems more realistic to appreciate that for Sha (and his own children subsequently), it is English that is in a very real sense the *de facto* mother tongue.

It is entirely possible that when he is much older, Sha may well regret his decision not to learn Punjabi. But then again, it is also entirely possible that he may not. These same possibilities apply to the villagers of Gapun. Such decisions about what aspects of one's cultural practices, including language, to retain, modify, or leave behind are constantly being made by different individuals and communities in the contexts of their own highly specific circumstances as well as the kinds of futures they envisage for themselves. What is needed, then, is a more flexible understanding of the relationship between language and identity that allows these different decisions to be made and respected. Asserting that the mother tongue is inalienable, and that any decisions by speakers resulting in language shift must necessarily have been forced and is tantamount to linguistic genocide, is unhelpful. It locks speakers into an expectation that they are expected to maintain an ascribed mother tongue. It also leaves them vulnerable to charges of cultural betrayal should they fail to speak their mother tongue (properly), as we saw in Jaffe's (2007) description of Corsican.

In fact, it is increasingly critical that we make allowances for situations where speakers may no longer have any knowledge of or identification with an ethnic mother tongue without condemning these as linguistic human rights violations. Consider the fact that there are many Chinese Americans who may or may not

speak Mandarin and for whom the language of identification is English. Whatever the circumstances that caused earlier generations of Chinese in America to shift to English, it seems unnecessarily harsh to suggest that the later generations are victims of linguistic human rights violations. But if we are willing to accept that these Chinese Americans have a different mother tongue than their coethnics in, say, the People's Republic of China, then we should also, as a matter of consistency, be prepared to accept that the relationship between speakers and their mother tongues is far from inalienable.

Examples of such empirical challenges for the notion of linguistic human rights can be multiplied indefinitely, but there are also conceptual problems that ought to be addressed. This is the focus of the next subsection.

The 'Human' in Linguistic Human Rights

The idea of linguistic human rights attempts to draw on the more familiar notion of human rights, where the latter are intended as universal claims that protect human dignity. The LHR movement intends such universal claims to provide the grounds for its assertions that linguistic human rights are inalienable and exist at the level of both the individual and the collective. Each of these claims, however, is conceptually problematic.

For example, while the LHR movement is unwilling to countenance language shift away from the mother tongue, it is important to realize that inalienability does not necessarily imply absoluteness, such that a linguistic human right can never be set aside, as Nickel (1987: 44–47) argues. With the exception of a few core or basic rights (Shue 1980) dealing with subsistence, security, and liberty, the LHR movement's claim that linguistic human rights are inalienable must not be taken to automatically mean that they can never be waived or repudiated, since, however important these may be, it would be difficult to equate them with subsistence, security, or liberty. As we have seen, there are instances where individuals quite willingly shift to a different language. And although the LHR movement would prefer to describe such a shift as 'forced transfer', the kind of 'force' involved (if any) is by no means comparable to the deprivation of food or shelter. In fact, since in many such cases of shift, the motivation lies in the desire for what the speakers would consider a better life, it seems rather disingenuous to insist on characterizing this as 'force'.

There is also the question of whether the notion of collective linguistic human rights is a coherent one. The desire to treat language rights as collective or group rights is understandable. This is because, as a form of social practice, the maintenance of a language and its continued vitality cannot depend on its use by just one individual. Instead, it requires that a group of individuals persist in using the language as part of their interactions, and ideally, across generations as well (Fishman 1991). The conceptual justification given for embracing collective linguistic human rights comes from the fact that within discussions of human rights there have been attempts to argue for group-oriented human rights. In this regard,

a distinction has sometimes been made between different generations of human rights. The first generation of human rights refers to basic rights. These are the least controversial because they are individual rights that are rooted in a conception of ‘universal personhood’ (Maher 2002: 21). An example of a first-generation human right is the right to freedom from torture. The second and third generations of human rights are more controversial, as they aim to extend the idea of basic human rights to economic and cultural rights, respectively (Brysk 2002: 3), on the basis that issues of subsistence and security cannot work in the absence of economic or cultural protection. Since economic and cultural activities are group based, the controversial nature of these rights is in no small part due to the question of whether it makes sense to even speak of human rights as a property of groups (Donnelly 1989: 145).³ But such a goal, however laudable, should not obscure the very real conceptual problems that arise in talking about collective human rights, as Donnelly (1989: 145, italics in original) explains:

This is simply incoherent—unless, again, we are to redefine the very idea of human rights. Human rights, as they have heretofore been understood, rest on a view of the individual person as separate from and endowed with inalienable rights held primarily in relation to society, and especially the state. Within the area defined by these rights, the individual has *prima facie* priority over social goals or interests. The idea of *collective human* rights represents a major and at best confusing conceptual deviation. Groups, including nations, can and do hold a variety of rights. But these are not human rights. Whatever their relative importance, (individual) human rights and (collective) peoples’ rights are very different kinds of rights and should be kept distinct. There are legitimate social limits on the exercise of all individual rights. Society does have certain rights, or at least responsibilities, that legitimately constrain the exercise of many human rights; a properly ordered society must balance individual rights (against society) with individual duties (to society).

There are therefore serious problems involved in talking about collective linguistic human rights, that is, in attributing *human* rights to groups.

But suppose we leave aside the idea of collective linguistic human rights and focus on individual linguistic human rights. As individual rights, the latter should avoid the conceptual problems raised by Donnelly (1989). However, this actually leads us to an even more fundamental problem. Can individual human rights even be *linguistic* in the first place? This problem arises because it is arguable that the kind of linguistic human rights we can claim is simply the right to language, in the general sense that all of us require language in order to be ‘fully human’. Whether or not we believe an individual is genetically programmed to acquire language (Chomsky 1975), it is clear that appropriate linguistic input and social interaction from the external environment is needed if language acquisition is to take place.

3. It is also worth noting that the justification for the distinction between the three generations of human rights is largely a teleological one, motivated by the desire on the part of politicians and diplomats to provide a post hoc rationalization for economic and cultural rights (cf. Waldron 1993) rather than one that is based on any cogent argumentation.

Children deprived of such input and interaction (e.g., ‘feral children’, see Pinker 1994: 277) may then be said to have had their individual linguistic human rights violated since by growing up isolated from human interaction, no language at all was acquired. But this is clearly not what members of the LHR movement have in mind. For them, linguistic human rights (whether individual or collective) mean access to a specific language, typically, the ethnic minority mother tongue, and the opportunity to use this minority language in education systems and other institutionalized domains of society. The dilemma for the notion of linguistic human rights, then, is this: either the rights are group rights or they are individual rights. If the former, then it is relevant to ask on what basis group rights should be considered *human* rights qua Donnelly (1989). If the latter, then although this is more consistent with the idea of human rights, the problem now is that it does not address *language* in the sociocultural sense.

Finally, there are occasions when the LHR movement attributes linguistic human rights to the languages themselves. For example, in a discussion about the rights of minority language speakers, Phillipson and Skutnabb-Kangas (1995: 488) refer to the ‘threat to their languages’ and ‘the rights of all languages in a multilingual society.’ Later, in the same article (Phillipson and Skutnabb-Kangas 1995: 494, italics added), they also state:

the Sámi language (spoken by people earlier called ‘Lapps’ by the dominant group) *has a history of oppression*, which has in fact in many cases led to language shift. *It has fewer rights* in Finland than Swedish has. However, increasing sensitivity to the rights of indigenous peoples is leading to change throughout Scandinavia.

Here, there is clearly a semantic shift from talking about the Sámi language as being oppressed and having fewer rights in Finland as compared to Sweden (see italicized text), on the one hand, to talking about the rights of indigenous peoples themselves, on the other. The claim that languages themselves have rights is reiterated more recently as well, in the assertion that ‘individuals can have language rights . . . groups can have them and languages can have them’ (Skutnabb-Kangas et al. 2006: 319).

This is clearly problematic, especially if we are still talking about linguistic human rights. Speakers can have mother tongues, first languages, and foreign languages. Languages obviously can have none of these. Speakers experience discrimination. Languages may be discriminated against and they may also become the means of discrimination, but they do not *experience* anything. Furthermore, language is just one among many other kinds of cultural practices. For many people, language may be the most important cultural practice. But for others, it may be other forms of cultural expression such as ancestor worship, ways of dressing, dietary preferences or ceremonial dances, with language occupying a relatively less prominent role in their cultural worldviews. Harrison (2007: 21), for example, describes the experiences of Marta and Spartak Kongaraev, members of the Tofa nation in southern Siberia, who recall when their native dress and speech were banned by the majority Soviet culture. In such a case, there

is no basis for assuming that language is necessarily more important than some other cultural practice in the eyes of a particular speaker or group. Even then, while it might make sense to say that these other forms of cultural expression are being discriminated against, or that the people who wish to engage in such practices face discrimination, it still seems odd to say that dances or ways of dressing themselves have rights.

This means that if the LHR movement still wishes to maintain that rights can be coherently attributed to languages themselves, it first needs to acknowledge that such rights must indeed be qualitatively different than the kind of rights attributed to humans, and second, proceed to explicate the differences between these two kinds of rights.

The problem of attributing rights to languages disappears when we consider the MLR movement, which is steadily focused on the welfare of speakers because it is very much informed by the political philosophy of liberal democracy. And precisely because of this, the MLR movement also remains very appreciative of the difficulties involved in balancing group and individual rights. These considerations mean that the MLR movement is possibly the most articulate of the three movements discussed in this chapter when it comes to advocating language rights. And it is to the MLR movement that we now turn our attention.

THE MINORITY LANGUAGE RIGHTS MOVEMENT

Group Rights and Liberalism

The MLR movement is very much influenced by the work of Kymlicka (1989, 1995), who talks about language rights as part of a broader concern with the rights of minority groups (May 2001, 2005). Attention is given to language because it is considered a particularly significant aspect of a group's cultural identity. The starting point here is the argument that in an ethnically diverse society, language rights are needed in order to ensure equitable relationships between speakers of the dominant language, on the one hand, and speakers of the minority language, on the other. To make this argument, the MLR movement characterizes the protection of language rights as a critical part of a liberal democratic perspective and attempts to show that individual and group (cultural) rights are not only mutually reinforcing, but also that the combination of individual and group rights can work coherently within a model of liberal democracy (Kymlicka 2001: 42).

Liberalism is committed to the view that all individuals equally have the potential for rational, free choice, and any constraint on or obstacle to the realization of this potential severely dampens the individual's personal development and self-expression. Therefore Liberalism emphasizes the importance of personal autonomy and choice, calling for 'the right of individuals to equal respect and concern, and presuming that governments should be neutral and impartial vis-à-vis individual interests, preferences, and conceptions of the good' (Tamir 1993: 6;

see also Taylor 1994: 57). This commitment to equality and autonomy for all individuals means that liberalism works best and least controversially when it provides the grounding for individual rights. However, this opens liberalism to the charge that it fails to give proper cognizance to the social nature of human beings, whose wants and needs are in critical ways influenced by—if not actually constituted by—the kinds of communities that they inhabit (Ryan 1993: 292). As a result, a number of different attempts (Kymlicka 1989, 1995; Tamir 1993; Taylor 1994) have been made to reconcile liberal ideals with the role of community and culture in human life,⁴ attempts that have gained urgency and significance in the light of political claims concerned with the recognition of group difference (Ford 2005: 4; Fraser 1997: 2).

This is no easy task, as evinced by the different responses that have been proposed by various scholars. Tamir (1993), for example, seems to think that liberalism can only countenance individual rights. Therefore Tamir (1993: 43) argues that the right to culture is actually an individual rather than a group right, claiming that ‘the fact that we acquire an interest due to our membership in a particular group does not alter its essential nature as an individual interest’. Tamir’s characterization of cultural rights as individual rights unfortunately leads him to ignore the fact that there are cultural activities—such as language—whose expressions critically rely on the existence of a group.

In contrast, Kymlicka (1989, 1995, 1996) adopts the position that if a liberal ideology is to be true to its emphasis on individual autonomy and choice, then it must recognize group rights because there are communally shared goods (including language) that are essential to an individual’s sense of self. In fact, Kymlicka (1995) proposes three kinds of group rights: self-government rights for national minorities, which include the possibility of secession; polyethnic rights for ethnic minority groups to protect cultural and linguistic differences; and special-representation rights for groups disadvantaged by prevailing political processes that limit their chances of effective representation. Self-government and polyethnic rights are intended to be permanent, while special-representation rights are temporary and no longer apply ‘once the oppression and/or disadvantage has been limited’ (May 2001: 117–18).

Kymlicka’s (1995, 1996) distinction between self-government and polyethnic rights rests on the dubious assumption that cultures can be easily categorized as either ‘institutionally complete’ or not. ‘Institutionally complete’ cultures address the ‘full range’ of human activities (Kymlicka 1995: 76), and on this basis qualify for self-government. In contrast, less complete cultures that fail to do so may qualify for polyethnic rights, but not for the right to self-government. Such a distinction comes dangerously close to adopting a stance of essentialism (see the discussion of ‘societal culture’ in the preceding chapter).

4. The traditional opposition between liberal and communitarian values appears to be unnecessarily strict and possibly based on parodies (Ryan 1993: 292) rather than a consideration of actual and more nuanced works that do try to come to grips with the complex sociopolitical challenges posed by the human condition.

These problems notwithstanding, a third response, from Taylor (1994), goes even further than Kymlicka in defending group rights, to the point where he has been characterized as a communitarian rather than a liberal, though his approach, as Smith (2002: 143, 172) notes, may also be described as one of ‘liberal holism’. While Kymlicka is reluctant to prioritize group rights over individual rights, Taylor (1994) argues that such a move may in fact be necessary if the cultural identity of the group is to be sustained.

These different approaches show that attempting to reconcile individual and group rights within a model of liberal democracy remains a highly controversial pursuit. To even speak of group rights, it would appear, raises questions about whether one can still claim to be operating as a liberal democrat. But in addition to these problems surrounding the viability of group rights, the MLR movement also has been subjected to specific criticisms relating to its goal of ensuring that speakers of minority languages be allowed to continue using these languages, as elaborated in the next subsection.

Criticisms and Responses

May (2005: 320) provides an overview of and response to the various criticisms that have been leveled against the MLR movement, as it attempts to argue for the right of speakers to continue using minority languages:⁵

- i. The ‘problem of historical inevitability’ (why resist the inexorable forces of linguistic modernization?);
- ii. The ‘problem of mobility and use’ (why actively delimit the mobility of minority language speakers by insisting that they continue to speak a language of limited use and, by implication, value?);
- iii. The disjuncture between macro language rights claims and micro language practices in any given context (macro language claims necessarily require the codification and homogenization of language groups and related language and thus ignore the far more complex, fluid, and at times contradictory micro language practices of individuals from within those groups).

According to May (2005), the problem of historical inevitability arises when critics of language rights acknowledge that speakers of the dominant language are at an advantage compared to speakers of minority languages. But, May (2005: 322) goes on to argue, these critics still go on to adopt an attitude of ‘unquestioned legitimacy’, which ‘entails ignoring, or at best underemphasizing, the specific sociohistorical and sociopolitical processes by which these majority languages have come to be created, and accepted as dominant and legitimate, in the first

5. May (2005: 320) in fact lists six criticisms. But I have omitted the other three because one of them, ‘the problem of essentialism’, has already been discussed (chapter 2). The other two—implications for social and political stability, and the disjuncture between language rights and the actual policies of nation-states—are addressed in chapter 5.

place'. In other words, there is nothing intrinsically superior about the dominant language; a language only comes to occupy a particular status as dominant or minority *at a specific point in time* due to the historical accumulation of various sociopolitical effects. Things could well have been otherwise, both in the present and in the future. Thus the realization that certain languages currently enjoy their status as dominant languages only as a matter of sociohistorical contingency, behooves us, May (2005: 323) argues, to also critically examine the kinds of sociohistorical processes that have led to the marginalization of other languages.

The second problem described by May, that of mobility and use, concerns the presumption of value attached to minority languages. Critics of language rights (May 2005: 333) often suggest that any attempt to preserve or encourage the perpetuation of minority languages is in fact a disservice to the needs of minority language speakers. These critics suggest that such speakers are better off shifting to the majority language, where they will be able to take advantage of the socio-economic opportunities for mobility that would otherwise be denied them. May (2005) points out that the choice between majority and minority language is unfairly presented as one of mutual exclusion, with the implication that 'sensible' people will naturally opt for the 'instrumental' advantages provided by the former, while it makes no sense to want to retain the latter for its 'sentimental' value. Constructing the problem in this way, May points out (2005: 334, italics in original), falsely separates the instrumental and identity aspects of language, since 'it is clear that *all* language(s) embody and accomplish both identity and instrumental functions for those who speak them'. As with the problem of historical inevitability, May is keen to emphasize the contingent nature of any prevailing state of affairs where minority languages apparently provide their speakers with fewer opportunities for mobility than the majority language. May (2005: 335, italics mine) then suggests that 'if the minority position of a language is the specific product of wider historical and contemporary social and political relationships, *changing these wider relationships positively with respect to a minority language should bring about both enhanced instrumentality for the language in question, and increased mobility for its speakers*'.

One of the ways in which such a change in wider relationships may be brought about is via the media, although Fishman (1991: 107) pessimistically suggests that 'Xish media are really a weak reed . . . for RLS [reversing language shift]', and a recent study by Cormack (2007) concludes that the effectiveness of the media in language maintenance is mixed. Spolsky (2009: 82) suggests that early use of media tended to be limited to minority radio and television, some unlicensed and others taking the form of public service broadcasting intended to provide foreign language programs for guest workers. In more recent times, however, new media technologies such as Web sites, blogs, chat rooms, instant messaging, and videoconferencing have helped widen the range of communication possibilities, although it is still an open question whether these have indeed opened up language diversity (Cunliffe 2007). While there have been some successes—for example, the BBC Trust recently approved the launch of a digital Gaelic language service costing £21 million per year (see Spolsky 2009: 83)—these have

to be weighed against the issue of long-term sustainability. For example, legislation in Spain requiring the promotion of Catalan language and culture led to the establishment of a Catalan radio channel. But its continued presence relies heavily on the legal requirement that Catalan programs take up one-third of the available time on public service stations. In contrast, private television still uses mainly Spanish (Spolsky 2009: 84, citing Piulais 2007). What this means is that ‘authority to manage is not enough’, the issue of language sustainability depends on whether ‘technology and the profit motive work together’ (Spolsky 2009: 84, 87). And as we will see in our discussion of Malaysia (chapter 5), even the allocation of protected broadcast space is not sufficient, since the associations of English with modernity and sophistication means that English continues to pose a symbolic ‘threat’ to Malay.

Thirdly, with regard to the gap between macro language rights claims and micro language practices, May (2005: 338) acknowledges that a serious problem for rights advocates is the ‘tendency still to discuss language rights in collective, and often uniform, terms, assuming in so doing that languages, and language groups, can be easily demarcated in the first instance’. May’s proposal, quoting Blommaert (2005b: 403), is to rely more carefully on ethnographic accounts of ‘what people actually do with language, what language does to them, and what language means to them, in what particular ways it matters to them’. Such ethnographic information can provide valuable insights into how any macrolevel political framework ought to be related to actual language practices.

Putting the discussion of these three points together, however, we find a rather curious confusion over priorities. May (2005) is certainly correct about the relevance of ethnographic data describing people’s actual patterns of language use and the kinds of indexical values they attribute to language in any discussion of language and justice. But it is conceivable that for some people, such data might indicate not just an actual language shift away from ‘their’ minority language toward the dominant language, but also the *desire* to engage in such a shift, as we have already seen. Such a situation is not unusual, and May himself (2005: 330, 337) admits that language is only contingently related to identity marking, and perhaps more significantly, there is no reason why individuals might come to prefer what is ostensibly a ‘foreign’ language for both instrumental and identity purposes. This is the case, for example, with Chinese Americans who speak (American) English and little or no Chinese. As a specific example, recall our earlier discussion of Sha, who expresses little or no interest in speaking his ethnic mother tongue, Punjabi, preferring instead to take great pride in his fluency in English. And lest we think this young man is ‘misguided’ in any way, it is important to realize that this attitude was in no small part formed by his own family experiences, in particular, Sha’s father, who acts as a strong role model in English language literacy. Thus the shift away from the minority language, especially for the younger generation, need not always be accompanied by regret or a sense of loss.

Cases such as these are difficult to reconcile with May’s (2005) reaction toward the problems of historical inevitability and mobility, where his preferred strategy is to call for resources to be directed toward improving the status of

minority languages. The problem of historical inevitability, as May has correctly diagnosed, naturalizes what is in effect a cultural arbitrary. But the desire to focus on improving the status of the minority language and the assumption that this is the default strategy for helping minority language speakers merely attempts to replace a set of historical processes that have worked to the advantage of one language (the current dominant language) with a structurally similar set of processes that are now intended to work to the advantage of another language (the current minority language). In the course of doing so, May (2005) clearly intends that the hitherto disparaged minority language will gain sufficient prestige and value so as to satisfy the identity and instrumental needs of its speakers, thus dissuading them from abandoning or shifting away from this language. But why should we be so quick to assume that the best way to help speakers is to enhance the status of the minority language? Why not allow for the possibility that in some cases minority language speakers actually would prefer to shift to the majority language and work toward helping them to make this shift? In this latter case, resources could be directed toward facilitating such a shift—perhaps via a form of transitional bilingual education—rather than toward increasing the prominence and possibilities of use of the minority language. Of course, if speakers would like to accommodate both the dominant and the minority languages as part of their linguistic repertoire, then this should be the aim as far as possible. But even here, it is worth being reminded that perfect bilingualism is unlikely to result (Baetens Beardsmore 1986), and more often than not, knowledge of the minority language may compare unfavorably with knowledge of the dominant language simply as a result of the kinds of social interactions in which speakers are likely to participate (Gee 2001).

Of course, we may find that some speakers, as May (2005) rightly points out, desperately want to retain their minority language and also perhaps to see it being promoted. But we may also find that other speakers are quite willing to abandon the minority language, on the assumption that a better socioeconomic future as well as a more desirable identity lies in making the shift to the dominant language. These are just two possibilities, and the reality is likely to involve even more complexly unfolding scenarios as different combinations of identifiable languages, groups, and personal aspirations emerge.

We can get a sense of the complexities involved when we start to ask just how the different minority groups are to be categorized. This is a relevant question because the MLR movement seeks to recognize different kinds of language rights for different kinds of minority groups, and as we now see, the problems that arise are significant. First, we need to ask just when there can be said to be a ‘*sufficient* number of these speakers to warrant language protection’ (May 2005: 326). Clearly there is no sense in trying to come up with an actual number. But May’s phrasing of the problem seems to suggest that if the number is too small, then there is no basis for language protection. Other advocates of language rights might argue that it is precisely when the number of speakers is really small that language protection is urgently needed.

Second, there are different ways to categorize minority groups, all of which are intended to capture the various confluences of ‘social, economic and political

marginalization and/or exploitation by dominant ethnies within given “nation-states” (May 2001: 83). Some of the suggested labels include ‘indigenous peoples’, ‘indigenous minorities’, ‘established minorities’, ‘proto-nations’, ‘urban ethnic minorities’, ‘national minorities’, and ‘postslavery minorities’ (May 2001: 82–90). For example, ‘indigenous minorities’ and ‘established minorities’ differ in that ‘indigenous minorities’ have an established culture that is at odds with the dominant group whereas ‘established minorities’ differ in terms of socio-economic progress (Churchill 1986; see May 2001: 85). The term ‘postslavery minorities’ (Fenton 1999; see May 2001: 86) in turn is intended to reflect the history of African Americans.

May (2001: 83) is careful to acknowledge that these labels should be treated as heuristics, and also that one kind of minority may evolve over time into some other. For example, it is possible that an ethnic minority may settle together over time, acquire self-governing powers, and become a national minority (May 2001: 86). These acknowledgements are warranted, of course, but it is also clear that they do not sit well with a call for language rights. This is because there are two correspondence problems that need to be overcome. The first is the correspondence between the labels—which are posited by social and political scientists—and the actual ways in which members of a particular minority group see themselves. This is commonly referred to as the ‘etic-emic’ distinction. In short, we cannot simply assume that members of the groups will agree to these posited labels, much less assume that there will be consensus between these members on what kind of minority group label best characterizes them. One indication of the difficulties raised by this problem can be seen in the issue of trying to determine what rights to accord which groups of Polynesians in New Zealand (Spolsky 2009: 199). The Maoris are traditionally recognized as indigenous minorities, while the Samoans and Tongans are treated as immigrants. However, as Spolsky (2009: 199) observes:

to complicate the issue, the New Zealand Race Relations Commissioner Joris de Bres pointed out that three Polynesian polities, Cook Islands, Niue and Tokelau, are considered legally as part of the “Realm of New Zealand” and their citizens are also New Zealand citizens; this, he argued, means that their languages are indigenous to New Zealand and that their languages have special status alongside Maori.

It is also possible that some members of a group may not even see themselves as constituting a group in the first place. Or they may want some other label to be introduced that they feel better captures dimensions of their history and culture that are otherwise neglected.

The second correspondence problem consists in matching the different kinds of minority groups with different kinds of group rights. Recall that for the MLR movement, only national minorities qualify for self-government rights. Ethnic minorities qualify only for polyethnic rights, which do not allow for secession. But given the plethora of possible labels, we need to ask on what grounds the MLR movement is able to correspondingly limit the kinds of available rights.

Would there be newer kinds of group rights being introduced for ‘postslavery minorities’, ‘established minorities’, etc.? Obviously such a development would be undesirable, but it is unclear how the MLR movement can avoid going down this path.

Finally, since one kind of minority group may evolve over time into some other, would the kind of group right allocated to the minority group also change accordingly? In principle, the answer would have to be yes. However, we need to note that a practical problem is that members of a group may want to claim some rights without necessarily buying into the subdistinctions and associated time frames proposed by Kymlicka (1995, 1996). This is further complicated by the fact that the three kinds of rights are not mutually exclusive (May 2001: 118). For example, an ethnic minority group that is economically disadvantaged may qualify for special-representation rights as well as polyethnic rights. But once economically successful (assuming the operational criteria for economic success are not themselves contested), the group, according to May (2001), no longer qualifies for special-representation rights. However, convincing the group to give up these rights is an altogether different matter (see, e.g., the discussion of Malaysia in chapter 5).

All of these problems with the MLR movement mean that we need to find ways of allowing individuals and groups to reflect upon their (potentially changing) linguistic aspirations, and to also appreciate the extent to which such aspirations may or may not impact upon the aspirations of neighboring others. The responsibility for reflecting on one’s linguistic aspirations and how they might affect one’s neighbors is clearly not just incumbent upon members of either minority or dominant groups, it is a responsibility that falls upon all individuals living in (increasingly) plural societies. Thus, in an ethnolinguistically diverse society, it is critical to cultivate a strong awareness of the nature of language and its possibly changing impacts on social relations, and open up public forums where these matters can be discussed in a spirit of mutual respect and accommodation. This is a goal that language rights advocates would undoubtedly agree with. The question, then, is whether or not calling for the recognition of language rights helps us work toward this goal.

DIFFERENCES AND SIMILARITIES: AN OVERVIEW

By way of closing this chapter, I provide an overview of the key differences and similarities between the three language rights movements. The latter, it seems to me, considerably outweigh the former, especially since there are signs of growing interconnections being established between them. For example, while the LE movement has generally tended to treat linguistic diversity as a correlate of biodiversity, it has sometimes moved toward the stronger position that treats the two as ‘inseparable’ (Nettle and Romaine 2000: 13). This stronger position agrees with the LHR movement’s suggestion that the relationship between linguistic diversity

and biodiversity is actually causal in nature, where a reduction in linguistic diversity could have an adverse effect on biodiversity (Skutnabb-Kangas 2000: 96; see also Maffi 1996). Similarities between the LHR and MLR movements have also recently increased, since Kymlicka (2001) has recently been quite explicit about drawing connections between his arguments for group rights and multiculturalism with the idea of human rights.⁶

Focusing first on the differences between these movements, if our concern is linguistic discrimination, then our priority must remain squarely with the speakers rather than the languages. There are undoubtedly, as we have seen in the case of the LE movement, good reasons for wanting to preserve languages. But these reasons are quite independent of considerations pertaining to linguistic discrimination, since even if the preservation of languages and the protection of speakers do converge in a number of situations, there are other occasions in which they diverge in complex and interesting ways.

Unlike the LE movement, the LHR movement takes a much stronger stance toward both the preservation of languages and the protection of speakers. As a result of its notion of linguistic human rights, the LHR movement insists that language preservation and speaker protection must go hand in hand, causing the LHR movement to face even more serious problems than the LE movement. This is because the attempt to ground language rights on the basis of human rights leaves various questions unresolved, such as the kinds of linguistic human rights that individuals, groups, and even languages themselves can lay claim to.

In contrast, the MLR movement is able to avoid some of the problems associated with the LE and LHR movements, by starting with the protection of minority groups rather than endangered languages. Its priority thus clearly remains focused on the welfare of speakers rather than the well-being of languages. Generally the movement also avoids using the notion of linguistic human rights, and in this way avoids the conceptual problems that come with trying to justify language rights in terms of human rights. For the MLR movement, language rights are always and only group rights. The biggest theoretical challenge it thus faces is demonstrating that group rights are indeed consistent with a liberal democratic framework, and this is a challenge that it has—mainly through the work of Kymlicka—consistently and carefully grappled with. The MLR movement has also attempted to seriously respond to critics who question the very rationale behind the desire to protect speakers of minority languages.

But despite the greater sophistication of the MLR movement, it shares three important similarities with the LE and LHR movements. One, there is a consistent focus on speakers of minority languages, leading to a greater concern with

6. Consequently, the main differences in the LHR and MLR movements are more 'attitudinal' in nature. They lie in the willingness to recognize and engage with complex issues. As May (2001: 8–9) points out, advocates of linguistic human rights tend to treat the identity of minority groups as a given, and seem unwilling to 'address more adequately the complexities—and, at times, contradictions—that surround debates on individual and collective identities, and their associated rights' claims'. In contrast, other advocates of language rights, like May and Kymlicka, seem more prepared to engage with such complexities, even though the positions that they uphold tend to be broadly similar to those held by the proponents of linguistic human rights (May 2001: 8).

interlanguage discrimination rather than intralanguage discrimination. Even May (2001: 215), who, as we have seen, is generally highly appreciative of the complex problems that a rights-based approach needs to address, is primarily concerned with distinct languages rather than ‘bidialectalism’, and prefers to focus on ‘the historical disadvantages faced by minority groups, and/or the rights of national minorities as ethnies’ (May 2001: 195). This focus on speakers of ethnic minority languages underestimates the range of forms that cases involving linguistic discrimination can take. Two, all three movements share the assumption that the best way to protect these speakers is to protect or elevate the status of the endangered or minority language. Because of this, they do not seriously consider the possibility that there may be speakers who wish to shift away from their inherited languages, and more importantly, that this desire to engage in language shift is also a kind of right, whether or not we call it a ‘language right’.

Three, all three movements share an assumption that languages can be sensibly treated as bounded entities, that is, that languages can be unproblematically treated as entities that are separable from each other. In the case of the LE movement, the assumption of boundedness is present in the oft-repeated claim that the world’s estimated 6000 languages are fast disappearing, which rests on counting and thus separating out individual languages. But such an assumption is questionable, as Heller and Duchêne (2007: 3) observe:

We aren’t sure there are 6000 languages in the world; we aren’t even sure how you can count languages. We are curious about what it means to say a language ‘dies’ or ‘disappears’: what happened to change? We wonder, instead, why these formulations are so common: why people are comfortable with the basic premises of the arguments (that there are x number of languages and that y% of them will disappear in z years); why explanations of why this ‘fact’ should be of public concern take the form they do.

In the case of the LHR movement, such boundedness manifests itself in the essentialist assertion that, unlike other languages, the mother tongue is supposed to be inalienable. Languages are assumed to be necessarily distinct from each other because they are also inextricably intertwined with very specific cultures:

If linguistic minority children want to be able to speak to their parents and grandparents, know about their history and culture, and know who they are, they have to know their mother tongue, for **identity** reasons . . . If they want to get a good formal education . . . and to participate in the social, economic and political life of their country on an equal basis with speakers of dominant languages, they have to know the official language, for reasons of **equal participation** . . . Minority children need to know at least their mother tongue and its culture, and the dominant language of the wider society and its concomitant culture. (Skutnabb-Kangas 2000: 500, bold in original)

In contrast, the MLR movement is wary of such essentialism, while rightly warning us against going to the other extreme of trivializing the role of language. Thus May (2005: 330, italics in original) reminds us that ‘while language may not

be a *determining* feature of ethnic identity, it remains nonetheless a *significant* one in many instances', since 'particular languages clearly *are* for many people an important and constitutive factor of their individual, and at times, collective identities'. May instead suggests that the key issue is 'one of cultural and linguistic *autonomy*' (May 2005: 330, italics in original; see also May 2001: 124). Group members, according to May (2001), are simply trying to maintain their membership in a distinct culture without interference from others. Nevertheless, it is clear that May's reference to the maintenance of a linguistically distinct and autonomous culture also relies on the notion of linguistic and cultural boundedness.

This leads us to the final point of this chapter. All three movements feel that in order to respond to linguistic discrimination, it is necessary to treat language as the object of a right. That is, language is assumed to be construable as a phenomenon that rights-holders can coherently lay claim toward. This point is significant because, as we already saw in the previous chapter, there are strong reasons for believing that the assumption of boundedness is necessary for the notion of language rights to be at all workable. On the one hand, this means that all three movements are conceptually consistent when they combine the assumption of boundedness with the advocacy of language rights. On the other hand, it also means that even if the LE, LHR, and MLR movements were to agree that the assumption of boundedness is problematic, they would nevertheless still be forced into accepting it simply as a consequence of the fact that they are adopting the discourse of rights.

Beyond Ethnic Minorities

The discussion in chapter 3 underscored the idea that language rights advocates are mainly concerned with ethnic minority languages. In this chapter, I examine examples of linguistic discrimination that extend beyond ethnic minority languages. Specifically, I discuss cases of intralanguage discrimination as well as language use in educational and workplace settings, and show that such cases are not easily handled via an appeal to language rights.

As with ethnic minority languages, such cases can have deep consequences, resulting in speakers who feel culturally bereft, who are educationally disadvantaged, or who are denied opportunities for employment or participation in the wider society. If language rights advocates are concerned with such consequences when they arise because of interlanguage discrimination, then they should also be concerned with such consequences when they arise because of intralanguage distinctions, differences in literacy, or discourse practices.

INTRALANGUAGE DISCRIMINATION: THE CASE OF SINGLISH

Not all claims for language as a marker of cultural identity involve what might be considered a distinct language or even an identifiable ethnic group. Some may instead involve the claim that a dialect of an established language reflects a pan-ethnic national identity. And when this dialect and its speakers are discriminated

against, then they too deserve the same kind of consideration that language rights advocates would normally wish to extend to ethnic minorities. In this regard, I consider the debates surrounding the colloquial variety of English in Singapore, known as Singlish. Singlish speakers are keen to negotiate a space for the variety, especially in response to the state's Speak Good English Movement (SGEM), which seems intent on eliminating Singlish. This case study is useful because it concretizes the actual problems faced by speakers experiencing intralanguage discrimination, and helps illustrate in detail the issues that intralanguage discrimination raises.

Intralanguage and Interlanguage Discrimination

The best way to start understanding intralanguage discrimination is through the ideology of a standard language (cf. Lippi-Green 1997: 64). As Milroy (2001: 531) observes, standardization is an ongoing process whose desired goal is the promotion of invariance or uniformity in language structure. While the standard variety is often the prestige variety, prestige is essentially an attribute of speakers, whereas uniformity is a property of the language system, and it is by metonymic association that the variety spoken by prestigious individuals becomes seen as the standard (Lippi-Green 1997: 56; Milroy 2001: 532). As noted in chapter 2, once a particular variety is treated as the standard, other varieties, by implication, are nonstandard and consequently less prestigious. 'In this conceptualization, the dialects become, as it were, satellites that have orbits at various distances around a central body—the standard' (Milroy 2001: 534).

A number of consequences follow from this. First, there is the belief in 'correctness' or 'canonical form', so that 'when there are two or more variants of some word or construction, only one of them can be right' (Milroy, 2001: 535). Second, this correctness is treated as commonsensical, with speakers believing that some forms are clearly right and others are obviously wrong, and that no justification is needed for such evaluations (Lippi-Green 1997: 61; Milroy 2001: 535). Third, the variety that speakers acquire naturalistically in, say, the home environment, cannot have any bearing on what the canonical forms ought to be, since it is 'common sense that children must be taught the **canonical** forms of their own native language, mainly at school' (Milroy 2001: 537, bold in original).

The ideology of a standard, with all its attendant consequences, holds intralinguistically rather than interlinguistically, and we can now summarize the main differences between intralanguage and interlanguage discrimination. One, particular languages are often linked to specific ethnicities so that interlanguage discrimination can lead to ethnic conflicts. In contrast, intralanguage discrimination is less often linked to distinct ethnic identities, and so is more likely to lead to social rather than ethnic conflicts, where speakers of the nonstandard variety are judged to be less sophisticated, less educated, or less respectable than their standard-speaking counterparts. Also, disputes over the issue of authenticity

(i.e., which variety best represents a particular ethnic or national identity) tend to involve intralanguage rather than interlanguage disputes (e.g., Hornberger and King 1998). This is because particular languages typically already have a historical association with specific ethnic/national identities. So, when authenticity is contested, it tends to involve competing varieties of what is considered the 'same' language rather than different languages.

Two, the notion of a correct form associated with an institutional setting (such as the school) and the devaluing of a nonstandard variety (such as the variety acquired at home) also means that speakers often collude in their own intralanguage discrimination. Consequently those speakers who do decide to champion the nonstandard variety face resistance even from their fellow speakers. Thus, compared to interlanguage discrimination, opposition to intralanguage discrimination is more likely to be contested within the group itself. And because nonstandard varieties are generally devalued, attempts to extend the use of nonstandard varieties into status domains (e.g., as the medium of education or for official broadcasts) are unlikely to occur.¹ Unlike interlanguage discrimination, where the use of a different language is felt to impede communication and significantly disadvantage nonspeakers, problems of intelligibility in cases of intralanguage discrimination are often attributed to the lack of proficiency in the standard. The proposed remedy, then, is better instruction in the standard, rather than the extension of a nonstandard variety into status domains.

Finally, because rights advocates have traditionally focused on ethnic minority languages, this means that their cases of concern typically involve speakers who may be relatively unified in rallying around their dominated language against a more dominant one. But, as we have already observed in intralanguage discrimination, unity is much less likely to be the case. Instead, there is a greater degree of internal disagreement, as some speakers defend one variety while others denounce it. This is because, for some speakers, the standard variety is not only the correct variety, it is also the only one considered worth protecting. Nonstandard varieties are not merely marginalized, they are rendered invisible by the question of why anyone would even want to champion what is 'obviously' an 'incorrect' use of the language. Although not all of these issues are included in our case study, they provide a useful backdrop to our discussion of Singlish.

English in Singapore: Singlish, Broken English, Good/Proper English

Singapore is a linguistically and ethnically diverse country with a population of about 3.2 million. Its ethnic composition is as follows (2000 Census of Population): 76.8% Chinese, 13.9% Malay, 7.9% Indian. The remaining 1.4% are officially

1. This is not to deny that nonstandard varieties cannot enjoy 'covert prestige', typically because these serve to mark local identities (Heller 1999; Trudgill 1972). But, crucially, the prestige is covert precisely because there is still a recognition of the 'overarching power structure within which local communities function' (Eckert 2000: 226).

categorized as ‘others’, a miscellaneous category comprising mainly Eurasians and Europeans. Singapore reluctantly gained its independence in 1965 after being ejected from the Federation of Malaysia because of political differences with the central government. Because Singapore has no natural resources of its own, its leaders were convinced that economic survival was possible only as part of the federation, and worked hard to bring that about. Singapore’s subsequent departure from the federation meant that its leaders were suddenly faced with the task of building a nation out of an ethnically diverse population and developing the nation’s economy.

Where language policy is concerned, this emphasis on economic development in the context of ethnic diversity has led to four official languages being recognized: English, Mandarin, Malay, and Tamil. English language proficiency is seen as necessary for attracting foreign investment and for providing access to scientific and technological know-how. But the government is also concerned that exposure to English may lead Singaporeans to become increasingly ‘Westernized’ or ‘decadent’. Thus, as noted in chapter 2, it has instituted a policy of ‘English-knowing bilingualism’ (Pakir 1992), where, in addition to English, Singaporeans are expected to be proficient in their mother tongues—which are expected to provide them with links to their traditional cultures and values. Three major ethnic groups are recognized in Singapore, each group with its own official mother tongue: Mandarin for the Chinese, Malay for the Malays, and Tamil for the Indians. There is no official mother tongue for the miscellaneous ‘others’ category.² Singapore’s language policy thus involves a division of labor between English and the mother tongues, the former associated with scientific and technological knowledge and Western values, the latter with traditional ‘Asian’ values.³

In recent years the state has become concerned about the increasing popularity of a colloquial variety of English, Singlish, which shows a high degree of influence from other local languages such as Hokkien, Cantonese, Malay, and Tamil (Platt and Weber 1980: 18). The varieties of Malay most important to the development of Singlish are Bazaar Malay (a simplified form of Malay used predominantly as an interethnic lingua franca) and Baba Malay (spoken primarily by the Straits Chinese⁴) (Gupta 1998: 109). Following are sample Singlish utterances, showing how it is characterized by (a) a lack of inflectional morphology, (b) productive use of reduplication, and (c) discourse particles—the particle *lor* indicates a sense of resignation (Wee 2002c).

2. A ‘mother tongue’ in Singapore is officially assigned by the state to the relevant ethnic group rather than decided by individuals themselves. In the case of a linguistically diverse community, this often leads to the state actively discouraging the use of varieties other than the one that has been officially sanctioned. For example, the linguistic heterogeneity of the Chinese community has been diminished by the imposition of Mandarin as the official mother tongue (Blommaert 2001b: 540). This can be seen as constituting a *prima facie* violation of the language rights of at least those individuals who may prefer to identify with a different language than the one that has been assigned by the state. See chapter 2 (“Selectivity”) for further discussion.

3. A full discussion of the problems raised by this language policy would take us too far afield, but see Rappa and Wee (2006).

4. The Straits Chinese, or Peranakans, are of mixed (Chinese and Malay) ancestry. While seeing themselves as culturally and ethnically Chinese, they often use a variety of Malay as the home language.

- a. He eat here yesterday.
[He ate here yesterday.]
- b. I like hot-hot curries.
[I like very hot curries.]
- c. I won't get married, lor.
[I have no choice but to not get married.]

But before looking at how the state has responded to the 'Singlish problem', it is important to realize that among ordinary Singaporeans themselves, there is actually no real consensus as to the merits of Singlish. Those favoring Singlish claim that it is a crucial part of their national identity. Those rejecting Singlish claim that it is not 'proper'/'good' English. Two points are worth noting. One, this illustrates what Milroy (2001) means by an ideology of correctness, where the notion of a standard variety leads some speakers to treat the variety acquired outside of institutional contexts as being 'wrong' or 'broken'. Two, groups are far more heterogeneous than some language rights advocates admit (May 2001), since there is strong disagreement about the legitimacy of Singlish among its speakers. Examples of these differing viewpoints, taken from a series of letters to the press, are given below. The first two extracts support the use of Singlish, while the next two are against it.

Singlish is a mark of how we have evolved as a nation and should surely have a place in our culture. Embracing Singlish as part of our heritage is not self deception. It's about not being embarrassed by something that is unique and precious to how we express ourselves. (*The Straits Times*, November 3, 1998)

Singapore literature written in Singlish has a distinctively local flavour which appeals to readers. The words and expressions used in the context are meaningful to local readers and they conjure up images in a way that non-local lexicon cannot. Moreover, it makes the story more convincing and authentic . . . In other words, Singlish used in literary works keeps us in touch with our rich culture. (*The Straits Times*, November 16, 1998)

I cannot support its promotion . . . We must dissociate English from Singlish, its insidious enemy . . . Is cultural indulgence worth lingual disrespect and diffidence? (*The Straits Times*, October 30, 1998)

We should take language as artistic refinement instead of as "a blunt instrument of communication". Perhaps schools with better fluency in Standard English . . . could set the standard as they feed our leadership positions. Do we want Singlish-immersed representatives on the world stage? (*The Straits Times*, November 16, 1998)

While ordinary Singaporeans disagree about the status of Singlish, the position of the state is unequivocal. 'Good'/'proper' English, which it equates with standard English, is crucial for Singapore's continued economic competitiveness, particularly in a global economy. It sees Singlish as a problem because it fears that

speaking Singlish will adversely affect the ability of Singaporeans to learn ‘good’ English. Thus, in the view of Goh Chok Tong (then Singapore’s second prime minister and currently senior minister), the existence of Singlish actually poses a threat to the nation’s economic well-being:

We cannot be a first-world economy or go global with Singlish . . . The fact that we use English gives us a big advantage over our competitors. If we carry on using Singlish, the logical final outcome is that we, too, will develop our own type of pidgin English, spoken only by 3m Singaporeans, which the rest of the world will find quaint but incomprehensible. We are already half way there. Do we want to go all the way? (1999 National Day Rally Speech)

Because Singlish is viewed as an economic threat, whatever merits it may have as a marker of a Singaporean identity must be jettisoned in favor of the global economic value associated with the standard variety. In fact, Goh Chok Tong expressed the hope that in the future, Singaporeans will no longer speak Singlish:

Singlish is not English. It is English corrupted by Singaporeans and has become a Singapore dialect . . . Singlish is broken, ungrammatical English sprinkled with words and phrases from local dialects and Malay which English speakers outside Singapore have difficulties in understanding . . . Let me emphasise that my message that we must speak Standard English is targeted primarily at the younger generation . . . we should ensure that the next generation does not speak Singlish. (*The Straits Times*, August 29, 1999)

Eliminating Singlish: The Speak Good English Movement

This concern over Singlish led the state to initiate the Speak Good English Movement (SGEM) on April 29, 2000, which, according to its chairman, Col. David Wong, aimed to ‘build a sense of pride’ in ‘good English’ as opposed to Singlish (*The Straits Times*, March 31, 2000). But as we saw earlier, there are Singaporeans who feel strongly that Singlish is an important part of their identity. Not surprisingly, these Singaporeans feel a need to speak up for Singlish. The following extract makes the same point as the two earlier ones supporting Singlish, arguing that Singlish is an important part of Singapore’s culture. What is different is that this extract is directed specifically against a state-initiated campaign, the SGEM, which the writer fears may well lead to the elimination of Singlish (see italicized text below).

Singlish is crude precisely because it’s rooted in Singapore’s unglamorous past. This is a nation built from the sweat of uncultured immigrants who arrived 100 years ago to bust their asses in the boisterous port. Our language grew out of the hardships of

these ancestors. And Singlish is a key ingredient in the unique melting pot that is Singapore. This is a city where skyscraping banks tower over junk boats; a city where vendors hawk steaming pig intestines next to bistros that serve haute cuisine. The SGEM's brand of good English is as bland as boiled potatoes. *If the government has its way, Singapore will become a dish devoid of flavour.* (Hwee Hwee Tan, *Time*, July 29, 2002, italics added)

Thus, while the earlier extracts were simply part of a discussion among Singaporeans themselves, the contribution by Hwee Hwee Tan, a Singaporean novelist, is motivated by the fear that Singlish is under threat from the government. The next extract, from a speech by Colin Goh, a lawyer who runs a satirical Web site known as TalkingCock.com, makes this fear particularly clear. Goh was concerned enough about the fate of Singlish to launch a Save Our Singlish campaign on April 27, 2002, and in a speech during the launch, suggests that there is no incompatibility between speaking Singlish and good English, that the two should in fact be seen as complementary:

Why a Save Our Singlish Campaign?

First, please notice that it's not the Speak Good Singlish campaign. It's the SAVE our Singlish campaign. The difference is crucial . . . We are NOT anti-English. We completely support the speaking and writing of good English. We actually hope that the Speak Good English Movement will see us as complementary, and not adversarial. (www.talkingcock.com; the use of upper case is in the original text)

The reason Colin Goh gives for wanting to 'save' Singlish is, again, that 'it's simply a part of our culture . . . [and] it may be the ONLY thing that makes us uniquely Singaporean.' Goh then describes what he sees as discrimination against Singlish, where it is unfairly censored in the local media:

We're not asking you to switch to teaching Singlish in school as a subject. We're just saying, don't try to wipe out our culture by preventing it from being depicted on TV or radio. Don't be afraid of it. Don't be afraid of letting our radio and TV depict speech as normal people speak it. (www.talkingcock.com; the use of upper case is in the original text)

There is a tension then between treating Singlish as a legitimate part of Singapore's linguistic ecology and seeing it as a threat to the nation's economic competitiveness. Colin Goh's belief that Singlish and 'proper'/'good' English can exist side by side is untenable as far as the state is concerned, since the presence of Singlish is felt to undermine proficiency in 'proper'/'good' English and to consequently jeopardize the nation's economic well-being. Perhaps the clearest statement of how strongly the state views the oppositional relationship between Singlish and 'good' English comes from Lee Kuan Yew, Singapore's first prime minister and currently

minister mentor (*The Sunday Times*, August 15, 1999), who describes Singlish as ‘a handicap we must not wish on Singaporeans’.

Before closing this section, it might be helpful to highlight a number of points raised by the Singlish case. First, is the Singlish situation a case that language rights advocates ought to be concerned about? According to the various criteria employed by the three movements discussed in chapter 3, the answer is yes. This is because both the Language Ecology and Linguistic Human Rights movements treat any attempt to eliminate a linguistic variety (‘linguicide’) as a violation of language rights. In fact, for the LHR movement, this is a violation of the worst kind (Philippson and Skutnabb-Kangas 1995: 484). Where Singlish is concerned, the SGEM can be seen as an attempt on the part of the state to engage in linguicide. For the Minority Language Rights movement, the purpose of language rights is to ensure that speakers are entitled to cultural autonomy. That is, speakers ought to be able to decide what kinds of language practices are pertinent to their cultural identities without interference from the state. By this criterion, too, the Singlish case constitutes a language rights violation, because the primary reason given by supporters of Singlish is a cultural one: they see Singlish as an important expression of their Singaporean identity. But where the state is concerned, arguments appealing to cultural autonomy carry no weight, since the use of Singlish, even for ‘private’ cultural activities, cannot be isolated from the deleterious effects it would have on the acquisition of ‘proper’/‘good’ English in the public sphere. At the same time, it should be clear by now that any attempt to argue that Singlish should be accorded rights protection is complicated by the fact that there is no unified group of Singaporeans who are pro-Singlish and intent on resisting the state, given the lack of consensus among Singaporeans in their views on Singlish.

Finally, the question of whether Singlish is really a reflection of Singaporean culture and identity is one that hinges on the notion of authenticity, for which, as Hornberger and King (1998: 391) have pointed out, there exist ‘no clear linguistic criteria’. Without such clear linguistic criteria, it is unsurprising that Singaporeans disagree on how authenticity ought to be manifested linguistically, since there is no objective means for deciding among various alternatives. For example, while Singlish supporters see the variety as ‘truly Singaporean’, the chairman of the SGEM suggests (*The Straits Times*, March 31, 2000) instead that

It’s important that while we develop a brand of English which is uniquely identifiable with Singapore, it should not be a Singlish type . . . There are Singaporeans who speak English very well and after they have spoken for less than a minute or two, I would be able to identify them as coming from Singapore, just by the choice of words and the phrases they use and their intonation . . . I don’t think we are trying to resist the use of words like *kampung* or *kiasu* . . . The idea, really, is to use the word in a grammatically correct sense.

Thus the state’s counterclaim to Singlish is that an authentically Singaporean English should be one that is ‘grammatically correct’. Where a Malay word like *kampung* (‘village’) or a Hokkien word like *kiasu* (‘fear of losing out’) is used, it

must be embedded in constructions that are grammatically ‘standard’. This illustrates my earlier point that questions of authenticity are more likely to be reflected as intralanguage rather than interlanguage disputes, with debates revolving around which variety of a language—rather than which language—is the authentic one.

The concept of authenticity raises other issues for any attempt to appeal to language rights. This is because, as noted earlier, language rights advocates are generally not interested merely in tolerance-oriented rights. They are also concerned with promotion-oriented ones, such as ensuring that speakers are able to use their mother tongues in various status domains, for instance, having it as a medium of education. But this kind of promotion clearly requires that the ‘authentic’ variety undergo various changes such as functional elaboration, codification, and graphization (see also Blommaert 2001a: 137), especially in a highly developed society like Singapore, where education is intended to prepare individuals for participation in a global society. Any language used as a medium of education will have to undergo some degree of standardization to facilitate communication with people from other parts of the world (Cameron 2002; Fishman 1982; Heller 2002). Consequently, as Hornberger and King (1998: 407) point out, ‘To the degree that language planning efforts seek to unify and standardize language use according to unilateral norms and unchanging forms, they will not only fail, but worse, run the risk of harming the very languages they seek to protect’.

If Singlish were given the kind of status that language rights advocates wish to claim for mother tongues, it would end up being changed so drastically that it would most likely no longer be recognizable to its supporters. However, the case of Singlish demonstrates clearly that even those supporters who see it as an important aspect of their Singaporean identity do not want it taught or used in schools (see the previous statement by Colin Goh). This means that language rights advocates have to contend with the fact that a linguistic variety may be culturally valued as an identity marker, but *for that very same reason*, its own supporters have no desire to see it being accorded institutional status or recognition, such as being used as a medium of education.

To better appreciate this point, it is instructive to consider data from Kuipers’ (1998) detailed study of language ideology and social change on the Indonesian island of Sumba, populated by the Weyewa, for whom ritual speech represents an important genre whereby fluent speakers gain social prestige. The performance of ritual speech is traditionally tied to the speaker’s attributes as a bold, assertive, and charismatic individual. Kuipers tells us that eloquent speakers were rewarded with opportunities to participate in important political and religious events. Language use on Sumba has undergone major changes, not least due to the increased presence of the national language, Bahasa Indonesia, and the incorporation of Weyewa into the Indonesian school system as part of the curriculum concerned with sports, regional folklore, and local arts (Kuipers 1998: 125). Thus incorporated, however, the rich variety of ritual speech forms (placating ancestral spirits, performances of founding myths) has been thinned out such that only laments are taught. This means that for many younger Weyewa, laments have come to represent the entire category of ritual speech. More relevantly, because these

laments are taught in the classroom as part of the local language curriculum, they have undergone a shift in their ideological functions. Performances are no longer aimed at placating ancestral spirits or gaining political influence; rather, they are intended to please competition judges, impress government officials, or entertain tourists (Kuipers 1998: 147). The more traditional expressions of ritual speech are increasingly seen as outdated, and (older) Weyewa men who insist on using such speech forms are perceived as 'crude' or 'rough' (Kuipers 1998: 63). For the Weyewa, then, what were arguably 'authentic' uses of ritual speech are now denigrated as anachronistic, this ideological shift being tied to the teaching of ritual speech in the school system.

What the Weyewa example shows is that ideological shifts or resignifications follow when previously noninstitutionalized language practices are accorded mainstream recognition, which in turn can have fundamental consequences for how such practices are construed as authentic. Language rights advocates therefore need to acknowledge that preserving the authenticity of a variety may actually be at odds with its being used in institutional contexts. But at least where Singlish is concerned, language rights advocates may not have the option of settling for tolerance-oriented rights, even if they are willing to do so. A tolerance-oriented approach would effectively constitute a call for the state to engage in benign neglect and to allow Singlish to be used in primarily private informal communications. But as we have already seen, the state is not interested in tolerance, given its own belief that there are inevitable spillover effects from the private use of Singlish onto the public acquisition of 'good English' and, ultimately, the nation's economic health. The Singlish case, then, constitutes a situation of language discrimination that is relevant to the notion of language rights. But because it involves intra- rather than interlinguistic discrimination, it raises a number of problems that seriously question the feasibility of adopting a rights-based approach.

DISCRIMINATION AND EDUCATION: DIALECTS VERSUS LANGUAGES, AND VARIATION IN LITERACY PRACTICES

Even if we leave aside issues arising from considerations of authenticity and try to focus more on instrumental goals, such as educational success, problems continue to exist for the notion of language rights. In education, students from different backgrounds enter a common institutional setting that ostensibly provides them with equal opportunities for future success. But educational practices comprise 'a key site for the construction of social identities and of unequal relations of power' (Heller & Martin-Jones 2001: 2) because students enter the system equipped with different sets of skills, which means that some are already 'preprivileged' or better prepared than others to handle the demands of the classroom (Corson 1991). Children whose home language or home literacy practices do not

match that of the school are unduly burdened with having to learn a new language or new set of literacy practices. Other children—for whom such a match already exists—do not have to deal with this burden.

Ebonics: Language or Dialect?

Even though children are disadvantaged when their home language does not match that preferred by the school, educational responses tend to differ depending on whether this home language is perceived to be an entirely different language or a dialect. When an entirely different language is perceived to be involved, this can be classified as a form of *heritage language education*. Examples include Navajo in the United States, Welsh in Wales, and Catalan in Spain, where children experience part of the curriculum through the medium of the minority language (Baker 2007: 136). As we have seen, advocates of language rights tend to be more concerned with these kinds of cases—where the mother tongue is understood as a distinct ethnic minority language.⁵

But attention to ethnic minority languages should not blind us to the fact that children faced with learning a different dialect also encounter problems. Skutnabb-Kangas et al. (2006: 319) provide no justification for their belief that the absence of language rights for children in interlanguage situations is ‘more grave than in intra-language situations’. Especially if the point of introducing a rights-based discourse into education is to address systemic inequities in the distribution of resources that can adversely affect the social trajectories of particular groups, then the consequences are without doubt *equally grave* in both inter- and intralanguage situations. For example, we saw earlier that dialects are considered ‘obviously’ incorrect versions of the standard language. The latter is what the school requires, and so the dialectal variety that speakers acquire naturally in the home cannot possibly have any bearing on what the canonical forms ought to be. This ideology of a standard language is so deeply entrenched that, for many parents and educators, any attempt to accord the dialect some education-related legitimacy would not only be seen as absurd, but would also be considered a serious betrayal of the education mission. Consequently, as we noted in the discussion on “Reinvention” (see chapter 2), the only way that a linguistic variety can gain legitimacy is if it is recategorized as a *language* instead of a *dialect*.

A good illustration of this comes from the Ebonics debate in Oakland, California (Pullum 1999; Wheeler 1999).⁶ In December 1996, the Oakland school board decided to recognize Ebonics (also known as African American Vernacular English [AAVE]) as the ‘primary language of African American children.’ The board was motivated by the fact that many of the schoolchildren came from homes where Ebonics was spoken, and that Ebonics is significantly different from standard

5. See chapter 7 for further discussion of heritage language education.

6. For a comprehensive overview of the various interventions made into this debate, see Ramirez, Wiley, de Klerk, Lee, and Wright (2005).

English. The linguistic differences between Ebonics and the standard English that the children were expected to acquire in school were sufficiently large that these children experienced huge language learning obstacles. The school board hoped that by explicitly acknowledging the linguistic differences, the school could formally implement pedagogical measures that specifically took into account the existence of Ebonics. This would allow teachers to take into consideration the kind of English that learners were bringing with them into the classroom. For example, teachers could address the use of Ebonics in the language classroom, and perhaps even more radically, treat knowledge of Ebonics as a legitimate form of linguistic knowledge that students already possessed. Such knowledge could then be drawn upon as a resource so as to help these students acquire standard English. Unfortunately the school board's decision was greeted by a public outcry that saw this as an attempt at institutionally legitimizing a devalued variety of English. There was public fear that teachers would actually attempt to teach Ebonics in the classroom or allow students to use it in essays and tests in place of standard English, even though this was never the intention. But such was the degree of prejudice and hostility toward Ebonics that no attempts at clarification seemed to help. Here we have an example of well-grounded and well-intentioned pedagogical measures facing persistent public prejudice which demanded that Ebonics have *no place* in the education system at all. To the school board's credit, it stated that it would not back down from its intention to train teachers to recognize Ebonics, so as to improve the way that black students were taught to read and write standard English (*US News*, January 16, 1997).

Interestingly, in making its argument for recognizing Ebonics, the school board argued that this was not a dialect of English, but rather a completely different language, one with origins in West Africa—hence its preferred use of the name Ebonics over African American Vernacular English. This claim that Ebonics was a distinct language rather than a dialect of English was widely disputed by various public commentators, including then Secretary of Education Richard Riley, who stated that 'Ebonics is a nonstandard form of English and not a foreign language'.⁷ Notwithstanding the fact that the general public did not find it plausible to treat Ebonics as a distinct language, what this shows is that even the Oakland school board itself was comfortable with its own resolution only because it was willing to see Ebonics as a distinct language. Both proponents and opponents of the resolution, then, were in agreement in their assumption that a valid distinction between dialects and languages could be made and needed to be made as a precondition for bestowing institutional legitimacy; they simply disagreed on how to classify Ebonics.

This debate over whether Ebonics is a dialect or language demonstrates that there is still widespread reluctance to accept that varieties characterized as dialects, pidgins, or creoles can possibly have anything positive to contribute to language learning, and that these characterizations are predicated on the assumption that

7. J. Harris, 'US bilingual education funds ruled out for Ebonics speakers', *Washington Post*, December 25, 1996, p. A02.

such varieties are deficient or incomplete versions of full or proper languages, leading to their widespread stigmatization. There is no evidence to support the perception that the presence of stigmatized varieties in the classroom has a negative influence on learning. In fact, they have been shown to either have no discernible effect, or to contribute toward better learning. In a wide-ranging review of various studies, Siegel (1999) concludes that some studies even show positive results from making use of students' own varieties of language in education, such as greater participation rates, higher scores on tests measuring reading and writing skills in standard English, and increases in overall academic achievement. Siegel suggests that this is because teachers hold more positive attitudes toward the students, since they are aware of the legitimacy and the complex patterned nature of their students' home vernaculars. Therefore, rather than simply dismissing them as stupid or lazy on the basis of their nonstandard speech, teachers have higher expectations for their students. Students in turn respond to the higher expectations by having more linguistic self-respect, more interest, and therefore increased motivation. Taken together, these factors help avoid the vicious circle of linguistic prejudice observed in Britain (Cheshire 1982), where teachers mistook the language problems of creole-speaking children as indicators of stupidity. Unfortunately such prejudice led the teachers to stereotype and eventually lower their expectations for the children, leading to lower student performance, which further served to confirm and reinforce the teachers' stereotype.

In both the Singlish and Ebonics debates, speakers collude in discriminating against their own varieties of English. With Singlish, there is no attempt or desire on the part of its supporters to have it institutionalized, and hence no corresponding attempt to argue that it is a 'language'. With Ebonics, the need to give it greater institutional space so as to mitigate any disadvantages its speakers might face in the school environment compelled the Oakland school board to suggest that it is indeed a 'language'. The similarity between these two cases lies in the fact that only a language is perceived as worthy of institutional recognition.

At the heart of these debates, then, are deeply held conceptions about language that need to be seriously addressed and challenged. In other words, these debates are not likely to find any realistic resolution if the aim is try to settle on the 'actual' status of Singlish and Ebonics—such as whether these are really languages, just dialects, or merely pidgins—on the assumption that once the status has been properly decided, then specific kinds of institutional recognition can be dutifully accorded, including that of language rights. Rather, these debates signal the need for all participants to be more aware of the kinds of metalinguistic prejudices and assumptions that guide their respective positions, and to discuss the extent to which such assumptions can be modified or put aside so as to find common ground (see chapter 8).

Literacy Practices

In addition to the reluctance to recognize that stigmatized varieties can be a valuable educational resource, there is yet another set of problems that may be considered

even less tractable for the notion of language rights because it goes beyond prejudices against named varieties (whether these are names of dialects or languages) to involve community-specific ways of speaking or writing, that is, community-specific literacy practices. Because no named variety is involved, there may not even be any awareness that there are subtly different literacy practices that may have a significant impact on educational success. Perhaps the best-known example comes from the work of Shirley Brice Heath (1983, 1994), who studied in detail the literacy practices of three different American communities, which Heath named Maintown, Roadville, and Trackton.⁸ Heath notes that over a long period of time, children from Maintown tended to do much better in school than their counterparts from Roadville and Trackton, despite the fact that parents from all three communities seemed equally committed to their children's academic success.

Heath was thus led to investigate the kinds of literacy practices that characterized each community. She observed that in Maintown, the bedtime story is a fairly common literacy event where parents interact with their children. A mother and her child may take turns participating in a dialogue. The mother may ask the child to pay attention to specific parts of the story, asking 'what questions' ('What is this/that?'). The child gives an answer and the mother provides feedback on whether the answer is correct or in need of elaboration. Over time, Maintown children learn, via participation in bedtime storytelling dialogic interaction, how to interact with adult/authority figures. They become used to focusing on specific parts of a book, treating this as information that they must provide to an adult, who will then evaluate their answer. This, of course, is the kind of 'initiation-reply-evaluation' pattern that students usually encounter in classrooms, with the teacher taking the place of the parent. Therefore Maintown children are quite used to this pattern of interaction by the time they enter school.

Furthermore, parents in Maintown quite regularly encourage their children to make imaginative connections between the stories they read and the 'real' world. Heath (1994: 76) provides an example where a black dog that an adult and child see on the street is compared to a dog named Blackie that was a character in the child's book. Thus the adult may ask the child: 'Look, there's a Blackie. Do you think *he's* looking for a boy?' This ability to creatively extrapolate from the 'book world' to the 'real world' proves advantageous when the children enter school. This is because even though they are initially required to answer 'What?' questions, as they progress through school they are also expected to provide hypotheses, speculate about possibilities, and to do so by integrating book knowledge with other forms of knowledge. Consequently the kinds of literacy practices found in Maintown help prepare the children (even though the parents may not be fully conscious of this) for the kinds of classroom interactions in which they need to participate.

8. The full details of Heath's study can be found in her 1983 book. But in her 1994 article she summarizes her key findings in relation to a single literacy event, bedtime storytelling. The discussion here draws mainly on the 1994 article.

The differences between the literacy practices of Maintown and those of Roadville are subtle but significant. Roadville children also have bedtime readings, but Roadville adults strongly emphasize the need to be faithful to the text (Heath 1994: 81–82):

Adults in Roadville believe that instilling in children the proper use of words and understanding of the meaning of the written word are important for both their educational and religious success . . . Children are not encouraged to move their understanding of books into other situational contexts or to apply it in their general knowledge of the world about them.

This means that Roadville children, like Maintown children, are good at dealing with ‘What?’ questions, but unlike Maintown children, they are less adept at handling questions requiring imaginative speculation. So, although both Roadville and Maintown children do equally well in school initially, at the later stages Roadville children tend to drop out while Maintown children continue onward.

In the case of Trackton, there is very little reading material around when the children are growing up. Adults do not sit and read to children; children are minimally supervised and usually left on their own to do as they please. This is because in Trackton there is a general belief that language cannot be taught, but must be learned on one’s own. This means that children have to decide for themselves how to ‘perceive situations, determine how units of the situations are related to each other, recognize these relations in other situations, and reason through what it will take to show their correlation of one situation with another’ (Heath 1994: 89). Trackton children’s early experiences are therefore ad hoc and chaotic compared to those of the children from Maintown and Roadville. What happens when Trackton children enter school? They are not used to the disciplined pattern of providing answers to ‘What?’ questions with evaluative feedback. Although they appear to have the potential to deal with more imaginative kinds of questions, these kinds of questions come later in school life. And tragically, many Trackton children have dropped out of school by then.

To summarize, the three communities have distinct literacy practices tied to each community’s identity and cultural beliefs about appropriate child-rearing practices. These practices have no names, no overt labels. Whether or not people in, say, Maintown are vaguely aware that their counterparts in Roadville or Trackton do things differently, they would not have been able to specify in detail exactly what these differences involve. But these different literacy practices can have significant consequences for the children of the communities. And over time, as the children grow up, have their own children, and reproduce similar practices, the relative successes and failures of the communities, at least where scholastic achievements are concerned, also get reproduced (cf. Bourdieu and Passeron 1977, 1979; Lareau 2003).

Coming back to the issue of language rights, the absence of an established label that names a variety of language makes it difficult for language rights advocates to argue that there is a specific linguistic entity that can be treated as the

object of a right. Even leaving aside this difficulty, the issue of differing literacy practices highlights the need to go beyond a narrow conception of language, since it seems clear that improving the chances of children to participate successfully in school would require all three communities—in conjunction with the relevant educational authorities—to rethink and readjust their normative cultural practices. In the case of the three communities discussed by Heath (1994), this would probably require greater adjustments from the Roadville and Trackton communities than from the Maintown community. Such a requirement would seem to go against one of the main motivations behind the push for language rights, that is, the protection of cultural autonomy (May 2005), since it would require the relatively less powerful communities to adjust their literacy practices to accommodate those of a more powerful community.

But if it is agreed that such an adjustment is indeed necessary, then we have to admit that the protection of cultural autonomy is a much more complex problem than has been acknowledged thus far by language rights advocates. Indeed, as Levy (2003: 239, italics in original) points out in the context of a discussion involving ‘distinct’ languages, ‘if communicative range matters *at all* in our evaluations of what languages it is in children’s interest to learn—as surely it must—then we must often admit that language preservation policies are not in children’s interests’. That is, considerations of what kinds of literacy practices ought to be taught may well conflict with the preservation of practices that might constrain or limit a child’s prospects for the future, where any vision of such a future has to involve some ‘complex balance of local, statewide and global options’ (Levy 2003: 240; see chapter 7).

DISCOURSE IN THE WORKPLACE

Language use in the workplace, too, raises many of the same problems that we have already noted in the preceding subsections. There are many companies, notably in the United States, that have adopted ‘English only’ work rules. And even though some employees have sued in response, such work rules have also ‘received favorable review by the courts; they represent a viable, although perhaps not widely popular solution to workplace multilingualism’ (Dicker 1998: 296). Similarly, in the United Kingdom, Gujarati speakers working for an engineering company accused it of discriminating against them in promotion interviews (Brierley, Dhese, and Yates 1992) when it became clear that shop floor workers seeking to be promoted to foremen had to undergo a formal interview in English. According to Roberts (2007: 405), the interview, ‘characterized by indirectness and stylized truthfulness, in which issues of face were paramount, was discriminatory. The South Asian applicants . . . were disadvantaged by the linguistic demands and implicit conventions of the interview’.

These situations fall under the characterization of ‘linguicism’, a term introduced by some language rights advocates, particularly those associated with the LHR movement (see chapter 3), to describe those cases where ‘ideologies and

practices . . . are used to legitimate, effectuate and reproduce an unequal division of power and resources (both material and immaterial) between groups that are defined on the basis of language' ((Phillipson 1992: 47). But what Phillipson calls 'linguicism' is not simply the result of reactions toward languages as named varieties. It is also based on expectations regarding appropriate discourse conventions, as indicated by Roberts (2007).

For a further illustration of the consequentiality of discourse conventions in the workplace, it is useful to consider Scheuer's (2001) study of Danish job interviews, which demonstrates that interviewees who possessed particular stylistic repertoires tended to be more successful in securing jobs. In particular, successful applicants were those who were able to combine their personal and job-related narratives into a *teleological discourse*, where professional goals are presented as 'general orientations running through a person's life' (Scheuer 2001: 234). In this kind of discourse, the applicant is perceived as having a high degree of agency, making strategic choices that enhance his or her professional development. Even apparently unrelated or innocuous choices about what hobbies to pursue or where to vacation can, under a teleological discourse, be represented as purposefully contributing to the individual's ability to be a better professional. In contrast, applicants who employed a *circumstantial discourse*, where a low degree of agency is implied, tended to be less successful (Scheuer 2001: 233) because they were unable or unwilling to portray themselves as consistently making lifestyle choices that were motivated by a professionally oriented agenda.

Scheuer's (2001) study indicates the pervasiveness of what is sometimes described as *enterprise culture*, where qualities such as 'self-reliance, personal responsibility, boldness and a willingness to take risks in the pursuit of goals—are regarded as human virtues and promoted as such' (du Gay 1996: 56). As Rose (1990: 227) puts it:

The self is not merely enabled to choose, but obliged to construe a life in terms of its choices, its powers, and its values . . . Each of the attributes of the person is to be realized through decisions, justified in terms of motives, needs and aspirations, made intelligible to the self and others in terms of the unique but universal search to find meaning and satisfaction through the construction of a life for oneself.

Miller and Rose (1990: 27) argue further that in modern society, the 'entrepreneurial self' no longer sees work as a 'constraint upon the freedom of the individual [but rather as] an essential element in the path to self-realization.' Enterprise culture thus creates a normative expectation about what kind of worker is desirable in the modern economy. Workers are expected (whether they are aware of this or not) to demonstrate that they possess the relevant entrepreneurial traits in their modes of communication, quite aside from the specific language that they happen to be using.

The pervasiveness of enterprise culture has even led to an increased obsession with effective communication, because in service industries, in particular, workers are expected, when interacting with clients/customers, to project a persona that is

consistent with the company's image (Cameron 2000b: 7). Enterprise culture is also responsible for requiring managers to be good communicators, since managers today are expected to motivate their subordinates rather than simply ordering them about (Gee, Hull, and Lankshear 1996: 30). This obsession with effective communication means that employees are sometimes subject to a process of styling (Cameron 2000a, b), such that the choice of particular words/phrases and even accompanying facial expressions are all carefully prescribed and monitored in the work environment. For example, workers may be expected to project a 'smiley voice' (Cameron 2000b: 57), or use specified phrases such as 'Yes, I see', 'Fine', etc., in order to assure their clients that they are engaged in 'active listening' (Cameron 2000b: 78). In cases of styling, workers are often evaluated according to how faithfully they perform the prescribed interactional routines, even if the routines require them to behave in ways that might not ordinarily be expected or in ways that they would consider unnatural. This is because any deviation from the prescribed script could lead to workers being penalized by a monitoring third party such as a supervisor or manager (Cameron 2000b: 58).

Gee et al. (1996: 126) provide a similar example in their study of a Silicon Valley company, although theirs involves 'in-house' interaction between teams of workers and managers. They note that workers are provided training in topics such as effective team meetings, problem-solving skills, understanding differences, effective listening, handling problems and accepting change (Gee et al. 1996: 87). A topic such as handling problems is broken down into a series of steps (Gee et al. 1996: 91) which include: (i) 'Tell him of the problem as soon as possible'; (ii) 'Have facts when you are telling him of the problem'; (iii) 'Give him a chance to express his opinion'; (iv) 'Review the facts'; (v) 'Discuss useful solutions'; and (v) 'Decide what each of you will do to correct the problem'. Workers are also regularly selected to participate in competitions where teams display their grasp of these topics and their ability to apply them to on-site problems and issues. Unfortunately, it appears that teams are valued and rewarded more for their polished presentational styles rather than for any genuine attempt to substantively engage with work-related problems, and this often leads to worker cynicism and disillusionment with what management really means by effective communication (Gee et al. 1996: 127).

Expectations pertaining to discourse conventions thus contribute to workplace discrimination by overtly or covertly privileging particular ways of communicating over others. Indeed, even elite colleges and universities such as MIT and Mount Holyoke are becoming more concerned about the employability of their graduates in a highly competitive market and have thus started emphasizing a curriculum where 'better speaking skills' are now considered 'essential skills' (Cameron 2000b: 130). As Cameron (2000b: 132) points out, 'The communication skills acquired by students in elite colleges furnish a kind of cultural capital that can be converted not only to economic capital in the form of a high-paying job, but also to symbolic capital, a position of authority and influence in society'.

In principle, workplace discrimination based on discourse conventions is no different from the education-based problems faced by the children of Roadville

and Trackton regarding differing literacy practices. Like literacy practices, because these discourse conventions are more nebulous than named language varieties, they are less likely to be made the objects of language rights. But language is implicated nonetheless, and its effects are just as important, if not more so—since acts of linguistic discrimination must ultimately be refracted through language as social practice rather than language as denotational code (Silverstein 1998a: 406).

CONCLUSION: HOW USEFUL ARE LANGUAGE RIGHTS?

The cases discussed in this chapter all involve linguistic discrimination because language use figures significantly in the decisions made by institutions of power (the state, the school, the workplace) and their representatives. These decisions influence the life chances of an individual or a group, so that failure to meet the expectations of the relevant ‘gatekeepers’ (Erickson and Schultz 1982) concerning the use of appropriate linguistic varieties, literacy practices, or communicative styles can result in the individual or group being excluded from particular domains of society, from higher levels of education, or from promotion to more senior designations at work.

That being said, a rights-based approach is nevertheless not appropriate for dealing with these cases for various reasons. First of all, the unavoidability of language means that there will always be cases of discrimination simply as a consequence of human interaction and communication, even within what is ostensibly the same variety. This is largely due to the fact that knowledge of language is a function of the kinds of social interactions the individual participates in, and no individual ever fully participates in all existing social practices. There will always be social practices that some individuals are excluded from by virtue of their age, gender, education level, or some other social factor. What this means is that there is no realistic state of affairs where linguistic discrimination can be eliminated once individuals and communities are sufficiently enlightened. Linguistic discrimination inevitably occurs because linguistic practices are always going to be associated with different indexical meanings, some favorable to certain individuals or communities, some unfavorable to other individuals or communities. To borrow Weinstock’s (2003: 258) phrasing, there are outcomes that are *regrettable* without necessarily being *unjust* and ‘[i]t would be overtaxing our institutions of justice intolerably to require of them that they never allow regrettable results’. A rights-based approach is therefore not appropriate because it imbues social problems and inevitable social differences with a framing that creates unrealistic expectations about what can reasonably be achieved.

Second, rights advocates rightly acknowledge that language is deeply intertwined with culture and meaning. But this is actually a reason *against* appealing to rights (see chapter 9). Cultural practices evolve and change over time. And by

comparison with other cultural practices, language practices can change even more rapidly, and these typically do so under less conscious control or deliberation than practices involving, say, dress or diet. As Blake (2003: 213) describes it:

The current content of any language represents the end result of a historical process of human interaction; there is no such thing as a pure language, unsullied by human choices and historical contingency. Each past generation has left its mark on the content of the language, altering its content from what has come before. To deny the same privilege to any future generation seems to represent a sort of narcissism.

Entrenching language practices as the object of rights protection therefore presumes a degree of stability (if not stasis) and agentive control that is unwarranted, as we saw in chapter 2.

Does this mean that there are no circumstances under which the appeal to language rights might be justified at all? The notion of language rights would appear to work best where there are clearly distinct languages involved, each language being associated with a well-defined ethnic minority group. And if, in such cases, members of a minority group have been subjected to massive and egregious discrimination, particularly in the form of legal sanctions that are clearly intended to favor members of a dominant majority group, then an appeal to language rights might be valuable because it can help to draw attention to the need for redress. In such cases, members of the ethnic minority group are more likely to be unified such that the notion of language rights can serve as a conceptual rallying point around which members of the dominated minority can articulate their concerns (although this still does not mean that we can automatically assume the existence of group consensus). For instance, Patten and Kymlicka (2003: 2–4) observe that there has been ‘a growing range of political conflicts and challenges throughout the world that are centred on linguistic diversity’, including Eastern Europe after the fall of communism—where shifts toward official monolingualism meant that ethnic minority languages were no longer recognized—and in Belgium, Spain, and Canada—where what is at stake are the relationships between ‘a dominant language group and various smaller but still powerful regionally concentrated and historically rooted language groups’. In all these cases, ethnic minorities may find it useful to respond by drawing on the notion of language rights, so as to highlight any perceived threats to their status or their ability to access the same kinds of sociopolitical and educational benefits enjoyed by members of a more dominant group.

As we will see in the chapter 5, the relationship between the Tamil minority and the Sinhala majority in Sri Lanka meets all the conditions described above for the use of language rights. However, a significant consequence of the appeal to the discourse of language rights is that social relationships between the two groups (particularly as manifested by the more violent and extremist tendencies) have broken down to the point where they can hardly be said to share any vision regarding a common Sri Lankan future. But it is clear that if groups belonging to distinct ethnolinguistic heritages are to at all coexist peacefully, then a necessary

precondition must be that they actually share a sense that their futures are intertwined, that they see themselves as having some shared membership in a wider community. The nature of this wider community and the details of the coexistence between its subgroups will of course need to be rearticulated, hopefully gain some kind of acceptance and legitimacy among the different subcommunities, and be renegotiated (where necessary) in the course of changing social conditions.

These problems arise because of a major complicating factor: if language rights are to be recognized, there is no basis on which they can be accorded only to minority groups and denied to majority or dominant ones. This means that both kinds of groups may feel the need to assert and exercise their respective language rights, especially because (i) the discourse of language rights is usually asserted whenever a group feels its language and culture are under threat, regardless of whether such feelings have any merit, and (ii) what counts as majority or minority is ultimately relative. Consider, for example, the situation in Sweden. While Swedish is the dominant majority language in Sweden, it has in recent years been represented as a minority language relative to English, on the grounds that it is being ‘threatened by English in many societal domains . . . and therefore in need of state support and promotion’ (Milani 2007: 25). When this perception was conjoined to a ‘language-as-right’ argument that presents knowledge of Swedish as necessary for participation in the wider society (Milani and Johnson 2007: 17), it led to calls for a language law that ‘proactively marks that Swedish, rather than English, should remain the language that unites Swedish society’ (Milani 2007: 28). The consequences of this move for various indigenous minority languages in Sweden, such as Finnish, Romani, and Yiddish) are not insignificant. As Milani (2007: 29) observes, such official recognition ‘clashes with the Social Democratic fear for *overtly* linking one language to one ethnicity as a metonymic representation of the nation as a whole, but also because of its potential *social effects*, namely that it might be perceived as a tangible manifestation of state-induced symbolic inequality’.

The usefulness of the notion of language rights therefore lies mainly in the fact that it helps to raise awareness of the problems of discrimination faced by a specific ethnic minority group. But from this we cannot automatically make the leap that the notion of language rights also constitutes a feasible strategy for addressing the multifaceted problems faced by different members of the group as they attempt to grapple (in ways that reflect their own lived experiences) with varying degrees of discrimination, as well as to create constructive relationships with other groups in the same society.

In short, we have to ask if the appeal to language rights is worth the potential costs involved, which is a question that can only be answered by examining specific cases. Over the next three chapters we delve more deeply into various problems that might appear to require the notion of language rights, beginning with the challenges that are involved in managing ethnic diversity and nationalism. We will look at the extent to which the appeal to language rights actually helps to assuage the problem of linguistic discrimination as opposed to simply highlighting the fact that such discrimination is being experienced.

Ethnic Diversity and Nationalism

The focus in this chapter is on the management of ethnic diversity within the context of nation building. This, as we have seen, is a key topic where language rights are concerned, since the primary motivation for such rights has been to protect ethnic minorities, who, in comparison with more dominant groups, are often economically and politically less privileged as well as under pressure to downplay their cultural distinctiveness.

This chapter provides a discussion of the different ways in which Sri Lanka, Malaysia, and Singapore have tried to deal with ethnolinguistically diverse populations within the context of nationalism. These cases usefully represent a continuum of societies, from Sri Lanka, where the discourse of rights is highly prominent, to Singapore, where it is, relatively speaking, largely absent, with Malaysia being situated somewhere between the two. This selection of societies is useful because it allows us to empirically observe the relative effects that the discourse of language rights can have in mitigating linguistic discrimination.¹

In the case of multiethnic societies such as the ones discussed here, the state needs to be able to articulate a shared vision that the various ethnic groups find reasonable. As far as possible, it needs to do this by being clear and persuasive

1. This book is not intended as a broad-based survey of ethnic relations around the world, since a key objective is to argue that linguistic discrimination goes beyond the case of ethnic minorities. For an existing broad-based empirical study, see Sowell (2004). In connection with the argument presented in this chapter, it is worth noting that Sowell (2004) shows how language rights (and affirmative action in general) have actually worked against stability.

about the ways in which peoples of diverse ethnic memberships can relate to each other and to the broader society that they all inhabit. In this regard, I argue that particular importance needs to be attached to developing a sense of communal involvement across different ethnic groups. If this can be done in conjunction with a call for the recognition of language rights, then all is well and good. Unfortunately, as these case studies demonstrate, the focus on language rights tends to work against the development of this shared sense of community, and instead encourages societal fragmentation along ethnic lines. The chapter accordingly concludes that language rights do not really help to ameliorate interethnic tensions, despite claims to the contrary (Phillipson and Skutnabb-Kangas 1995: 483; see also chapter 1).

ETHNIC DIVERSITY AND THE NATIONALIST IMAGINATION

Of particular relevance to our discussion here is the unavailability of language. Recall that unavailability refers to the fact that it is necessary for the state to make use of some specific language in order to conduct its affairs, and in so doing, the state inevitably ends up privileging speakers of this language (see chapter 2). This issue of unavailability has important ramifications for how members of different ethnic groups relate to the state. Some members may want to retain their own ethnic language, and certainly provisions should be put in place to allow for this. However, this should not absolve members from acquiring at least a working knowledge of the language of the state, for at least two reasons. One, the lack of such knowledge would almost certainly serve to disempower such members by preventing them from participating in public deliberations. This inability to take part in public deliberations can only exacerbate any sense of dissatisfaction or alienation. Two, dissatisfaction with the state may then encourage groups to splinter off and articulate their own sense of national belonging. Where language use is concerned, these emerging nationalist movements will typically—and ironically—utilize the same strategies of linguistic assimilation or consolidation that are often condemned by language rights advocates as the very reason why minority languages and their speakers need protection in the first place. For example, Levy (2003: 235) observes:

Pan-Mayan nationalists in Guatemala are pushing for language consolidation as part of the process of creating a Mayan nation that can credibly challenge the Ladino state, both politically and in the opportunities it can offer to its members. Dozens of languages are, on this agenda, to be replaced by one that can have a standard written form, can be taught in bilingual schools, and can unite the Mayan majority in a single alternative society. There are real advantages to fluency in a language that is written and shared by a large number of people, in addition to the advantages of fluency in the language of state. In order to balance out those advantages, nationalists pursue homogenization and literacy among the groups that they hope to make into a nation.

The fact that strategies of linguistic consolidation tend to be recursively employed (Gal and Irvine 1995) negates any suggestion that it is unreasonable to expect all citizens to acquire some working knowledge of the language of the state. Furthermore, because the focus is on the acquisition of a working knowledge of the language rather than full proficiency, this also means that members of different ethnic groups can still devote some time and effort to learning their ethnic languages. Even granting that decisions about what counts as working knowledge or full proficiency will involve some degree of subjectivity, this is still an important point. This is because we need to acknowledge that there are limits to any individual's ability to acquire languages with full proficiency, and individuals will need to weigh the relative costs and advantages associated with different languages against the amount of time and effort they are prepared to put aside when engaging in 'sociolinguistic consumption' (Stroud and Wee 2007). Weinstock (2003: 267) puts the matter thus:

My claim is that, from the perspective of the least advantaged linguistic class, the most attractive language policy is one that goes no further in its imposition of the language of the majority than what is required in order for the state to be able to communicate effectively with its citizens. This would permit citizens in the least advantaged class to devote resources sufficient to acquiring working knowledge rather than full proficiency and identification, and thus to have resources left over for the realization of the other values that languages bear for them. From that perspective, while benign neglect is an impossible goal given the need for the state to communicate with its citizenry, the state should govern its linguistic behavior in a manner that departs from benign neglect as little as possible, compatibly with the achievement of the state's communicative purposes.

Weinstock (2003: 268) goes on to suggest three guiding principles for a state's language policy in the management of ethnolinguistic diversity: minimalism, antisymbolism, and revisability. Minimalism, as indicated in the quotation above, requires that all its citizens aim for a working knowledge of the language of the state. The justification for this (Weinstock 2003: 268) is that 'effective communication [is] the only independent linguistic goal that states [can] legitimately pursue, [and so] states must use the least invasive means possible in its attainment'. Antisymbolism requires that states privilege certain languages by virtue of their 'pragmatic efficiency' and thus 'no symbolic significance is to be attached to the state's linguistic choice'. Revisability, in turn, refers to the condition that if the state is to be consistently committed to using language for maximizing effective communication with its citizens, it must be open to the possibility 'that its use of language may have to change so as to reflect the changing linguistic make-up of society' (Weinstock 2003: 268).

These principles undoubtedly represent ideals that are not always easy to realize. But while these principles represent the minimum conditions under which it becomes possible for states and citizens to communicate with each other, the different parties must also believe that their views are being seriously considered and

discussed rather than being given a mere pro forma airing. The latter situation will only lead to disenchantment with the communicative process itself and the possible withdrawal of the disillusioned parties from public deliberation. As Bonham (1996: 107) points out, 'If members of a minority believe that their views are never a recognizable part of the outcome of deliberation, eventually they no longer may be willing to cooperate in political problem solving—and rightly so, since such a deliberative process cannot be a public activity for them'.

With the foregoing in mind, we are now ready to discuss specific cases. And as we shall see, (i) states that approximate these principles are in a better position to manage the demands of ethnolinguistically diverse societies than states that do not, and moreover (ii) talk of language rights tends to make it more difficult for states to approximate these principles. We begin our discussion with the struggle for Tamil autonomy in Sri Lanka.

SRI LANKA: THE STRUGGLE FOR TAMIL AUTONOMY

What is notable about Sri Lanka is that its citizenry was considered among the best educated in Asia and its highly developed democratic political system had been successfully put to the test in four general elections since the country's independence from British rule in 1947 (Dent 2004: 76), all of which seemed to indicate that, despite occasional tensions between the two major ethnic groups—the majority Buddhist Sinhalese and the minority Hindu Tamils—there was every reason to be optimistic about the country's future.

However, Sinhalese resentment at what was seen as Tamil overrepresentation in the education system, the civil service, and the economy led to the implementation of state-sponsored policies that discriminated against ethnic Tamils. For example, Sinhalese applicants were able to gain admission to the university with lower standards than their Tamil counterparts; Tamil civil servants who were unable to speak Sinhala were forced into early retirement; and, most significantly perhaps, the constitution was amended to remove the guarantee of minority rights (Sowell 2004: 86–87).

Such discriminatory policies also included language policies that privileged the Sinhala language and its speakers over that of Tamil. For example, as noted in chapter 2, the ethnic conflict between the Sinhalese and the Tamils was exacerbated by Bandaranaike's 'Sinhala only' policy, which in turn led the Liberation Tigers of Tamil Eelam (LTTE) to respond with their own 'Pure Tamil' policy. Clearly the tense relations between the two ethnic groups has not been helped by the formulation of strongly exclusivist policies that aim to promote one group's language, culture, and identity, often at the expense of the other.

Under these circumstances, the resulting resentment on the part of the Tamil minority is not unexpected. And in retrospect, perhaps the increasingly violent nature of the conflict was not a surprise either. As Sowell (2004: 87) points out:

Declining prospects for education and employment now facing many Tamils—especially the young, looking forward to university education and professional careers—led to protests. Although these were peaceful protests in the tradition established by Gandhi in India, in the frenzied atmosphere whipped up by Sinhalese politicians and Buddhist monks, these protests led to Sinhalese mob attacks on Tamils. Despite the absence of race riots between these two groups in the first half of the twentieth century, a number of such riots erupted from 1956 to 1958, but these were only the first in what would become a long series of bloody and lethal riots in the years ahead. Trains and cars were stopped by angry mobs, their passengers assaulted and some burned alive. Such horrifying scenes would be repeated many times in outbreaks of riots over the years.

The resulting conflict was propelled by a growing belief that justice for the Tamils would never be achieved in Sri Lanka (Dent 2004: 78). For the most powerful of the Tamil resistance movements, the Tamil Tigers, the goal became secession—it was believed that only the creation of an independent Tamil state could secure the Tamil identity, including its language. The relationship between the two ethnic groups can thus be described without exaggeration as one where any public deliberation concerning the possibility of a joint future has been largely abandoned, at least where the Tamil Tigers are concerned.

Over the years the interethnic struggle, particularly as manifested by conflicts between the Sri Lankan army and the LTTE, has intensified to the point where thousands of ordinary citizens on both sides have lost their lives. Bombings, assassinations, and the breakdown of a number of peace talks have been tragically and depressingly all too common. But the violence has not always been directed at members on the other side. Coethnics, too, have been targeted if they are perceived as not being sufficiently faithful or true to the cause of furthering or protecting ethnic rights. For example, the claim of authenticity represents a critical component of the Tamil Tigers' push for an extremist Tamil only and pure Tamil movement (Canagarajah 2005), and forms part of the justification for violence. As Dent (2004: 80) observes, 'the Tigers practiced widespread assassination of rival leaders, insisting that they are the sole authentic representatives of the Tamils'.

The Struggle for Equal Rights

It is not an accident that the group most vocal about Tamil rights, the Tamil Tigers, is also the group least willing to compromise on its demands. The discourse of rights is used to present a stance that frames (Lakoff 2004; Schön 1993) the Tamil Tigers' demands as not open to negotiation or compromise. Once presented in the form of rights, these become demands that must be respected. Failure to do so implies that rights have been violated. In this way, the use of the discourse of rights tends to overshadow the actual demands themselves, affecting the tenor of the relationship between the Tamil Tigers and the Sri Lankan government by

making it that much harder for deliberation to take place and some kind working agreement to be arrived at.²

Consider, for example, the following extract, taken from a ‘Heroes Day’ speech delivered by the LTTE chief V. Prabhakaran on November 27, 2004 (italics added).³ In this extract, Prabhakaran draws on the notion of rights a number of times, when he refers variously to ‘linguistic rights’, ‘equal rights’, ‘the right to self-determination’, and finally, ‘the right to secede’.⁴

I do not wish to elaborate here the bitter historical experience of political negotiations we have engaged in with the Sinhala political leadership for more than fifty years to resolve the ethnic problem of the Tamil people. This is a political truth deeply buried in the collective psyche of the Tamil nation. Over a long period of time, we had talks on *linguistic rights, on equal rights*, on regional autonomy, on federal self-rule and entered into pacts and agreements, which were later torn apart and abrogated. Our liberation organization is not prepared to walk the path of treachery and deception once again.

The Sinhala political organizations and their leadership, which are deeply buried in the mud of Sinhala–Buddhist chauvinism, *will never* be able to comprehend the political aspirations of the people of Tamil Eelam. *None* of the major Sinhala political parties are prepared to recognize the fundamentals underlying the Tamil national question. *None* of the Sinhala political organizations is prepared to accept the north-eastern region as the historical homeland of the Tamil-speaking people, that the Tamils constitute themselves as a distinct nationality and that they are entitled to *the right to self-determination, including the right to secede*.

The rhetorical purpose served by Prabhakaran’s use of the discourse of rights here is twofold. One, it is used to frame specific demands so that the demands for equality or self-determination, for example, are presented as rights rather than, say, as needs, requests, or obligations on the part of the Sri Lankan government (referred to here as the ‘Sinhala political leadership’) or even desiderata that might be of mutual advantage. Two, the framing of the demands as rights implies that if these demands are not met, then they can be said to have been violated. This violation of rights then further rationalizes the escalation of the Tamil Tigers’ demands from those that initially presuppose some joint effort at deliberation to those that assert the pointlessness of any continued discussion. Thus Prabhakaran makes an early reference to ‘linguistic rights’ and ‘equal rights’, contextualizing these in

2. As noted (see chapter 9), this is not to suggest that the notion of rights should never be used. Rather, the value and advantage of rights lies precisely in cases where a strong stance is appropriate, as in discussions about basic human rights such as freedom from torture. But such a strong stance is counterproductive in the case of language.

3. <http://www.satp.org/satporgtp/countries/shrilanka/document/papers/heroday2004.htm>, accessed June 22, 2008.

4. While it may be conceptually possible to distinguish different kinds of rights, it is not feasible in actual cases to expect particular rights (such as language rights) to be discussed in isolation from other kinds of rights (such as the right to self-determination or education). This is of course an indication of the multidimensionality and complexity of actual human circumstances, so that the demand for one kind of right may tend to lead to the demand for some other right as well. This is a point also acknowledged by language rights advocates (Phillipson and Skutnabb-Kangas 1995: 483).

relation to ‘talks’, ‘pacts’, and ‘agreements’. But the later reference to ‘treachery’ and ‘deception’ suggests that such ‘bitter negotiations’ have not been satisfactory, thus rationalizing the reference to ‘the right to self-determination’ and ‘the right to secede’, at which point there is no longer any assumption that Sinhalese and Tamils can realistically hope to coexist within the same society. This is also made explicit by the lack of mitigation markers, as seen in Prabhakaran’s assertions that the Sinhala political parties ‘will never be able to comprehend the political aspirations of the people of Tamil Eelam’ and that none of the parties are prepared to accept or recognize Tamil claims for a historical homeland.

And it is precisely this claimed right to secede that is a sticking point for the Sri Lankan government, even though it is willing to recognize and negotiate on various other rights, as indicated in the following extracts from a speech given by Chandrika Bandaranaike Kumaratunga, then president of the Republic of Sri Lanka, to the Asia Society (September 20, 2004, italics added):⁵

In Sri Lanka, my government is making serious efforts at resolving a conflict that has arisen from the demands of one ethnic community—the Tamils—for equal rights and the continuous neglect of the frustrations of the Tamil people by all governments since Independence.

We are looking at an extensive form of devolution of power, with a high level of democratic participation in decision making, law making and governance by the regional authorities or the devolved units. We do not believe that the *dismemberment of the Sri Lankan State*, demanded by the LTTE through the employment of terrorist means, would in anyway be a solution to the Tamil peoples’ problems.

We believe in a just peace, which means *not only the just rights of one community or one group within that community, but the just rights of all Tamil people, as much as all other citizens*. We believe in a democratic and pluralist polity that rests on the bedrock of the Rule of Law and the *guarantee of human rights* in every corner of the country.

In the Sri Lankan case, *my government was the first to publicly accept that the Tamil people have undergone discriminatory and unjust treatment by consecutive governments*, although we do not accept and cannot in anyway condone, the extreme responses of one group claiming to represent the Tamil people. If the government is to turn them away from this extremism, we believe that we must begin with finding solutions to the main reasons that generated the conflict.

In this speech, we see an acknowledgement that there has been a history of institutionalized discrimination against the Tamils, a willingness to recognize Tamil rights which must, however, be asserted in the context of a pluralist society, and concomitantly, the flat rejection of the LTTE’s claim to the right to secede on the grounds that this will mean ‘the dismemberment of the Sri Lankan State’. The issue of secession, then, is nonnegotiable on both sides of the conflict. Framing

5. <http://www.asiasociety.org/speeches/kumaratunga04.html>, accessed June 22, 2008.

secession as a right rather than an outcome, condition, or option that one reluctantly considers as a last resort only serves to exacerbate an already extremely tense situation, since it immediately encourages the characterization of any attempt by the Sri Lankan government to avoid secession as a ‘rights violation’. However, it is clear that secession need not, in principle, be framed as a right in the first place. To take a brief example, when Singapore left the Federation of Malaysia, this ‘secession’ was framed as a metaphorical divorce undertaken as a last resort, as political leaders on both sides attempted to portray themselves as reluctantly being forced into bringing about this separation of countries (Wee 2001).

If we return now to Weinstock’s (2003) principles of minimalism, antisymbolism, and revisability, we can see how all three principles become difficult to adhere to once the idea of rights, including language rights, enters the picture. Asserting the right to a specific language on the basis that it is needed to protect either a Tamil or a Sinhalese identity and culture immediately means that this right (as well as other associated rights that might then be claimed) are already grounded in symbolism, as markers of a group identity that needs to be protected in relation to the language and identity of an opposing other. This leads in turn to the formulation of highly exclusivist notions of language purism on both sides of the conflict, with the consequence that minimalism and revisability are also jeopardized. Minimalism is jeopardized because the acquisition of Sinhala or Tamil is not rationalized as a working language necessary to engage in deliberations with the state, but is instead presented as a language that is emblematic of patriotism. As we saw in chapter 2, Tamils under the rule of the LTTE in particular are expected to embrace the use of their language in the strongest possible terms. The expectation of language purism brooks no code mixing, so that even coethnics can be penalized should they fail to display the proper ‘respect’ for the language.

The Sri Lankan situation thus represents a case where the struggle for rights, including language rights, has led to a situation where the minority group, as represented by the LTTE, feels that the ‘Tamil question’ can never be resolved in the context of a society that remains under Sinhalese political leadership. And, in fact, the tension and violence between the Sri Lankan government and the Tamil Tigers shows little sign of abating. Recently the Sri Lankan army was reported to have attacked the town of Kilinochchi, reputed to be the headquarters of the Tamil Tigers (‘End of the line for Tamil Tigers?’ *The Straits Times*, January 6, 2009). There are now suggestions that the Tamil Tigers will be wiped out, giving the Sri Lankan government total control across the country, thus possibly ending a war that has been going on for about 25 years and claiming almost 100,000 lives.

According to Varatharaja Perumal, the only Tamil leader to hold the post of chief minister in the northeastern province, ‘The LTTE has been a hindrance and impediment to any political solution . . . everyone said “Talk to the LTTE”, though the Tigers were never interested in talks’ (‘Tamil Tigers in the jaws of defeat’, *The Sunday Times*, January 25, 2009). But if the LTTE are truly weakened and eliminated as a political and military force, then there is going to be even greater pressure on the Sri Lankan government to resolve the ethnic tensions between Tamils and Sinhalese, since any subsequent problems can no longer be attributed to the

LTTE. For example, Dharmalingam Sitharthan, the leader of a former Tamil militant group that has since given up armed struggle, observes that ‘Every government in the past had used the LTTE as an excuse to deny devolution of powers to the Tamils. The government should now seriously move in that direction’ (‘Tamil Tigers in the jaws of defeat’, *The Sunday Times*, January 25, 2009). In other words, the need for some form of public deliberation that results in a satisfactory state of affairs will become even more urgent in a post-LTTE era lest disenfranchised Tamil activists be tempted to return to a more militaristic approach.

One important factor concerns how the government handles the international support that the Tigers have enjoyed. This will not be an easy task, since much of the support for the Tigers’ military struggle has come from funds raised by the Tamil diaspora, with many Tamils based in Canada, Europe, the United States, and Australia providing between US\$120 million and US\$360 million a year (‘Reach out to Tamil civilians’, *The Straits Times*, February 4, 2009). In addition to fund-raising, Tamil activists commenting from outside Sri Lanka via the Internet and its associated technologies, such as text messaging, blogging, and on-line chat rooms, can be quite influential in shaping public opinion and rousing social movements through the cultivation of ‘cyber-publics’ (Ong 2006). Because such cyber-publics are not constrained by the physical confines of territoriality, they can be used to mobilize a ‘diasporic identity’ that can offset the numerical disadvantage of ethnic minorities within a nation-state, as has been the case with the support enjoyed by the LTTE. However, as Ong (2006: 55) observes, cyber-publics also serve as ‘a kind of placeless political watchdog’ and increase the danger of ethnic chauvinism, since such individuals can post comments with a relative lack of responsibility or fear of consequence. Needless to say, engaging with these cyber-publics and mitigating any chauvinism will require that even greater attention be paid to the roles of discourse and deliberation.

In the next section we examine the case of Malaysia, where, as in Sri Lanka, the issue of language rights also predominates. Although Malaysia has not descended into the kind of violent clashes that have plagued Sri Lanka, there are nevertheless significant tensions that are becoming increasingly difficult to ignore.

MALAYSIA: THE BUMIPUTRA POLICY

The bumiputra policy in Malaysia provides special recognition of the rights of the ethnic Malays, on the basis that, as the ‘original or indigenous people’, they are entitled to specific consideration and privileges vis-à-vis other ethnic groups. This is especially clear in the following statement made by Mahathir Mohamad, Malaysia’s longest serving prime minister (1970: 33, italics in original):

We are now in the process of building a new nation which is to be an amalgam of different racial groups. The form of this new nation and this new citizenship must be such as to satisfy all the constituent races. An understanding of the relative rights and claims of each race is important if we are to avoid the differences which selfish racial

prejudices will engender . . . *I contend that the Malays are the original or indigenous people of Malaya.*

Despite their status as the ‘original people’, Malay control over their homeland had been weakened by British colonial policy on migrant workers, which had preferred to employ non-Malay workers, especially the Chinese. This historical exclusion from particular forms of employment has been held responsible for the Malays’ relative lack of economic power when compared to that of other ethnic groups.

On this basis, it is argued that it is both inappropriate and unjustifiable that this original ethnic group should be economically weak or less prosperous than the other ethnic groups in the country. As a consequence, even though the importance of Malay rights was codified in the Malaysian constitution in 1957, a refinement was implemented in 1970 in the form of the New Economic Policy (NEP). Under the NEP, ‘Malays were not only given special rights in administration and education but also in terms of language and culture’ (Rappa and Wee 2006: 33).

In 1971, an amendment to the Constitution further stated that the status of Malay as the official language and the status of other languages as nonofficial but merely tolerated ‘may no longer be questioned, it being considered that such a sensitive issue should forever be removed from the arena of public discussion.’ Thus, purely by fiat, the political, economic, and language rights of the Malays has been deemed an issue that is to be considered settled and barred from public discussion. This essentially means that any likelihood of revisability regarding the status of the Malay language and its other associated rights is out of the question. The possibility that changing socioeconomic or cultural conditions, such as improved Malay economic prosperity, might require a revisiting of the issue has essentially been foreclosed.

However, despite this attempt to forestall any dispute over Malay rights, the bumiputra policy has continued to prove contentious over the years, so that in 2001, the opposition political party, the Democratic Action Party, issued the following statement during a press conference (Penang, May 28, 2001; see Rappa and Wee 2006: 44):

a narrow attitude that bumiputra students must be helped at all cost, even at the expense of other citizens who are high achievers in public examinations . . . It does not make sense for Education Minister Tan Sri Musa Mohamed to propose that the much disputed quota system be extended to the private sector which would further curb the limited opportunities available to non-bumiputra.

And even as recently as 2008, the Malaysian government had to assert that key elements of the NEP would not be removed because bumiputras have yet to achieve the 30% equity target, since their share of the economy was still estimated at only 19% ‘and there was no increase since 1990’ (‘Key elements will stay’, *The Nation*, October 31, 2008). Interestingly, in the same article, another member of the government, the United Malays National Organization (UMNO) Youth Chief

Datuk Seri Hishammuddin Tun Hussein, was quoted as suggesting that even if the 30% target had been achieved, this would not be considered a sufficient reason for revisiting the NEP, especially when the country was facing an economic downturn: 'What's the use of getting rid of the 30% equity and getting 100% if the economy is growing smaller?'

Once again, this points to the fact that the privileges accorded to the language and culture of a particular ethnic group are not easily given up once entrenched in the discourse of rights. Language rights are not easily dismantled because there is almost never any consensus that the purposes they were intended to serve have indeed been achieved, and also because political parties have a vested interest in clinging to such rights in order to enjoy the concomitant benefits (chapter 1).

The NEP, however, has proven to be controversial not just with non-Malays. It has been a cause for concern even within the Malay community itself. The policy is intended to benefit bumiputras over nonbumiputras, but has come under intense scrutiny because it is unclear if bumiputras as a group are indeed benefiting from the policy (as is supposed to be the case) or whether it is primarily the Malay elites who are gaining an advantage. It has been observed that 'some of the NEP's harshest critics now are in fact Malays' and 'Malay dissatisfaction has increased with growing awareness that better-off and politically connected Malays benefit disproportionately from the NEP' ('Affirmative action in Malaysia', Barry Wain, *The Straits Times*, July 24, 2009). Thus a member of the ruling coalition, Datuk Seri Ong Tee Keat, president of the Malaysian Chinese Association, has suggested that the plight of Malays on 'the lower rung of society' needs to be more carefully examined ('Tee Keat: Have the Malays ever benefited?', *The Nation*, October 31, 2008):

The pertinent question to be asked now is: Have these people ever benefited from the NEP in the past three decades? . . . This question is no longer a hypothetical one purportedly raised by non-Malay elites only. In reality, this has been the common question asked by the Malay masses . . . As such, the NEP advocates, particularly those who labeled themselves as the custodians of their communal rights, should spend more time responding and addressing their own brethren's doubts.

In addition to controversies surrounding the general issue of Malay rights, there have also been problems relating to the Malay language. The highly symbolic role that Malay occupies in Malaysia means that it is constantly in tension with the English language as well as other languages such as Mandarin and Tamil. One arena in which the tension with English is played out is the media. For example, despite the fact that English newspapers have a lower circulation than their Chinese and Malay counterparts, they have a stronger or at least comparable influence because their readership tends to be better educated and in positions of power (Pennycook 1994: 213). English is also widely used on television and is seen as the medium through which Western values and ideas are transmitted to Malaysians, mainly via American entertainment programs. Despite early predictions that the influence of English would diminish (Asmah Haji Omar 1987), the

overall pattern has actually been toward an increase in English language programming. Pennycook (1994: 215) suggests that this is due to the corporatization of the government broadcasting body and the concomitant need for financial accountability, which has made ‘American movies and TV programs . . . a far better financial proposition than locally made programs’. Perhaps more interestingly, Pennycook (1994: 215–16) observes that the government’s ban on the direct advertising of cigarettes has forced advertisers to

make connections between the brand names and images of desirable life-styles through European elegance or Californian fun. This sets up connections between what is desirable, what is modern, what is elegant, what is chic, the foreign context of these desires, and the English language . . . The language of the United States, of development and modernity, of excitement and youth, comes with the images of European elegance, American leisure and so on, reinforcing each other.

As the national and sole official language, the status and value of Malay should be at least equivalent to that of English. But the indexical associations that English has with modernity, elegance, and sophistication means that even if speakers of Malay were to consistently outnumber speakers of English, there is a battle being waged on the sociocultural front where English continues to pose a symbolic ‘threat’.

The relationship between Malay and Mandarin is no less problematic, since many Chinese Malaysians prefer to send their children to Chinese medium schools rather than national type schools where the medium of instruction is Malay, as demonstrated by the protests from the Chinese community over the introduction in the early 1970s of Malay as the language of instruction. The consequence of this preference for Malay or Chinese as the medium of instruction has been the production of Malaysian graduates with questionable proficiency in English, many of whom are unable to find employment. As a result, there has been a split between the public and private sectors, with Malay being used primarily in the former and English in the latter (Citavelu 1985). Pennycook (1994: 201) observes that ‘those educated in the Malaysian university system tend to be regarded as second-class students, and thus have more difficulty finding top jobs, especially in the private sector, while the overseas-educated remain a social and economic elite’. And more recently, a newspaper report (‘Good sense held hostage to politics’, *The Straits Times*, January 14, 2009) estimated that more than 50,000 of the country’s graduates are unemployed—many of whom are ‘poor, female, Malay and cannot speak enough English to hold a two-minute conversation in the language’.

To its credit, the Malaysian government is aware that lack of English language proficiency poses a problem for the country’s graduates. It was precisely this concern with employability that led the Malaysian government, in 2003, to introduce a language policy where mathematics and science were to be taught in English. A year before the policy’s introduction, in 2002, in the face of heated debate, then prime minister Mahathir Mohamad tried to reassure Malaysians that this move

would not undermine the culture of any specific community. But even this deliberately limited role for English has met with resistance, as some Malaysian states, notably those under the rule of the opposition party, Pakatan Rakyat, have lobbied for mathematics and science to be taught in Malay, on the grounds that using English was ‘a blow to the “sanctity of Bahasa Malaysia” as the national language’ and has ‘created problems for both teachers and students, especially from the rural areas’ (‘Pakatan states oppose English in class’, *The Straits Times*, January 14, 2009). The call for a move away from English is not limited to the opposition. Even members of the ruling coalition have called for a move toward the ‘mother tongue’: the Malaysian Chinese Association and the Malaysian Indian Congress, respectively, want Chinese and Tamil to be used for teaching mathematics and science (‘Six years later, language debate rages on’, *The Straits Times*, January 16, 2009). By July 2009 the Malaysian government announced it was abandoning the use of English for teaching math and science, despite the fact that many parents and employers wanted English to be retained (‘Malaysia Ends Use of English in Science and Math Teaching’, Liz Gooch, *New York Times*, July 8, 2009). The *New York Times* article quoted a political commentator, James Chin, as remarking that the government had ‘decided to buckle under the pressure from the Malay nationalists who argue that by teaching students in English you are neglecting the position of the national language’.

To sum up, despite the Malaysian government’s attempts at silencing debates over the bumiputra policy, the policy has become even more contentious, not just with nonbumiputras, but among the bumiputras themselves. A significant reason why the issue of bumiputra rights remains inherently contentious is its relativistic nature, where the fundamental rationale for the policy involves the comparison of how ethnic Malays are faring vis-à-vis other ethnic groups and how the Malay language is doing vis-à-vis other languages, particularly English—an issue that merits further discussion, which I take up in the next section.

The Relativistic Nature of Bumiputra Rights

Claims concerning group rights in the context of ethnolinguistically diverse societies tend to be competitive in nature. One group is moved to argue for the recognition of their rights on the grounds that in comparison with some other group, the former is more disadvantaged than the latter. It is worth noting that this is a problem that arises in the context of group rather than individual rights. This is because individual rights, particularly when understood as referring to basic human rights, are measured against criteria whose standards are expected to apply equally to all individuals on the basis of their universal personhood.

It is patently not the case that one individual’s right, for example, the right not to be tortured, has to be measured against some other individual’s experience of torture, such that what counts as nontorture for one individual is somehow dependent on the reactions and experiences of some other individual. In contrast, the call for group rights in order to protect a group’s language and culture is motivated

from the very first instance by perceptions of comparative well-being. Thus, as the label ‘minority language rights’ (see chapter 3) indicates, the impetus for recognizing the rights of a minority group arises from the argument that this particular group’s language and culture is not accorded the *same level* of privilege enjoyed by the dominant group. However, we have also seen that it would be a mistake to ignore the fact that groups are seldom homogeneous, so that what is perceived to be the same level will tend to differ across individual members. This means that we can expect this tendency to compare to recur even within the group itself, with the consequence that there is unlikely to be any consensus on whether the group privileges that are supposed to be enjoyed by the accordance of rights have indeed been properly distributed among the members.

All these points emerge with particular clarity in the case of Malaysia’s bumiputra rights. Recall that these rights are supposed to accrue to ethnic Malays on the basis that in comparison with other ethnic groups, the Malays are the ‘original people’, and relative to other groups, the Malays are not as economically powerful. This comparative orientation is therefore an essential aspect of how the bumiputra rights are understood in any kind of public discourse, so that arguments for maintaining, fine-tuning, or even dismantling the policy are almost always presented by looking at how the Malays are faring in relation to the other ethnic groups. Not surprisingly, such a comparative orientation encourages the other groups to look back and compare themselves with how the bumiputras are doing, leading to a never-ending cycle of arguments over who is doing better than whom, and at whose expense.

We can see evidence of this in the aftermath of the recent 2008 Malaysian elections, where unhappiness over the issue of bumiputra rights was considered a key contributing factor, such that the ruling party suffered serious losses, leaving it without its two-thirds majority in parliament for the very first time since 1969 (‘Malay rights a hot issue in Malay press’, *The Straits Times*, March 21, 2008). In the postelection discussion, it became clear that the ruling party had lost votes among Malay as well as Chinese and Indian voters. But while ‘the swing against the BN among Chinese and Indian voters was widely expected, given the tensions over race and religion ahead of the polls, the shift of Malay votes to the opposition was not’ (‘Malaysia: Rocked by polls result?’, *The Straits Times*, March 10, 2008). That is to say, the Chinese and Indians were attracted to the opposition because of its electoral platform calling for a more multicultural approach to Malaysian politics. But ethnic Malays who voted against the ruling party were doing so for a different reason: they were expressing their unhappiness over the way in which the NEP had been implemented. In short, there was disgruntlement internal to the Malay community over what was perceived as a lack of equitable distribution (‘Malaysia: Malay rights a hot issue in Malay press’, *The Straits Times*, March 21, 2008).

This public debate over Malay rights subsequently led a member of the Malaysian royal family to intervene, not only by defending the special rights of the Malays, but also by suggesting that such rights were a condition affecting the citizenship status of non-Malays. Thus the Crown Prince of Kelantan was said to

have asserted unequivocally that the other ethnic groups were not entitled to the same treatment as the Malays ('Prince's speech sparks renewed debate on Malay rights', *The Straits Times*, April 16, 2008):

No one should question the special rights and privileges of the Malays because it is quid pro quo in return for providing citizenship to 2.7 million people of other races who joined the Malay Federation. It is not appropriate for the other races to demand equal rights and privileges after they have already acquired citizenship.

This statement was an attempt to quash any further expressions of dissatisfaction with the bumiputra policy, and unsurprisingly it provoked some heated responses, with the Malaysian Chinese Association president, Ong Ka Ting, suggesting that

For the past 50 years, the various races have worked hard together to attain the goals of nation-building, for which they have also contributed vastly to the country's development. As such, they too have equal rights as enshrined in the Constitution. The statement by the Tengku is inconsistent with the Barisan Nasional's stand on racial unity which stands for fair and equal partnership.

However, an editorial published in *Utusan Malaysia*, a newsletter of UMNO, the most important member party of the ruling coalition, showed support for the prince's remarks, urging Malays to understand that there was a need 'to prevent Malay hegemony from being eroded' since 'this hegemony, which included Islam as the official religion, Malay as the national language, and Malay kings as constitutional monarchs, was now being "blatantly challenged"' ('Prince's speech sparks renewed debate on Malay rights', *The Straits Times*, April 16, 2008).

Some eight months later, the issue of Malay rights was still being hotly debated, with some 1500 protesters from a group of twenty Malay organizations rallying to call on Malay rulers to 'revoke the citizenship of Malaysians who dispute Malay special rights' ('1500 rally to defend Malay rights', ISA-Malaysia-Kini).⁶ Banners displayed by the protesters carried slogans such as 'Kesabaran Melayu Ada Batas' (Malays' patience has limits) and 'Jangan Pertikaikan Hak Orang Melayu' (Don't dispute Malay rights) ('1500 rally to defend Malay rights', ISA-MalaysiaKini).

These heated debates show that both the ruling and opposition coalitions are likely to be facing the same political conundrums regarding the issue of Malay rights. Both coalitions will have to continue trying to get non-Malays to accept the legitimacy of bumiputra rights while also trying to assure ordinary Malays that the policy does not merely advantage the bumiputra elites. To better appreciate the difficulties involved, I return briefly to the example of language use in the schools and the attempt to have math and science taught in English. This example serves to highlight a dilemma in the way that the notion of bumiputra rights is

6. <http://www.corruptedbarisannasional.blogspot.com>, accessed 20 January 2009.

understood by different segments of the Malay community. Recall that one key reason given as to why the Malay community deserves special privileges is the need to compensate for their current lack of economic power, which in turn has been attributed to policies instituted during British colonial rule. For the government, the introduction of English for math and science is one way to help address this problem, by improving the employability of Malaysian graduates in general. But—and herein lies the dilemma—this initiative has been met with resistance from many Malays, on the grounds that it threatens the ‘sanctity’ of the Malay language. Yet, given the global economic system, it is not easy simply to hope that the economic competitiveness of Malaysians, and Malays in particular, can be improved if there is a refusal to improve their knowledge of English.

It is worth making a number of observations at this point. One, notice that we are not even talking about a language that could be reasonably described as ‘endangered’ or ‘a minority language’. But because there is a perception that the status of the Malay language is under threat, even the highly limited role that has been proposed for English by the government (themselves supporters of the notion of bumiputra rights) has been deemed unacceptable. Two, it is perhaps fortuitous that the other ethnic groups have also reacted in the same manner as the Malays, by decrying the introduction of English and calling instead for Mandarin and Tamil to be used as the medium of instruction. Had these other groups decided to embrace the use of English, it is likely that, over time, the economic disparity between the Malays and the other ethnic groups would be further widened rather than narrowed, thus possibly increasing ethnic tensions. Three, if the converse had been the case, that is, English had been embraced by the Malays while being rejected by the other ethnic groups, this could have possibly provided the Malay community with an opportunity to actually narrow the economic gap between them and the other groups. As things stand, this is an opportunity not being grasped.

The issue of bumiputra rights in Malaysia, then, highlights the question of how speakers of indigenous languages can ‘embrace the new languages in which they must now evolve economically’, while bearing in mind that the proposed use of English for math and science hardly amounts to a situation where the language can be said to be ‘encroaching on domains formerly reserved to their ancestral vernaculars’ (Mufwene 2002b: 386). It would be unrealistic to expect one’s vernacular—be it a national language such as Malay, or some other language such as Mandarin or Tamil—to suffice if the concern is both economic viability and pride in one’s cultural heritage. In Malaysia, the fear that any step toward English will immediately undermine the role of Malay is a strong one, as seen in this remark from a Malay reader concerned about the increasing dominance of the Chinese in the Malaysian state of Penang, who expresses his hope that the ‘Malay opposition leaders would safeguard the rights of their community’ (‘Malaysia: Malay rights a hot issue in Malay press’, *The Straits Times*, March 21, 2008): ‘Just look at what will happen to Malays in Penang. I feel the state will become a second Singapore if the government does not stand firm’.

This reference to neighboring Singapore provides a useful segue into our third and final case study. Singapore has a very different language policy than

Malaysia, one where English language dominance is encouraged and also where there are no special rights accorded to any particular ethnic community.

SINGAPORE: THE COMMITMENT TO MULTIRACIALISM

Singapore became independent in 1965 after leaving the Federation of Malaysia because of political differences between the Singapore government and the central government. A key difference concerned the issue of whether ethnic Malays ought to be granted special rights. Singapore's position, as articulated by Lee Kuan Yew, was that the granting of special rights would do little to improve the status of Malays and would, in fact, create more problems for the overall management of ethnic relations. In a speech to the Federal Parliament on May 27, 1965, while Singapore was still a member of the federation, Lee made the following points (see also Rappa and Wee 2006: 78):

This is a very dangerous thing, leading people to believe that if we just switch in 1967 from talking English in the courts, and in business, to speaking Malay, therefore the imbalance in social and economic development will disappear. It will not disappear. How does our talking Malay here or writing to the ministers of the federal government, both Malays and non-Malays, in Malay, how does that increase the production of the Malay farmers? . . . If we delude people into believing that they are poor because there are not Malay rights or because opposition members oppose Malay rights—where are we going to end up? You let people in the kampongs believe that they are poor because we don't speak Malay, because the government does not write in Malay, so he expects a miracle to take place in 1967. The moment we all start speaking Malay, he is going to have an uplift in the standard of living, and if it doesn't happen, what happens then?

The debate over the granting of special rights to Malays contributed to Singapore's separation from the federation just a few months later. But because Singapore has no natural resources of its own, its leaders were convinced that economic survival would be possible only as part of the federation, and accordingly, they had worked hard to bring that about. Singapore's subsequent departure from the federation meant that its leaders were faced, quite suddenly, with the task of building a nation out of a racially diverse population and developing the nation's economy without access to any natural resources.

This led Lee to emphasize the need for self-sufficiency, the role of the state being to provide individuals with the skills they need to be economically independent. This emphasis on economic development translated into a correspondingly strong emphasis on learning English. Because of the country's ethnic and linguistic diversity, the promotion of English had to take into account the presence of Singapore's other languages and the feelings of the speakers of those languages. To a large extent, Singapore's language policy is informed by the need to manage

ethnic diversity and to achieve rapid economic development in the absence of natural resources. In fact, as Lee makes clear in a discussion of the effects of Singapore's separation from Malaysia, the Singapore government is extremely conscious of the need to deal carefully with matters of language and race:

I think it is not possible for all of us, for any of us who have been through that period, not to have been tempered by bruising battles. We got to know people in the raw . . . what they were fighting over, why they wanted power, how they exercised power on behalf of ethnic groups. Race, language, religion became dominant themes in all these issues. So all our lives since then we have been extremely conscious that we've got to make sure that this does not take place in Singapore. We must never allow race, language, religion to dominate our politics because it will bring disaster upon us. So Chinese chauvinism was just not on. We made a decision to move away from any such tendency. Deciding on English as the working language was the first decision we had to make. We left Malay as the national language. We left the national anthem alone. We allowed the [military] commands to carry on in Malay, but we moved over to English as the working language. It was the first move, one of the first fundamental decisions we made within a few weeks of separation because we've got to have a working language. Before that, we were working on Malay as the national language. After that, we had to link up with the outside world and we decided on English. (Han et al. 1998: 81–83)

In order to maintain harmony among Singapore's ethnically diverse population, the government's position has been and continues to be that there must be respect and equal treatment accorded to each ethnic group. In fact, Lee Kuan Yew strongly believes that the need to maintain ethnic and cultural distinctiveness is a primordial instinct. In Lee's view (in Han et al. 1998: 163–65), any policy that tries to force different 'tribes' to submerge their differences can only lead, in the end, to insurgency. The state is thus resigned to the fact that ethnic and cultural distinctiveness cannot be ignored, which means that some form of social cohesion must be attempted that does not require different groups to give up their language or culture. This constitutes the very heart of Singapore's policy, which aims to ensure equality of treatment for the various ethnic communities (see chapter 2).

Notice that this scheme of things strives precisely to avoid singling out an ethnic group for special rights.⁷ In fact, compared to Sri Lanka and Malaysia, the

7. The Constitution of Singapore (Article 152) does make reference to the 'special position' of the Malays:

Minorities and Special Position of Malays.

It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore. The Government shall exercise its functions in such manner as to recognize the special positions of the Malays who are the indigenous people of Singapore and, accordingly, it should be the responsibility of the Government to protect, safeguard, support, foster, promote their political, educational, religious, economic, social and cultural interests and the Malay language.

However, it is important to note that Article 152 specifically avoids any reference to rights, and in particular to the Malays enjoying rights that might distinguish them from other ethnic groups. The purpose of Article 152 was to reassure the Malays, especially in the aftermath of Singapore's departure from the federation, that they were not

notion of language or even cultural rights is muted to the point where it is practically absent from Singaporean public discourse. This is because access to English and knowledge of the official mother tongue are the result of mandates by the state, based on its own assumptions about the nature of ethnic primordialism rather than the consequence of claims arising from the citizenry, although considerations involving the ethnolinguistic makeup of the latter obviously factor into the former. To be specific, the government decides what an individual's official mother tongue is depending on the ethnicity of a child's father. For example, we have seen that the official mother tongue for a Chinese Singaporean is Mandarin, for a Malay Singaporean is Malay, and for an Indian Singaporean is Tamil. A child born of mixed parentage, say, a Chinese mother and a Malay father, will be classified officially as being ethnically Malay, and thus will have Malay registered as his or her mother tongue. In such a situation, it does not really matter what language a person grows up speaking at home, what language he or she feels most comfortable with, or whether it is the mother's ethnic identity—rather than the father's—that he or she identifies with more. He or she is expected to be proficient in his or her assigned mother tongue, and a lack of the expected proficiency can adversely affect his or her chances of moving up the educational ladder, since continued admission to higher educational levels is dependent on passing mother tongue school examinations.⁸ Also, by declaring what the officially acceptable mother tongues are, the government has excluded other languages as possible mother tongues—the most notable being the exclusion of English, on the grounds that it cannot be an Asian language because it is considered to be *essentially* a language of the West.

The state's commitment to the policy of multiracialism can also be observed in the media. For many years the media in Singapore had been strictly controlled by the state. In recent times, though, the state has embarked on a process of privatization owing mainly to regional and international competition. For the local media to continue attracting an audience or readers, it needs to be perceived as less of an official mouthpiece. However, state ownership in both local print and broadcast media means that the policy of multiracialism still continues to be observed. For example, in the print media there are four major local newspapers, one for each of the four official languages: *The Straits Times* (English), *Lianhe Zaobao* (Mandarin), *Berita Harian* (Malay), and despite a recent decline in Tamil

going to be discriminated against. Thus Lee Kuan Yew ('Dangerous to let highfalutin ideas go undemolished: MM', *The Straits Times*, August 20, 2009) states:

In August 1965, my worry was, what would the Malays in Singapore do, now that they knew they were a minority? . . . Today, 44 years later, we have a Malay community, I believe, at peace, convinced that we are not discriminating against them, convinced that we are including them in our society.

8. The state has recently instituted a number of changes to the specific ways in which mother tongue proficiency affects educational success. For example, in 2001 it introduced the CL B syllabus, which is intended to address the fact that a number of Chinese Singaporeans actually have serious problems learning Mandarin. And in 2004 it gave local universities greater autonomy over their admissions criteria, which in turn led these universities to relax the mother tongue language criteria. At present, the admission criteria 'will continue to entail minimum mother tongue proficiency, but it will not be compulsory to include the applicants' mother tongue grades in the university score' (Prime Minister Goh Chok Tong, March 21, 2004).

readership (Riney 1998: 16), the Tamil daily, *Tamil Murasu*. In the case of the broadcast media, English, not surprisingly, continues to be the dominant language with a number of channels (Channel 5, Channel News Asia, and Okto) airing programs in English. Next in line is Mandarin, with two channels (Channel 8 and Channel U) devoted to Mandarin programs. Malay programs are aired on *Suria* and Tamil programs are aired on *Vasantham*, a Tamil channel launched in 2008.

The state's interest in language and ethnicity constitutes a fundamental aspect of how it has governed Singapore. Language planning is only one of the many pervasive concerns of the state, which makes no excuse for the fact that it attempts to encourage particular kinds of behavior over others. In fact, Singapore has sometimes been described as a 'nanny state', and Lee Kuan Yew, Singapore's first prime minister, has been quoted as saying (Mauzy and Milne 2002: 35):

We wouldn't be here, would not have made the economic progress, if we had not intervened on very personal matters—who your neighbor is, how you live, the noise you make, how you spit or where you spit, or what language you use . . . It was fundamental social and cultural changes that brought us here.

To date, Singapore has been fortunate in that while issues of language and ethnic diversity continue to raise a number of challenges for the state's language policy, these have not resulted in the kinds of protests or violence observed in Malaysia and Sri Lanka, respectively. One reason for this is the authoritarian influence of the state in shaping Singapore's sociocultural life. As Chua (1995: 10) points out, the success of this authoritarianism is 'to be explained by its acceptability to or at least toleration by the population through the presence of an ideological hegemony or consensus'. The population's willingness to tolerate the dictates of the state is one of the reasons why the discourse of rights is relatively muted in Singapore, since the public cultivation of consensus is valued over any presentation of ethnic tension or disagreement.

However, the population's tolerance for such authoritarianism is largely influenced by two specific ideologies: multiracialism and pragmatism. Multiracialism, as we have already seen, refers to the state's commitment that all the major ethnic groups must be treated equally. Crucially, the basis behind this concern with equality has little to do with the notion of language or cultural rights (whether that of the individual or the community). Instead, it is guided by the state's belief that this is a practical move, necessary if ethnic harmony is to be maintained. Singaporeans are therefore encouraged to accept, as a matter of practicality, that any claims they might wish to make involving ethnic-specific rights have to be put aside if national cohesion and prosperity are to be maintained. This reference to practicality leads us to the second ideological position, namely, that of pragmatism.⁹

9. While the government is keen to present the appeal to pragmatism as 'nonideological', such that any decisions informed by pragmatism are purely rational, this stance of apparent neutrality is, of course, in itself already ideological (Chua 1995).

The Ideology of Pragmatism

The ideology of pragmatism asserts that policies formulated by the government are guided by considerations of what is rational, practical, or necessary rather than by matters of principle, 'rendering antithetical all arguments based on moral or ethical grounds' so that 'all decisions are defined, initiated, defended or evaluated in terms of economic gain' (Pennycook 1994: 241). The influence of pragmatism is most clearly seen in the government's concern with pursuing economic growth, such that all options can and should be considered. Chua (1995: 68–69) describes this 'pragmatism' thus:

The overriding goal . . . is to ensure continuous economic growth. This singular goal is simultaneously the singular criterion for initiating and assessing all government activities, in terms of how it will aid or retard this growth . . . Policies are always justified and executed contextually and discontinuously, depending on current or projected configuration of the state of continuous economic development; consequently, they tend to be ad hoc and lack long-term coherence within specific regions of social life . . . It admits no 'in principle' arguments and tends to trivialize principled arguments in various ways, for example, as mere forms.

Thus, compared to Malaysia and Sri Lanka, Singapore's approach to the politics of language most closely approximates Weinstock's (2003) principles, since English is consistently positioned as a language of practical value, one that facilitates communication between the different ethnic groups as well as helping Singaporeans compete in the global economy. In fact, the government goes to great lengths to eschew the possibility that Singaporeans might start imbuing the language with cultural significance. While the official mother tongues are symbolic because they are intended as markers of different ethnic identities, this is mitigated by the government's stance of multiracialism, which attempts to ensure the parity of such symbolism across the mother tongues. Finally, the government's commitment to an ideology of pragmatism means, in principle at least, that any aspect of its language policy is open to revision in the light of changing social, political, and economic circumstances.

Returning specifically to the government's positioning of English, as it is widely recognized that language can act as a gatekeeper in society, an important aspect of a state's strategy for managing ethnic and linguistic diversity is to ensure that there is a 'neutral' language, one that has no official ethnic affiliation. This is crucial because the existence of an ethnically 'neutral' language in which competition for socioeconomic goods is conducted means that no particular ethnic group is given an unfair linguistic advantage. In Singapore (as in many other places), this 'neutral' language is English. But in Singapore, as in many other places, a growing number in the population are slowly beginning to come from families where English is the language of the home, a development that is problematic for the state's insistence on positioning English as a 'neutral' language to which no symbolic values are attached.

The state is keen, as far as possible, to maintain its official stance of neutrality vis-à-vis English because a loss of such neutrality would have significant repercussions for its commitment to multiracialism. Consider, as an example, the case of the Eurasian community and the question of what its official mother tongue should be (Rappa and Wee 2006; Wee 2002a). The category 'Eurasian' was originally created by the colonial bureaucracy to 'signify colonial subjects who were offspring of European fathers and Asian mothers' (Rappa 2000: 157, 162). Gupta (1994: 37) notes that the 'European component of a majority of Eurasians had been Portuguese, British or Dutch, and they were mostly English speaking'. Citing Braga-Blake (1992), Gupta (1994: 37) also states that

families with Portuguese, British, and Dutch surnames, and Indian, Macao, Malacca, Bencoolen, Burmese, Siamese and Ceylon origins intermarried . . . so that from disparate origins a unified, Christian, English-speaking community had emerged before the end of the nineteenth century.

Eurasians constitute approximately 0.43% of Singapore's population (Rappa 2000: 165). Given their numerically small numbers, one concern of the community, at least since Singapore's independence, has been to combat its marginalized status in Singapore (Rappa 2000). One indicator of this marginalization is that although the Eurasians, along with the Chinese, Malays, and Indians, are considered among the 'founding races' of Singapore, they are still described under the 'others' category, which is a residual category containing miscellaneous minority ethnic groups.

Hill and Lian (1995: 103) point out that 'the official category of others, introduced for administrative expediency, has had the effect of relegating the non-charter groups to a marginal status'. Benjamin (1976: 127) makes the same point, noting that

the more that Singapore's national culture demands that each 'race' should have a respectably ancient and distinctive exogenous culture as well as a 'mother tongue' to serve as the second element of a bilingual education, the more will the Eurasians come to feel that there is no proper place for them.

In attempting to deal with this marginalization, the Eurasian community has recently reactivated the Eurasian Association. *Singapore Eurasians: Memories and Hopes* (Braga-Blake and Ebert-Oehlers 1992) was published in order to highlight the contributions of the community to Singapore, with a sequel being planned. The community also revived a debate on the definition of a Eurasian, primarily to expand the definition to increase the number of Singaporeans who could qualify as Eurasian. The state's acknowledgement of the community's importance has also been forthcoming. A minister (George Yeo) was appointed as 'unofficial Cabinet representative for the Eurasians, in the absence of a Eurasian minister' (Hill & Lian 1995: 104). And Goh Chok Tong, then prime minister, reassured the community: 'The Eurasian community is very much a part of Singapore.

I have no doubt that Eurasians will continue to play an active and prominent role in our nation's affairs' (*The Straits Times*, July 11, 1994).

As we have seen, one of the important features of the 'charter communities' is to have an official mother tongue. It is therefore not surprising that among the attempts by the Eurasian community to redress this marginalization is the desire for an official mother tongue. This is not a purely symbolic issue. There are pragmatic motivations, because for both schoolchildren and their parents, the lack of a 'legitimate' mother tongue has potentially negative effects on the possibility of moving up the education ladder. Most parents attribute the failure of their children to do well in the mother tongue subject to the fact that it is not spoken at home—it is simply a language taken to meet the second-language requirements of the education system. And according to some members of the Eurasian Association who wish to remain anonymous, perceptions exist among Eurasians that Eurasian schoolchildren do particularly badly in the second-language examinations compared to children from other ethnic communities. The primary reason given is that none of the second languages being studied are mother tongues for the Eurasians.

Given the Eurasian community's historical association with English under British rule (they were early adopters of the language and were prominently found in professions that drew on proficiency in the language, such as English language teaching, newscasters and telephone operators (Wee, 2009)), it is not unexpected that members of the community would raise the question of whether English can be their official mother tongue (Wee 2002a).¹⁰

However, there are various reasons why, as far as the government is concerned, English cannot be a mother tongue for the Eurasians. The first reason has to do with the government's view of English as a vehicle of unacceptable Western values. If the Eurasians were allowed to have English as the mother tongue, what other language would act as a 'cultural ballast' to English? Either the Eurasians would have to be seen as being completely Westernized or the possibility that English can be a vehicle for more traditionally Asian values must be allowed. Neither of these options seems to be acceptable, as far as the state is concerned, as seen in the following remarks by Lee Kuan Yew in his 1984 Speak Mandarin Campaign speech:

One abiding reason why we have to persist in bilingualism is that English will not be emotionally acceptable as our mother tongue. To have no emotionally acceptable language as our mother tongue is to be emotionally crippled . . . Mandarin is emotionally acceptable as our mother tongue . . . It reminds us that we are part of an ancient civilisation with an unbroken history of over 5,000 years. This is a deep and strong

10. Note that this is a different issue than the one about whether Singlish is acceptable as a language of Singaporean identity (chapter 4), since Eurasians do not necessarily claim to be speaking Singlish. However, the government's stance is that English (of whichever variety) is still not acceptable as a language of local identity (communal or national).

psychic force, one that gives confidence to a people to face up to and overcome great changes and challenges.

Another reason why the state is reluctant to accord English the status of a mother tongue is that such a move might open up a Pandora's box of issues that go beyond the Eurasian community. For example, a growing number of Malay, Indian, and Chinese Singaporeans have English as a household language (Pakir 1993: 75–77), and there is a possibility that this might lead these other Singaporeans to want English as their mother tongue too. This would pose a fundamental threat to the official relationship between English and the mother tongues, not to mention the policy of English-knowing bilingualism. It is thus unsurprising that while English is important to Singapore, it cannot be seen as the mother tongue of the Eurasian community because this move would have implications not just internal to the community, but for the other ethnic communities as well.

If a rights-based discourse had been more prominently adopted in Singapore, it is highly probably that members of the Eurasian community might have framed their demand for English to be their official mother tongue as a language right. The government's failure to accede to this demand might then have been characterized as a rights violation. However, the government's response to this issue so far appears to have been one of silence—a silence that might be read as an indication that English is not acceptable as a mother tongue for the Eurasians. In practical terms, this has proven to be an effective strategy, since the lack of official response seems to have allowed the issue to die out (for the time being at least). There are at least three reasons why the government has chosen not to respond directly. One, the small size of the Eurasian community makes it rather easy to ignore the demand, coupled with the fact that, despite the expressed opinions of some individuals, the community has in general not chosen to take up this issue in a vigorous manner. Two, the government has already articulated its pragmatic stance regarding the status of English, and any response would essentially involve revisiting those points. Three, the government can be fairly confident that Singaporeans by and large accept the stance that policies should ultimately be subjected to pragmatic considerations. In empirical support of this final point, we can make two observations, one brief and the other somewhat lengthier. The brief observation is that even those Singaporeans who are pro-Singlish (see chapter 4) have tended to argue that the presence of Singlish does not jeopardize their ability to acquire a more standard and economically valuable variety. That is, rather than renouncing the relevance of pragmatic considerations, arguments for Singlish are framed as *not* compromising those considerations (see Stroud and Wee, forthcoming).

The lengthier observation concerns an interesting case of language planning failure, where, as part of its attempts to have Chinese Singaporeans embrace Mandarin as their official mother tongue via the Speak Mandarin Campaign (SMC), the state urged Chinese parents in the late 1970s to give their children Pinyinized names rather than dialect ones. To illustrate, a Hokkien dialect-only name might be *Wang Chee Lak*. The same name in mixed translation would be *Wang Zhi Li*

(Hokkien surname *Wang*, Hanyu Pinyin given name *Zhi Li*), and in full Hanyu Pinyin would be *Wen Zhili*. By 1987, however, it was clear that the adoption of Pinyinized names had been overwhelmingly rejected by many Chinese Singaporeans. As Bokhorst-Heng and Wee (2007: 327) note, this rejection constitutes a ‘blip in the otherwise successful SMC with respect to the abandonment of dialect’.

To understand why many Singaporeans remained unimpressed with the state’s call to Pinyinize personal names, particularly their family names, we need first to appreciate that the more successfully implemented SMC measures were successful precisely because Singaporeans were convinced of their pragmatic and communitarian rationales. In contrast, it was not clear that there was any such rationale behind the Pinyinization of personal names (Bokhorst-Heng and Wee 2007). The arguments for making Mandarin the Chinese community’s mother tongue had a pronounced pragmatic component, based on Lee Kuan Yew’s belief that there is limited room in the human brain for language, and that a focus on proficiency in one language will necessarily exact a cost, resulting in lower proficiency for some other language. Lee has used a number of analogies, including that of a computer, to support this view:

No child, however intelligent, has unlimited data storage capacity. The memory space is finite . . . And the more one learns dialect words, the less space there is for Mandarin words. (Lee Kuan Yew, 1981 Mandarin Proficiency Certificates Presentation Ceremony)

This line of argument is important in that it formed the basis of Lee’s direct appeal to parents to switch from the use of dialects to Mandarin in the home. Parents who did not support the switch to Mandarin in the home would be making it more difficult for their child to succeed in school:

All Chinese parents face this choice for their children—English-Mandarin, or English-dialect. If they allow, or worse want, their children to speak dialects, then their children will find their work in school very burdensome. Therefore, actively encourage your children to speak Mandarin in place of dialect . . . Let us face the problem and make our decision to use Mandarin, not dialect . . . This is the stark choice—English-Mandarin, or English-dialect. Logically, the decision is obvious. Emotionally, the choice is painful. (Lee Kuan Yew, 1979 Speak Mandarin Campaign speech)

This appeal to pragmatism has worked quite well, since many parents would quite naturally want their children to be as advantaged as possible when it comes to education. There is a subtle point that needs highlighting here, however. It is not the case that dialects were dropped simply because they had little or no pragmatic value in themselves. Rather, dialects were dropped in favor of Mandarin because the social and educational environments made it clear that it was more useful to be proficient in Mandarin than in dialect. It is also important to note that since the 1980s, the state has increasingly touted Mandarin for its economic value, that is, the edge that being proficient in Mandarin will give Singaporeans as they

compete with others to take advantage of China's growing economy (Bokhorst-Heng 1999; Wee, 2003b).

However, for many Chinese Singaporeans, the Pinyinizing of names was seen as asking too much of them, since not only was there no apparent pragmatic purpose being served, but abandoning dialect names was seen to result in the elimination of one's ancestral ties.¹¹ This was seen as going against the spirit of Confucianism, which preached respect and reverence for one's elders. Thus the Pinyinizing of names was seen to contradict the very same Confucian cultural base that provided the grounding for both communitarianism and pragmatism (Hill & Lian 1995: 212; Mauzy & Milne 2002: 52, 57). Quoting Wang Gung Wu, director of the East Asia Institute and a prominent historian in Singapore, Mauzy and Milne (2002: 58) point out that Confucianism advocates a number of ideas that are highly characteristic of the state's political discourse. These include 'obedience to benevolent and paternalistic hierarchical authority' and an emphasis on 'the spirit of community, or communitarianism'. Early Confucian thought also placed great value on practicality, so that 'something has value if it works or succeeds' (Mauzy & Milne 2002: 52).

It is important to observe that as a matter of practice, the state's policies and grounding in pragmatism and multiracialism have consistently been presented to Singaporeans on multiple occasions, and sometimes painstakingly explained and defended at numerous public events and press releases (Bokhorst-Heng 1999; Wee 2006). Beginning with admittedly 'one-sided radio broadcasts' in the 1960s (Chua 1995: 14) to the establishment in the 1980s of a Feedback Unit designed to facilitate discussions with the public, there have been greater attempts by the state to involve the public. Chua (1995: 23–24) observes that these attempts at consultation indicated the state's manifest desire to engage the public with 'substance and credibility', although he also notes (quoting Sandhu and Wheatley 1989: 1085) that many Singaporeans 'remain understandably skeptical of "whether the government is engaging in genuine consultation or merely mounting a public education exercise in the interest of consensus building"'.

Be that as it may, the result of these ongoing attempts at public engagement and consultation is the cultivation of a particular discursive relationship between the state and the citizenry. As Pennycook (1994: 242, italics added) observes:

It is then possible to see how being Singaporean is a particular discursive construction constantly mediated by the use of English. This suggests that the social, economic and cultural policies of the PAP [People's Action Party, the ruling political party] and the practices that they put into place established a broad discursive field characterized by pragmatism, multiracialism and, for want of a better word, meritocracy. Together these discourses have very particular effects on Singaporean life, both in their ways of classifying and organizing knowledge about Singapore and being Singaporean and

11. Pennycook (1994: 241) cautions against attributing 'false consciousness' to Singaporeans, since any understanding of public discourse in Singapore still needs to allow space for 'the productive and counter-discursive as well as the constraining'.

with respect to their disciplining and organizing of society . . . *These discourses interweave, not only in terms of their classificatory systems but also in terms of how people understand their lives as Singaporeans*: to live in Singapore is to find one's life constructed around a narrative of pragmatic rationality, racial difference and social hierarchy. Thus these discourses both limit and produce ways of thinking and making sense of life in Singapore in terms of pragmatic and techno-rational decisions for economic development, in terms of identity and difference being defined principally by belonging to a certain race with its attendant language and culture, and in terms of a highly competitive social order and education system with room at the top for only the very special few.

CONCLUSION

In this chapter we have seen that the appeal to the discourse of language rights seems to increase the likelihood of ethnic tension, whereas the relative absence of such an appeal may facilitate the creation of a more conducive environment where ethnic differences can coexist without jeopardizing the overall cohesiveness of a society. All three countries discussed here already cling to some notion of language boundaries and attempt to monitor such boundaries via their respective language policies. But the invocation of a rights discourse unsurprisingly serves to reify and strengthen these boundaries.

In the Sri Lankan case, the addition of a prominent appeal to the discourse of language rights has resulted in the call for secession, the result being that deliberations between the LTTE and the Sinhala leadership have effectively broken down. In Malaysia, the attempt to protect bumiputra rights has resulted in threats being made to revoke the citizenship of those who still insist on questioning the bumiputra policy. The net effect is a palpable increase in ethnic tensions. Singapore has been more fortunate because of its combined commitment to the ideologies of multiracialism and pragmatism. The latter, in particular, has helped to temper any overenthusiastic appeal to language and cultural rights.

It is no coincidence that the relative absence of the appeal to language rights, as in the case of Singapore, also coexists with a language policy that more closely realizes Weinstock's (2003) principles of minimalism, antisymbolism, and revisability. This is because the very nature of a rights discourse tends to encourage strong claims and uncompromising attitudes, conditions that are not conducive to realizing Weinstock's principles. As Marx (1967: 225) observes, 'Between two rights, force decides'.

The foregoing, of course, is not intended to suggest that Singapore's handling of ethnic diversity is without flaws. As we noted, the Eurasian community does feel aggrieved that it lacks an official mother tongue, and supporters of Singlish continue to fight against the government's insistent stigmatization of this variety of English. In other words, because language is a semiotic resource, the resignification of language practices will tend to take place. The results of such resignification

often diverge from the expectations of state policy. Here, the language practices of the Eurasians and those of Singaporeans in general continue to raise uncomfortable questions for the state's positioning of English. And other problems potentially loom in the distance as well. Singapore has recently embarked on a policy of attracting 'foreign talent' to become citizens as a means of combating the outward migration of well-educated locals (Wee and Bokhorst-Heng 2005). The success of this policy could well lead to significant changes in the nation's demographics. Japanese, Korean, French, and American foreign talent who become citizens obviously cannot be expected to embrace Mandarin, Malay, or Tamil as their official mother tongues. But this means that the number of mother tongues may well need to be increased to the point where the privileging of Asian mother tongues over Western ones—including English—will be impossible to sustain. Here, the changing nature of Singaporean society itself may well lead to the resignification of what languages can be reasonably considered emblematic of the society. The cumulative effect of all these factors is that the state's insistence that the official mother tongues must be Asian may need to be revisited. This would then have implications for the state's position that English is 'emotionally unacceptable' as a mother tongue.

Nevertheless, given the observations made in this chapter, it seems clear that the best way to handle the challenge of managing ethnic diversity in the context of maintaining national unity is to consistently engage members of the society in public deliberations about what can or should be reasonably expected of the different ethnic groups. And such deliberations are more likely to be constructive when the parties involved refrain from appealing to the discourse of language and cultural rights.

Migration and Global Mobility

Contrary to claims that the appeal to language rights can help alleviate or mitigate interethnic tensions, the previous chapter showed that the discourse of language rights can in fact strain the tenor of interethnic relations, making it more difficult for different ethnic communities to develop and sustain a sense of cohesiveness and shared destiny. In this chapter we will see that migration and global mobility—more recent challenges for language rights—prove to be even more problematic (Wee 2007a). This is because it is not at all clear that the concept of language rights—the protection of which is usually presented as the responsibility of individual states to their own citizens—translates easily into a transnational context. In the latter, the already difficult problems of boundary marking—such as deciding who the bearer of a language right ought to be and how to delineate the object of the right—are compounded by the question of who (the migrant's current host state or her home state) should actually be responsible for ensuring the protection of such rights.

Migration and global mobility constitute some of the most pressing sociopolitical challenges facing the world today, since they raise the problem of how to ensure the well-being and dignity of individuals as they move across the globe in search of a better life. The more general phenomenon of global mobility highlights the multifaceted and complex nature of globalization as a 'package of transnational flows of people, production, investment, information, ideas and authority' (Brysk 2002: 1) that has the overarching dynamic of increasing interdependencies between different parts of the world. And migrants are a particularly vulnerable

part of this global mobility: they are open to linguistic discrimination because their inability to speak the languages of the host states may lead to their being denied asylum or citizenship (Maryns 2005). As noncitizens, their recourse to any sense of obligation from the host state is weakened by the highly prevalent expectation that the responsibility of a state is primarily toward its own citizens rather than toward ‘aliens’ (Maher 2002: 19, 22). Even where citizenship has been granted, immigrants are expected to integrate as quickly as possible, and this usually includes the obligation to learn a new language, often under trying circumstances that make few allowances for the learning difficulties they may actually face.

In this regard, migration and global mobility pose interesting problems for the notion of language rights. Since language rights are often described as necessary for the protection of ethnic minority groups, migration and global mobility raise the question of how such rights can be implemented, since migrants tend to move around as individuals or family units rather than as an ethnic minority group in toto (Jacquemet 2005). Over time, as a result of chain migration, it is entirely possible that what started off as a relatively disparate collection of individuals and families can become identified as a distinct ethnic minority. But this is a later and entirely contingent development. In the meantime, the plight of individual migrants and their families needs to be addressed in the absence of any presumption regarding the existence of a group that can be identified as constituting a distinct ethnic minority.

All of these difficulties are best appreciated in the context of specific examples. Accordingly, this chapter discusses a number of cases, including the communicative problems faced by an asylum seeker in Belgium, the language learning experiences of migrants in the United States and New Zealand, as well as challenges in Canada to francophone language ideologies posed by the presence of immigrants from former colonies of France. Toward the end of the chapter, broader sketches of the impact of migration and global mobility are discussed with respect to conceptions of national identity in France, Germany, and the United States.

In the course of discussing these examples, I suggest that both states and the residents within them are best placed to accommodate the challenges posed by migration and global mobility when the emphasis is on respecting the rights of individuals, deliberated in accordance with international law, and that the notion of language rights as group rights (which is the interpretation traditionally presented by language rights advocates) can therefore be dispensed with. Or if language rights are to be retained, they need to be reinterpreted more broadly as communicative rights that are borne by individuals rather than groups.

RIGHTS, MIGRATION, AND CITIZENSHIP

Our particular concern here is with the problems involving language and communication in the context of migration and global mobility, and how these might or might not be suitably addressed via language rights. But before examining these

problems specifically, it is useful to understand how rights in general are expected to be the responsibility of individual states toward their own citizens. This will give us a better appreciation of the particular challenges posed by migration and global mobility.

The concept of citizenship is traditionally understood to represent a political-legal status that reflects a set of rights and obligations that constitute the relationship between the individual citizen and the state. Historically, when individual mobility was much more limited, citizens were expected to pledge exclusive allegiance to a state (Sassen 2006: 320), and states in turn were expected to provide their citizens with security, economic stability, and cultural identity, all within the boundaries of a territorially demarcated space. However, a consequence of recent developments in the global arena, including global economic competition, is increased migration, since ‘as borders open to flows of goods, services, information, and capital, there will also be cross-border movement of labor’ (Maher 2002: 22). Paralleling the increasingly porous nature of borders is the fact that states have found it necessary to reduce the entitlements traditionally given to citizens, partly due to the pressure on resources from an influx of immigrants and partly due to the acknowledgement that some citizens are more interested in emigrating elsewhere. Concomitant with this reduction in entitlements is a lessening of the obligations historically expected of citizens.

These developments are reflective of (still) ongoing changes in the relationship between citizens—and, by implication, other residents such as ‘aliens’—and the state. Such ongoing changes are to be expected since, as Sassen (2006: 321) reminds us,

citizenship is inevitably an incompletely specified contract between the state and the citizen, and that in this incompleteness then lies the possibility of accommodating new conditions and incorporating new formal and informal instrumentalities. Periods of change make this incompleteness operational and legible, whether in the contesting of discrimination, aspirations to equal citizenship, the decision by first-nation people to go directly to international fora and bypass the national state, or the claims to legal residence by undocumented immigrants who have met the requisite formal and informal criteria.

However, despite this context of changing relationships between states and their citizens, one thing that appears to be consistent is that states are still considered responsible for ensuring that the rights of their own citizens are not violated. This can be illustrated in relation to the notion of human rights. Human rights discourse involves a tripartite arrangement (Mutua 2002) comprising (i) individuals or groups whose rights need protection, (ii) states which are both the protectors of such rights and also the most likely violators, and (iii) supranational organizations such as the United Nations and other nongovernmental organizations who are charged with ensuring that individual states live up to their human rights obligations. As Mutua (2002: 10) highlights:

States become savage when they choke off and oust civil society. The ‘good’ state controls its demonic proclivities by cleansing itself with, and internalizing, human rights. The ‘evil’ state, on the other hand, expresses itself through an illiberal, anti-democratic, or other authoritarian culture. The redemption or salvation of the state is solely dependent on its submission to human rights norms. The state is the guarantor of human rights; it is also the target and *raison d’être* of human rights law.

Recall that human rights are typically and least controversially understood as individual rights, and that the notion of human rights as group rights is much more contentious (see chapters 2 and 3). Under a scenario where neither groups nor individuals move around much, it remains relatively unproblematic to suggest that the protection of such rights (individual or group) falls to the state in which they are (assumed to be) citizens. However, significant problems arise when dealing with transnational migration, and these problems differ depending on whether we are talking about individual or group rights.

Group rights are not easily transferable across state boundaries because the reasons why groups can lay claim to particular rights tend to be territorially specific. For example, we saw that under Malaysia’s bumiputra policy, the Malays were awarded special rights on the basis that they are the ‘original people’ of the land. But, of course when a group of Malays migrates to another state, say, Canada, the basis for such historical ties no longer holds. Needless to say, similar problems arise for Kymlicka’s (1995; see chapter 2) argument that historical ties to the land provide the justification for the national minorities and their associated societal cultures to lay claim to self-government rights.

The issue of establishing some original tie to the land is specific only to groups claiming to be national minorities. But even ethnic minorities face territorially specific problems, since the notion of a minority is territorially bounded.¹ This is because what counts as a minority is a relative notion and one that is identifiable only within the context of a particular state. To take a simple example, while the ethnic Chinese can be considered a minority in Indonesia, they are clearly not a minority in the People’s Republic of China. In light of this, it becomes highly problematic to assume that the language rights of a particular group are transferable across state boundaries, since what counts as a minority in the context of one state may count as a majority in the context of another, and vice versa.² But as already noted, this is precisely the way in which language rights are generally understood.

Unlike group rights, individual rights face no such problems in transnational contexts, since these are rooted in a conception of ‘universal personhood’ (Maher

1. Of course, even within a given territory, there are serious problems involved in trying to identify a minority group (see chapter 3).

2. The oft-cited distinction between ‘personality’ and ‘territoriality’ principles offers no help here. The personality principle argues that citizens should enjoy their language rights no matter where they are in the country, while the territoriality principle argues that language rights can vary across regions of the country (Patten and Kymlicka 2003: 29). Notice that these principles are still assumed to operate within the boundaries of a state.

2002: 21), which is not territorially bounded. This is what happens with the basic human right to freedom from torture, for example. Regardless of where an individual happens to be located, that individual has a right not to be tortured, since the individual carries this basic right with him or her wherever he or she goes. Thus, with individual rights, it is not a question of whether migrating individuals have rights (*qua* individuals). Rather, the question is which state (home or host) ought to take responsibility for ensuring that these rights are respected (Maher 2002: 19; see also Benhabib 2004; Sassen 2006):

while the human rights regime is international, its greatest influence has been to establish standards for states' obligations vis-à-vis their own citizenries. Hence, even in Western states that are vocal champions of human rights, policymakers debate the extent to which they are responsible for protecting the full range of human rights for noncitizen migrants, particularly migrants lacking state authorization.

The problem of responsibility arises because migrants—particularly those who have entered the country illegally—are usually assumed to have voluntarily waived their claims to rights. As Maher (2002: 28, italics in original) puts it:

What this means in practice is that it has been possible to imagine undocumented immigrants as *outside civil society*, outside the bounds of civil law, since the polity has never approved their presence. Given a position which is 'always already illegal', they can be imagined as having no claims to the civil or social rights allocated and protected by the state. And given the liberal assumption of rational, autonomous action by all individuals, migrants who have 'chosen' to cross state borders without authorization are imagined to have consented to the conditions of 'rightlessness'.

The issue here is that noncitizens tend to fall through 'inter-statal cracks.' Their liminal status makes it unclear exactly what kinds of obligations they can expect from the state in which they happen to be resident, since it is usually assumed that the home state rather than the host state should bear primary responsibility for protecting their rights (Maher 2002: 34). But there are of course some aliens who are undocumented or even stateless, and host states are known to place migrants and refugees in 'occupied territories or emergency zones where citizenship was never granted or has been suspended' (Brysk 2002: 10). Consequently aliens often have to rely on various supranational organizations (such as the United Nations, international tribunals, Doctors Without Borders, Amnesty International) to ensure—with varying degrees of success—that their individual rights are protected.

Now if language rights were somehow to be interpreted as individual rights, then the problem of territoriality disappears. Such a move would have the advantage of avoiding the issue of transferability. It still leaves us, however, with the question of which state ought to be responsible for ensuring that these (individual) language rights are respected. Assuming that we are prepared to operate with an individual notion of language rights (I will have more to say later about what

exactly such a right might entail), it might then be argued that there are compelling reasons why the provision of such a right should be the responsibility of the host state rather than the home state. This is because migrants are now located within the host state, and their well-being and eventual integration (where relevant) ultimately depends on their being able to communicate with members of the host state. So it is up to the host state to see to the communicative needs of migrants.

There are admittedly still a number of problems with this scenario. One problem is that in the case of asylum seekers, their status in the host society is extremely precarious because what is at stake is precisely the question of whether they will be allowed to stay permanently. Learning the language of the host society can come about later, but the priority at this point lies in being able to make a case for being granted asylum, and an asylum seeker needs to be able to do this in her own language, possibly with the help of an interpreter. Unfortunately the state representatives officiating over asylum-granting procedures often conduct interviews with asylum seekers in contexts where neither the linguistic codes being used nor the discursive norms are likely to be shared. Another problem is that even in the case of migrants who have been granted permission to stay, there are questions about the adequacy of the language training provided. This is because there is evidence to suggest that migrants are sometimes given language training that limits them to jobs located at the lower end of the economic spectrum. Such training can hardly be said to provide migrants with a fair chance at starting a new life with decent prospects for upward mobility.

As we will see shortly, these problems are more likely to be reasonably addressed when we move away from the traditional notion of language rights as group rights, as the right to a specific language that is emblematic of one's ethnic heritage. Instead, to the extent that we wish to still speak of language rights, we then need to move toward language rights in a broader sense of the communicative right of individuals to be heard and understood.

SEEKING ASYLUM IN BELGIUM: THE RESEMIOTIZATION OF LINGUISTIC RESOURCES

To illustrate the value of a broader notion of communicative rights, we can consider Maryns's (2005) discussion of the problems faced by a young female from Sierra Leone seeking asylum in Belgium. Even though applicants are given the opportunity to declare what language they wish to use in making their case for asylum, Maryns (2005: 300) notes that

Actual practice, however, reveals serious constraints on language choice, and these constraints are language-ideologically based: only monolingual standard varieties qualify for procedural interaction. This denial of linguistic variation leads to a denial of pidgins and creoles as 'languages in their own right'.

In short, the asylum-seeking procedure is multilingual only in the sense that multiple monolingualisms are tolerated. There is no place here for ‘mixed languages’, that is, languages whose inventory of constructions cuts across the boundaries of language systems conventionally construed as autonomous or complete.

What is at work here is an ideology of monolingualism, and its effect is to deny pidgins and creoles any legitimate presence in the asylum-seeking procedure, despite the fact that for many asylum seekers such mixed languages might constitute the most natural communicative codes of their homeland. Thus the move to a foreign country is not simply a shift in physical location, it is also a shift into a location semiotically penetrated by a different indexical order (Blommaert 2005a), where linguistic codes are differently valued by virtue of being differently hierarchically stratified. The asylum seeker is expected to accommodate the foreign bureaucratic context, despite the communicative problems this raises. As Maryns (2005: 312) observes:

The asylum seeker has to explain her very complex and contextually dense case, addressing an official with different expectations about what is relevant and required in a bureaucratic-institutional context. The bureaucratic format of the interview and the time pressure under which the interaction takes place offer very little space for negotiating intended meanings.

In the particular case that Maryns (2005: 313) documents, the female applicant’s ‘intrinsically mixed linguistic repertoire’ (West African Krio) was displaced by the bureaucracy’s requirement that interviews and reports utilize only monolingual standards. The interview was initially conducted in English and a subsequent report written in Dutch, neither of which were languages with which the applicant was comfortable. As a result, details of the applicant’s narrative were omitted or misunderstood, and the applicant had no opportunity to correct resulting inaccuracies that might affect her case for asylum.³

This example foregrounds a number of difficulties for language rights. We have already noted that the notion of language rights does not fare well when it comes to the phenomenon of hybridity, of which mixed languages are just one manifestation. This is because the suggestion by language rights advocates that the mother tongue is a group property is really the *ideology of monolingualism* writ large. The ideology of monolingualism creates the belief that ‘properly’ plurilingual individuals are those in complete control of compartmentalized sets of monolingual proficiencies, generating the expectation that proficiency in a particular language should be marked by a display of linguistic purity (Heller 2001: 214). As Collins and Slembrouck (2005: 189) remark, language tends to be represented as having a ‘clear-cut spatial and social provenance’, with language competence construed in terms of individuals grasping the sociogrammatical features

3. Maryns gives no indication of the final outcome of the application, perhaps because the process was still in play during the time of her study.

of individual languages. What is lost, as a result, is an appreciation of the porous and continually emergent nature of linguistic systems (Hopper 1998), with the result that the mixing of elements is construed as a form of linguistic contamination.

What the notion of language rights does is to extend the assumption of language as a fully developed autonomous system from the individual to the collective, resulting in the mother tongue becoming essentialized as a part of the group's ethnolinguistic identity (Stroud 2001: 347–48), which needs to be protected from the encroachment of other languages. We see this in the assumption that different groups have distinct languages that are markers of their specific identities and repositories of their associated cultural values. Each group's language is therefore construed as a fully developed delimitable system. The ideology of monolingualism is at work here for the simple reason that each self-contained system is assumed to possess its own internal integrity, which depends on each system being kept separate from the others. In such a view, 'mixed' languages are ill-formed and not systemic. Thus, as Silverstein (1998a: 414–15) points out, the notion of language rights takes 'units such as languages, dialects, and similar constructs as givens', so that language becomes 'a timeless, essential quality of community membership, notwithstanding changes of practical discursive knowledge and practice of it over time'.

The idea of a fully developed delimitable linguistic system is problematic because, as the problems faced by Maryns's (2005) asylum seeker show, the notion of language rights is unable or unwilling to recognize that communicative practices can and often do draw upon linguistic resources from varied historical provenances. Consequently a competently functioning member of society is not necessarily one who is in possession of multiple fully developed self-contained systems. Rather, she is one who has the relevant linguistic knowledge needed to achieve specific interactional goals. This knowledge may include mixing and matching elements from supposedly disparate systems, even to the point where it is not clear that these are still in fact distinct. The nuanced realities of plurilingual contexts in much of social life therefore get oversimplified and sit uneasily with the constraints and expectations imposed by the ideology of monolingualism.

It is worth reiterating that the problem for language rights goes further, and cannot be resolved simply by allowing mixed languages to be treated as the object of such rights. As we have already had occasion to observe (see the case of Singlish in chapter 4), this is because even the speakers themselves are usually complicit in the stigmatization of their own mixed languages, so that these are not varieties that are likely to be claimed as the object of a right. The basic point, then, is that speakers may not want their mixed language as the object of a language right, even if this represents their most common mode of communication. This means that for someone like Maryns's (2005) West African Krio speaker, it is entirely possible that the mixed language that would most usefully serve her communicative needs is not the same language that she might ever consider worthy of being accorded rights status (either in her home state or in the host state in which she is seeking asylum).

The problems faced by asylum seekers are not limited merely to the choice of code, mixed or otherwise. They can also involve mismatches in the valuation attached to communicative functions. Thus Blommaert (2005a: 58) describes the plight of an Angolese man trying to narrate his escape from Angola. In trying to provide a broader political context for his narrative, he finds it necessary to include descriptions of Portuguese colonial practices and to relate these to ethnic and linguistic divisions in the country. Unfortunately, while such asylum seekers may consider these narratives to contain ‘crucial contextualizing information without which their story could be easily misunderstood’, Blommaert (2005a: 72) notes that these stories were usually dismissed by Belgian officials as ‘anecdotes that did not matter’.

These examples serve to highlight the distinction between speaking and being heard (Hindman 2009: 13). It is the latter that is critical to communicative efficacy and is definitional of the concept of voice. Voice refers to the ways in which ‘people manage to make themselves understood or fail to do so’, and this relies in turn on the ‘capacity to generate an uptake to one’s words as close as possible to one’s desired contextualization’ (Blommaert 2005a: 68). Speaking without being heard merely increases the sense of frustration on the part of the speaker, but the problem with the notion of language rights is that it focuses on the right to speak, assuming that this coincides with the ‘right’ to be heard or understood. But if the latter is absent, then it is not clear what purpose is served by making claims regarding the former.⁴

The problems delineated previously arise because neither mixed languages nor changing communicative functions are easily handled by the notion of language rights. For language rights, these problems are exacerbated in the context of migration, since migration involves the movement of linguistic resources that may be ‘functional in one particular place but become dysfunctional as soon as they are moved into other places’ (Blommaert 2005a: 83). In short, the changing contexts in which speakers and their linguistic resources find themselves also have the consequence of resemiotizing the values allocated to these resources.

Language rights are not well suited to dealing with such semiotic fluidity because these rights are predicated on the stability of the relationship between particular speakers or communities and particular language varieties. In the context of migration, the challenge is to ensure that mobility does not—as far as possible—compromise an individual’s ability to be heard and understood. Responding to this challenge requires adaptive responses to changing circumstances and situations on the parts of *both* speakers and their hearers—a challenge that can best be served by raising the metalinguistic awareness of both parties. There is a role here, then, for a third party such as an interpreter or perhaps more appropriately a communication facilitator. But the role of this facilitator should not be narrowly construed so that discussions are focused only on extracting the ‘facts’ of a migrant’s story (for example) or on conveying information regarding

4. I thank John Edwards for highlighting this point.

bureaucratic procedures from relevant officials to the asylum seeker. It should also include alertness in the metacommunicative sense of drawing the interlocutors' attention to potential areas of misunderstanding, differences in emphasis regarding content or (mis-)attribution of illocutionary intent. It is only when attention is given to these metacommunicative concerns that speakers actually have a real chance of ensuring that hearers appreciate their intended contextualizations.

Thus if the discourse of language rights is to be at all relevant, it must be interpreted as an individual's (rather than a group's) right to be heard or understood. Such a communicative right can be expected to apply regardless of whether we are dealing with migration and global mobility, since it is a right that individuals will have wherever they happen to be. However, this kind of individual communicative right is in principle fundamentally different from the right to a specific language simply because that language happens to be emblematic of one's membership in an ethnic minority group.

MIGRANTS SETTLING INTO THE UNITED STATES AND NEW ZEALAND

Communication problems, and hence the broader notion of a communicative right, are also relevant to migrants who, unlike asylum seekers, have already been granted permission to remain in the host society. By definition, the host society acquires the status of a new home society into which these recently arrived migrants are now expected to integrate. Learning the language of the new home society is therefore not so much a right of the migrants as it is an obligation or responsibility expected of them. This is a scenario that agrees with at least some interpretations of language rights, such as Kymlicka's (1995; see chapter 2), where immigrant groups are expected to integrate into the existing national culture because they are construed as having (mostly) come voluntarily to the new host society and, by so doing, are no longer entitled to have their original societal culture established in their new home. Such integration, for Kymlicka (1995), includes the provision of language training where immigrants learn the language of the host society.⁵

Questions then arise about the adequacy of the kind of language training provided to these migrants—an important issue because this affects their ability to successfully integrate into the new society. Consider as an example the case of Binh Nguyen, a Vietnamese immigrant who settled in the United States with his

5. Rubio-Marín (2003) prefers to treat this as a language right, and relies on a distinction between noninstrumental and instrumental language rights. The former refers to language rights as it is more typically understood in the literature, and is concerned with protecting 'one's membership in a language community, [protecting] a certain context of choice and sense of identity provided by its culture'. In contrast, the latter is concerned with ensuring that all members of a society have the right to learn the dominant language so as to avoid 'linguistic obstacles that may curtail the enjoyment of rights, freedoms, and opportunities that rest on the possibility of comprehensible linguistic interactions' (Rubio-Marín 2003: 68). Rubio-Marín's notion of instrumental language rights then closely approximates what I mean by communicative rights.

wife and two children (Tollefson 1991: 105). Binh worked as a mechanic in Ho Chi Minh City, and fled to the United States as a refugee in the mid-1970s. Given his background as a mechanic, Binh was understandably anxious to find a similar job in the United States. As part of the resettlement process, he was enrolled in English as a second language (ESL) classes specifically intended to cater to the language needs of refugees. However, even after attending these classes, Binh still did not speak English well enough to find a job as a mechanic. Because of this, Binh had no choice but to face the possibility of working minimum-wage jobs.

Tollefson (1991: 106) takes pains to point out that Binh's problem with English cannot be attributed to his lack of willingness to learn the language. Rather, as Tollefson stresses, the nature of the ESL classes and the resettlement program are such that, despite their best efforts, students are often put into positions where they cannot realistically qualify for jobs with a 'liveable wage' or find 'jobs that provide an opportunity to improve language or employment skills' (Tollefson 1991: 111). Tollefson (1991: 105–6, italics added) explains the situation as follows:

Using materials prepared by the Office of Refugee Resettlement and the Center for Applied Linguistics, these classes emphasize competencies for jobs *considered appropriate for refugees*. For instance, several lessons emphasize the importance of apologizing appropriately. 'What do you say to your supervisor when you make a mistake?' the teacher asks. 'I am sorry. I won't do it again', the class practices over and over. Students also punch a time clock as they enter class and follow 'company rules' posted on the bulletin board, such as 'No horseplay. Work quickly and accurately—don't waste time and materials' . . . So that students practice appropriate workplace behavior, the classroom is periodically transformed into an assembly line where students put together a simple lamp, or a fast-food restaurant selling hotdogs and hamburgers to other students on Friday afternoons . . . The students often work in silence, demonstrating that they can follow directions while working efficiently.

The language classes are thus predicated from the very start on the assumption that the refugees are likely to end up working in low-paying jobs, regardless of whether they possess technical skills that might make them suitable for jobs with better pay. This is a self-fulfilling prophecy that limits refugees to low-paying jobs because the kind of English being taught is a form of 'survival ESL' that emphasizes workplace interactions that involve following orders and avoiding mistakes (Auerbach and Burgess 1985). Furthermore, because federal policy is aimed at integrating refugees as quickly and expeditiously as possible, most refugees who 'graduate' from these classes are still unable to speak English well. Yet they are under pressure to get a job as soon as possible, failing which they may not qualify for federal subsidies (Tollefson 1991: 106). These factors combine to ensure that the refugees take whatever low-paying jobs are immediately available that do not require the use of too much English. And this decision, once taken, in turn severely limits their ability to improve their command of the language and closes off any subsequent opportunities for upward mobility.

The language problems faced by these refugees also have ramifications that extend beyond the workplace, affecting the social structure of the family as well (Tollefson 1991: 109):⁶

Children often learn English more quickly than adults, and so take on major responsibility for contact with English speakers and institutions. They may also adopt new behaviors and values, such as lack of respect for teachers and indifference towards religion. Thus children gain exceptional power through their ability to speak English, while adults lose authority and resent the changes they see taking place within families increasingly out of their control.

These language problems and their effects on upward mobility and family structure are not easily addressed by the notion of language rights. This is because the rationale behind learning the new language (in this case, English) is to integrate into a new culture rather than to preserve one's ethnic heritage. And because of this, it is often presented as an obligation imposed on immigrants rather than a (language) right that they lay claim to. Recall that in a nonmigrant context (chapter 2), it is precisely this obligation to integrate that is often presented as being a threat to ethnic minority cultures, and it is this threat that requires a response in terms of language rights. In other words, the notion of language rights is called upon precisely in order to resist such assimilatory pressures, so as to help speakers of ethnic minority groups preserve their cultures and languages. The notion of language rights therefore provides little guidance in dealing with the problems faced by these refugees *except as an acknowledgement that such rights may need to be waived*.

To get a handle on how such problems might actually be addressed, it is again necessary to remind ourselves that we have to go beyond language as a named variety and think about it as a semiotic resource for moving across different linguistic markets. In the case of ESL classes for refugees, this means expanding the scope of language lessons. In addition to providing language lessons on following orders, interpreting instructions, or apologizing for mistakes, there must also be lessons on other scenarios that acknowledge the difficult problems refugees face in balancing workplace and family commitments. These other scenarios can include asking for time off to take a sick child to the doctor, negotiating for a salary advance to offset medical and rental costs, and explaining why one deserves a promotion or an opportunity for more workplace responsibilities. It also means including seminars and discussions in the ESL classes about cultural differences, and it means encouraging the refugee learners to make overt comparisons between the communicative norms of their own native cultures and the culture of their new home society.

6. This is not to deny that children of refugees have problems with learning English. Their variety of English will show accentual, lexical, and grammatical differences as a result of their different linguistic backgrounds. Such differences are often stigmatized, and can be significantly impact on the children's self-confidence and their academic achievements. See chapters 4 and 7 for a discussion of this problem.

These are not unrealistic expectations for a language program, especially if the program is sincere about integrating recent migrants into unfamiliar cultural contexts. In fact, something like this is already being done in New Zealand to prepare recent immigrants from places as varied as Hong Kong, Russia, and Vietnam for the workplace. The important point about the New Zealand initiative is that it focuses on communication issues in a broader sense to include not just language learning, but also imparting various social and pragmatic skills for getting on in the workplace. Holmes (2000), for example, provides a discussion of the nature of small talk, noting that immigrants often have different understandings about what would constitute appropriate topics for small talk, when and whether small talk is needed, and what kinds of social functions are served by engaging in small talk.

Nevertheless, the importance of something like small talk should not be underestimated. As Holmes (2000: 126) points out, 'small talk is an important component of workplace interaction, and using small talk appropriately, getting the content, placing, amount, and tone "right" can be a crucial and complex aspect of achieving workplace goals'. In one example, Holmes (2000: 135) discusses how a subordinate uses small talk to first 'reduce social distance and emphasize his good relationship with his superior' before (successfully) requesting a day's leave. Consequently Holmes (2000: 136) asserts:

So, despite the superficial initial 'waste of time', this exchange is a model of effective communication. The sophistication and skill demonstrated by both participants in managing this interaction highlight the challenges for second language learners and teachers.

Holmes (2000: 136) goes on to suggest that immigrants can be helped to acquire such pragmatic skills for workplace interaction through the use of local television programs, such as soap operas:

One method that has been successfully used for teaching accent and idiomatic usages in New Zealand is through the use of local television 'soaps'. These obviously also offer possibilities for teaching ways of managing small talk. Realistic soap operas set in workplaces such as hospitals, police stations, and offices provide ideal material focusing on interactions at work. Using such materials as resources, teachers and students can usefully explore the following issues [questions such as: What are considered appropriate topics for use as small talk? Where is small talk placed in the speech event? How to use small talk to express positive feelings to another], comparing patterns in the students' native culture with those of the target culture.

But even assuming that these steps are taken to improve the quality of language education provided to immigrants, these can only go so far. However 'well' these immigrants learn the language of their new country, the inescapable influence of their own native languages means that their version of the language will differ in various ways from the variety spoken by traditional native speakers.

These differences, of course, are simply consequences of hybridity, and as we saw in our discussion of Rinkeby Swedish, such differences can serve to mark the immigrant speakers as always being outsiders to the new society. By devaluing the linguistic capital of immigrants, the notion of Rinkeby Swedish helps to draw attention to and maintain the boundary between immigrant and native Swede (Stroud 2004: 208):

The preoccupation with legitimate boundaries and their institutional policing generated by these notions allows speakers to use them productively as proxy for statements on migration, race and ethnicity in a range of discourses of a direct socio-political nature. In each of these cases, the larger socio-political picture is about maintenance and reinforcement of privilege through the reproduction of the speech community and its borders.

As Stroud (2004: 210) points out, the public discourses surrounding Rinkeby Swedish gained popularity at a time when Sweden was itself dealing with increasing social division, rising unemployment, and a change in the nature of immigration to include refugees from Chile and Africa. In the context of these social and economic changes, 'Rinkeby Swedish provided the semiotic materials for a new take on the politics of multiculturalism, allowing a repositioning of Swedish self in relation to immigrant Other'. Labels such as Rinkeby Swedish therefore serve to index their speakers first and foremost as immigrants and their style of speech as 'immigrant language', with correspondingly serious consequences for social equity, since whatever may be said using such language is construed as not deserving to be heard or taken seriously (Stroud 2004: 208): 'This is the very mechanism whereby the migrant is constructed as a particular category of person, and this is factored into a range of other discourses where migrant identities are at issue, and where migrant voices are construed as illegitimate.'

If the discourse of rights were to be employed in order to improve the language lessons provided to these immigrants, as well as to address the likely stigmatization of their style of speech, then it must clearly take on the broader notion of a communicative right. Only in this way can the notion of rights usefully help to highlight the communicative problems and social prejudices that immigrants face in being heard and taken seriously.

DIVERSITY IN CANADA: CHALLENGING THE NOTION OF A FRANCOPHONE

While the example of asylum seekers in Belgium represents the difficulties immigrants face in gaining entry into the host society, and the examples of the United States and New Zealand describe the problems involved in integrating once permission to stay has been granted, Heller's (2006) ethnographic study of Champlain, a minority high school in Toronto, Ontario, Canada, highlights the

challenges to prevailing language ideologies that migrants can pose as they come to take root.

Speakers of Canadian French, as a linguistic minority in a largely English-speaking country, have traditionally petitioned for the institutionalized protection of their language. Indeed, one of the legitimizing factors behind the setting up of the minority high school was precisely that it would serve to provide such protection. However, the presence of bilingual Canadian students who have no such affiliation to vernacular Canadian French and (of special relevance to the theme of this chapter) the presence of immigrants from former French colonies interested in French only insofar as it serves as a resource for economic mobility has led to conditions that are problematic to the very issue of which variety of French the school ought to privilege. Privileging Canadian French may be seen as compromising the school's educational responsibility to prepare its students for the wider economy, but privileging a more international French may be seen as betraying the school's historical mission.

As an educational institution dedicated to preserving and protecting the Canadian francophone identity, Champlain aims to create within itself a monolingual environment where Canadian French, as part of the school's heritage, is officially the only French tolerated (Heller 2006: 52):

Champlain represents a monolingual haven, a place in which to preserve valued elements of a threatened language and culture;

The school is a place in which to gain access to the skills and knowledge that will facilitate participation in the modern, globalized world;

It is a place in which to gain access to French, either of the authentic Canadian or of the placeless 'normal' kind; and

It is a place in which to participate in the redefinition of *la francophonie*.

These different goals, however, are not always compatible, and indeed, taken together, lead to a number of tensions that the school has had to try and resolve as it attempts to deal with students coming from different socioeconomic and linguistic backgrounds (Heller 2006: 18).

For one academically successful and ambitious group of students, the school's preference that only French be used within the school grounds contrasts uneasily with their own practice of bilingualism, which consists of a mixture of French and English. Ideologically such mixing of codes contravenes the school's preference for 'purely monolingual practices' (Heller 2006: 18), so that institutionally approved bilingualism is understood as a series of monolingual capabilities ('pure' English, 'pure' French). This group of students tends to place a premium on English, but when switching into French they favor a variety that is considered to be more international and more economically useful than Canadian French. Another group of students comes from a vernacular Canadian French-speaking background, and while their presence both represents and guarantees the school's authenticity, these students 'also represent the past from which the school is trying to escape' (Heller 2006: 18). Finally, all of these tensions are complicated by the

presence of immigrants, particularly those from francophone Africa. These immigrants have no vested interest in Canadian French, nor do they have any interest in the kind of bilingualism represented by the first group of students. For these immigrants, what is important is a commitment to French monolingualism, but the kind of French favored here—as in the case of the first group of students—also involves a more internationally oriented variety that is useful as a commodity for engaging with the globalized world. These immigrant students are interested in both English and French, but, like the school, treat these as separate monolingualisms: they rely on the school to provide them with knowledge of international French, and they depend on their ESL classes and their experience *outside the school* to help them learn English (Heller 2006: 116).

The various tensions represented by these three groups of students demonstrate a ‘crisis of legitimacy’ (Heller 2006: 26), where ‘the old politics of identity’ sit uneasily with ‘an economics of language, which can be used pragmatically by individuals to position themselves advantageously in an international world’ (Heller 2006: 213). Heller (2006: 18) points out that although these tensions were far from being resolved by the end of her fieldwork in 1995, the ideological momentum was clearly shifting in favor of *la francophonie internationale*.

The contradictions created by these linguistic tensions and their accompanying ideologies have to be dealt with by both the staff and the students. The staff are caught between needing to engage with the more international variety that ‘opens the doors to economic achievement’ while trying to avoid overtly delegitimizing the authentic vernacular (Heller 2006: 24). The students, on the other hand, try to find different ways of subverting aspects of the ideologies with which they are unhappy (Heller 2006: 114ff). The academically successful and ambitious students cooperate publicly by keeping to monolingual French on school grounds, relegating their use of English to ‘backstage’ or more private interactions.

Those students who are more committed to the vernacular may occasionally engage in fairly aggressive linguistic behaviors—such as using Canadian French in a sports banner—to signal their allegiance to Canadian French. But such occasional displays do little to assuage the frustrations felt by this second group of students. Thus Heller (2006: 133) describes the perplexity of Michel, a student who has grown up with vernacular Canadian French as his first language (‘it’s valuable to have been brought up with French, you should keep it’):

Michel’s expectations and behaviors are exactly in line with what the school wants, and yet somehow his French is not good enough, and he is subject to public correction. The experience sours his feelings about the school; it makes him feel that such teachers are ‘hypocritical’ (‘*and it’s a bit hypocritical, if they encourage us to speak French at school, and then they come and tell us, “We don’t speak like that, you should speak like a French person from France”*’).

The third group of students, immigrants from other parts of the francophone world, in turn view French as a language for social and economic advancement,

and have no patience for the kind of vernacular that the school should ostensibly be protecting. The following remarks from Aïcha, a Somali student, are fairly typical in this regard (Heller 2006: 140):

‘here, you see, the Québécois languages are weaker than the French languages . . . if you look at the quality, and the French they speak pure French, and here they’re mixed, as if, it’s mixed.’

The situation at Champlain recalls the points made in chapters 1 and 4 about the difficulties the notion of language rights has when called upon to deal with intralanguage discrimination. The spread of a language of wider communication tends to give rise to new varieties such as ‘new Englishes’, and in this case, different varieties of French, which means that there is no unitary language that could be treated as the object of the right. And this, of course, raises the question of to which variety (of the language) each group of speakers should be claiming a right. And given the lack of consensus among the students (their families, and the wider community) and the conflicting obligations that the school is forced to negotiate, the notion of language rights does not provide an answer to the question of which variety ought to be privileged as the object of the right.

The Champlain high school provides a microcosm of the very real and ideologically complex issues that are increasingly being posed to various institutions and communities. Champlain is faced with different kinds of students who have varying conceptions about what kind of French ought to be spoken. These conceptions are not compatible, and it is unclear how, in such a context, the notion of language rights can serve as any kind of guide for how to address or manage these contested conceptions involving ideologies of language. Heller (2006: 214–15) points out that the school has responded by simply taking pains to avoid having to confront such contradictions, aiming instead for occasional strategies that neutralize or background them. Such strategies, although probably not ideal, are, in spirit, the very opposite of what would otherwise be encouraged or demanded by the notion of language rights, which would call instead for a more vocal and aggressive championing of one specific variety over another.

But rather than focusing on language rights in the traditional sense, it may be more important to allow the different groups of students, the school authorities, and the members of the wider community to discuss their differing expectations regarding the school’s language obligations and how such obligations are expected to cohere with the kinds of graduates the school should be producing. This is not to blithely assume that such discussions will lead to any kind of consensus—far from it. Rather, such discussions will at least provide the school and its students with a channel for examining otherwise unchallenged ideologies of language. That such a channel is much needed can be seen from the fact that as the immigrant students began to grow frustrated with what they perceived as linguistic discrimination, they increasingly sought ways of publicly highlighting these issues to the school. Thus Heller (2006: 193) observes that some of the immigrant students co-opted the observation of Black History Month and used the opportunity

as a forum to make the point that social evaluations and stereotyping about language use can run both ways (Heller 2006: 193): ‘it is not only white Canadians who are allowed to judge Africans; Africans are on an equal footing, and can judge white Canadians. They can judge their odd French’.

Other attempts by these students included running for election to the student council in order to better consistently highlight the differences and problems faced by the African students (Heller 2006: 194). These politically oriented moves demonstrate an increasing sense of frustration and desire to challenge conflicting language ideologies by penetrating ‘the official power structures, in order to have a more direct influence over the school’ (Heller 2006: 194).

For the immigrant students, such political moves may indeed be more realistic options, since it would be extremely difficult to base any language claim they might make—such as their interest in learning French (or English for that matter)—on the notion of language rights as traditionally conceived. But if the discussion of ethnic diversity and nationalism in chapter 5 is anything to go by, it would clearly not serve any of the parties involved if these efforts by the immigrant students to convey their frustrations were to be met with a counterresponse that attempted to invoke the notion of rights. For example, the invocation of language rights by, say, students and parents who champion the vernacular—and by implication, the reminder that the immigrant groups lack the basis for any similar rights-based claim—would likely only result in increased levels of tension rather than reasoned deliberations.

TRANSNATIONAL MIGRATION: RESHAPING THE STATE

The previous section showed that the Champlain high school represents a site where conflicting language ideologies need to be managed, including ideologies flowing in as a result of immigration. The influx of such ideologies has had the effect of forcing the school to rethink and thus reshape its own erstwhile language ideologies. In this section we will see how similar processes can be observed on a larger scale at the level of the state. Of particular relevance to the theme of this book, we will see how the responses to such processes, as discussed by Jacobson (1997), are optimized by focusing on the rights of the individual rather than those of the group.

Jacobson’s (1997) argument is that transnational migration has had a significant effect on the individual’s relationship to the state. The state’s ability to govern is initially questioned by the difficulties it faces in controlling transnational migration. As the presence of these immigrants becomes increasingly pronounced and tensions with nationalist groups start to rise, the state’s traditional basis of legitimacy has to be reshaped (Jacobson 1997: 72):

Populated by bodies of people it cannot absorb in the conventional sense, the state adopts international legal codes that can account for such transnational actors. Those

actors themselves turn to such codes in making demands on the state. The character and role of state, society, and international institutions are, consequently, being transformed. Those codes, namely international human rights instruments, have become progressively more salient.

Crucially, this appeal to international human rights instruments is focused on the interpretation of such rights as individual rights. Thus (Jacobson 1997: 8–10, italics in original; see also Jacobson 1997: 117):

As rights have come to be predicated on residency, not citizen status, the distinction between ‘citizen’ and ‘alien’ has eroded. The devaluation of citizenship has contributed to the increasing importance of international human rights codes, with its premise of universal ‘personhood’ . . . States must increasingly take account of persons *qua* persons as opposed to limiting state responsibilities to its own citizens. International human rights law, in contrast to national law, recognizes the individual as an object of rights regardless of national affiliations or associations with a territorially defined people . . . Any aliens, even long-standing aliens, can exploit the changed social, political, and legal circumstances—such as a more prominent role for international human rights codes—to which transnational migration has contributed. And once these international codes take on such salience, they apply to persons, whether they are alien or not . . . The concept of nationality is thus in the process of, in effect, being recast . . . the state is becoming accountable to all its *residents* on the basis of international human rights law. The individual, in place of the state, is becoming the object of international law and institutions.

The contours of the relationship between the state and its residents will of course vary, depending on the constraints of how the nationalism has been historically imagined and associated with a given state. However, Jacobson (1997) suggests that while such constraints may influence the pace of the shift, the direction of the shift is itself quite clear: the move is increasingly toward the use of international human rights codes in managing state-resident relationships.

Comparing the experiences of the United States, France, and Germany, Jacobson (1997: 21ff) notes that the United States ‘worships at the shrine of constitutional rights and ethnic pluralism’, whereas France ‘demands complete assimilation into French culture and identity’, and Germany emphasizes particularistic ethnic ties defined in terms of a *Volk*. This means that Germany ‘has never been an immigrant-welcoming country’, while France ‘long had a policy of attracting “assimilable” foreigners, primarily those from Catholic countries’ (Jacobson 1997: 25). But as immigrants (e.g., foreign workers from Turkey, Greece, Algeria, and Morocco) began to settle down, their increased presence began to pose problems for the existing mechanisms—in both France and Germany—for regulating their inflow, especially since many such workers were encouraged to enter, stay, and bring their families when there was a need for their labor. While the United States has always prided itself on being open to immigrants, it too was unable to come to terms that such openness could and

would—especially as a result of Asian immigration—radically change the nation’s ethnic proportions (Jacobson 1997: 50).

In all three countries then, the relatively unpredictable and heterogeneous nature of immigration forced the states to turn to international human rights in order to handle the social, cultural, and economic challenges posed by immigration:

While the United States and Western European countries all do indeed turn to international human rights instruments in accounting for these transnational actors, some have moved more quickly than others. The Americans are the most ambivalent in their move to international human rights instruments, and the French are somewhat slower than the Germans. This ambivalence is rooted in the more ‘elastic’ political character of American and French national identities and institutions. Paradoxically, the ethn-nationalistic basis of German nationhood and citizenship led the Germans to turn more readily to international human rights codes to account for the foreign elements in their midst; for the Germans, unlike the Americans or the French, concepts of nationhood left little room for ‘internally’ accounting for the migrants. (Jacobson 1997: 10–11)

The adoption of international human rights means the following (Jacobson 1997: 118, italics in original):

For example, refugees must be admitted or rejected on the basis of universal (even if very restrictive) criteria, *not* on the basis of race, national origin, political sympathies, and the like. Attachments to a territory are established through social relationships, such as direct family ties, not in terms of a sovereign state’s self-defined interests.

It also means that immigrants, once admitted, are expected to uphold certain obligations to the state. In short, as Jacobson (1997: 116) points out, ‘the state, under the aegis of international human rights instruments, can thus make demands of aliens to support the state’ (through, for example, taxes and even military service).

In the case of language and communication, the lesson to be drawn from the foregoing examples is this. However elastic a conception of national identity may be, the state will still be best placed to face the challenges of transnational migration by treating immigrants as individuals with relatively unpredictable communicative needs that have to be addressed on a case-by-case basis. This requires conceptualizing a communicative need as an individual right rather than as the right to a specific language attached to and emblematic of a larger collective identity. Furthermore, because communication is fundamentally a reciprocal enterprise, while the state is therefore obligated to ensure that individual migrants have their communicative needs addressed, the state is also justified in demanding that immigrants be required to acquire a working knowledge of the language of the society into which they are entering.

But of course the state itself is an abstraction and immigrants, once present, will have to integrate into actual communities, and this will necessarily entail integration into specific ethnic communities. This means that these communities

will also have to be open to the possibility that the presence of the immigrants will impact on their community identities, just as much as the entry of these immigrants will have forced a reconceptualization of national character. This, of course, is the lesson from our discussion of Champlain in the preceding section: it is simply unrealistic to expect the impact of immigration at the level of the state to have no influence on subcommunities within the state. This observation further strengthens the argument against language rights—particularly if such rights are intended as protections of an ethnic group’s identity against external interference (chapter 3).

CONCLUSION

In this chapter we examined migration and global mobility within a number of cases, organized in terms of a trajectory from attempting to gain asylum to individual immigrants and their families being granted permission to stay, and then the broader sociocultural effects that immigrants may have on ideologies operating at the level of the school and the state. Throughout we have seen that the communicative needs of immigrants cannot be appropriately addressed by appealing to language rights, if these are understood as the collective right of an ethnic minority group to a heritage language. We have also seen that the need for immigrants to integrate means that there are also obligations on them to learn the language of the new society.

These observations do not mean that language rights are completely irrelevant. But a case for their relevance will instead have to come from the argument that the notion of a language right is somehow able to deal with the fact that there are relatively heterogeneous and unpredictable communicative needs that have to be met when dealing with transnational migration. In this regard, the traditional notion of language rights will need to be recast as an individual’s communicative right to be heard and understood, entailing a reciprocal obligation on the part of addressees to hear and understand. Only by reconceptualizing a group’s language rights as an individual’s communicative right can sufficient emphasis be consistently given to the fact that speakers’ intended contextualizations need to be conveyed and received with as much good faith as possible, especially given the vagaries of transnational migration.

Language Education and Communication in the Workplace

This chapter discusses language education and workplace communication together because there is a general expectation that whatever else the purpose of education, it includes preparing learners for the workplace (Bills 2004: 14):

Whatever the persistence of such deeply felt homilies as “education for education’s sake,” or “educating the whole child,” the idea of schooling as an investment in the economic future is never far from the surface. Schools may be assigned different social and cultural roles at different times and places, but severing the linkage between schools and socioeconomic achievement is never a viable option.

Such an acknowledgement, however, should not be read as arguing for a narrowly vocational view of education, since there is no predicting what kinds of work environments students will find themselves entering. Bills (2004: 5) himself defines work specifically as ‘activity that is done voluntarily in exchange for monetary remuneration’, noting that while this definition has its limitations, it is in keeping with established sociological practices, and is also sufficiently broad to include ‘self-employment, under-employment, work that brings its incumbent tens of millions of dollars in income every year and work that brings less than a formally sanctioned minimum wage, free agency and collective bargaining, work that demands a formal relationship to the educational system and work that is unconnected to the educational realm, and work that is regarded as dirty, demeaning, and despised and work that is seen as exalted, prestigious, and professional’.

It is therefore important to stress that educational institutions have a responsibility to make sure that the kind of education that is being provided, including language education, takes into account the need to adequately prepare students for dealing with the communicative demands in the workplace.¹

At this point it is relevant to raise three questions. (1) Is there a place in language education for minority languages, especially since there is a tendency to dismiss these as impediments to social mobility (chapter 3)? (2) If it is not possible to predict the kinds of work environments that students will encounter, then what kind of language education would be appropriate? (3) Given that a language right is typically oriented toward the protection of an inherited ethnic identity, how should this kind of a right compare with other kinds of 'rights' such as the freedom to decide for oneself what kinds of languages one might wish to learn, especially if these other languages are seen to present better opportunities for social and economic mobility?

The answers to these three questions provide the structure for this chapter. The first part of the chapter addresses the role of minority languages, including their place in what is sometimes called 'heritage education'. The second part of the chapter moves on to consider the kind of language capital that is broadly relevant to today's workplace and how this capital might be cultivated in the context of language education. Finally, the third part of the chapter deals with the relationship between language rights and other kinds of rights.

HERITAGE EDUCATION AND THE COMMODIFICATION OF LANGUAGE

One of the things underscored throughout this book is the fact that language and cultural practices undergo changes, becoming resemiotized across different users so that it cannot be taken for granted that members of a given group necessarily have a shared understanding of such practices or of the values that ought to be attached to them. This is a point that bears repeating in the context of heritage education, which tends all too often to be treated as the transmission of some hermetically sealed past.

As Blackledge and Creese's (2008) a study of Bengali schools in Birmingham demonstrates, there are indeed significant contestations of what is understood as 'language' or 'heritage', especially among education authorities, the students, and their families. For many educators and parents, knowledge of Bengali is rationalized as necessary for the maintenance of Bangladeshi roots (Blackledge and Creese 2008: 539–40). Not surprisingly, educators prefer to uphold the standard variety of Bengali as the relevant variety for such heritage

1. In this connection, it is relevant to note that a recent survey by the Gallup polling company (*The Straits Times*, May 9, 2009) indicated that lack of access to education and jobs was a greater source of tension between Muslims and their non-Muslim counterparts in Europe and the United States than religious differences.

education, denouncing the use of a more regional variety as ‘contaminating’ the standard (Blackledge and Creese 2008: 542). Speakers of a regional variety, such as Sylheti, are criticized as being members of a ‘scheduled or untouchable caste’. At the same time, there are disagreements about the boundaries between standard Bengali and Sylheti (Blackledge and Creese 2008: 544):

Whilst some speakers in our study considered ‘Sylheti’ to be quite different from ‘Bengali’, others regarded the two sets of resources as indistinguishable . . . That is, there was disagreement about the permeability of the languages. These differences of perception were likely to be ideological. Those who argued that the ‘languages’ were completely different from each other were speakers of the prestige language, unwilling to allow the lower status language to contaminate their linguistic resources. Those who argued that the ‘languages’ were almost the same as each other were speakers of Sylheti, which was held to index the lower status, less educated group.

In addition to disagreements about the boundaries between Sylheti and Bengali, there was also opposition from the students themselves about whether (some form of) Bengali is even necessary for their Bengali identity. The following two examples are classroom recordings that are illustrations of this (adapted from Blackledge and Creese 2008: 546–47). In the first, the students resist the idea that Bengalis need to speak Bengali, with S2 citing her ‘aunty’ as one example of a Bengali who ‘speaks English all the time’. In the second, the teacher’s Bangladeshi pronunciation of a name (‘Jaara’) is challenged by the students, who prefer the more anglicized version ‘Zahra’.

S1: *miss why can't we just go home?*

T: *Bangla-e maato etaa Bangla class*

[speak in Bengali, this is Bengali class]

khaali English maato to etaa Bangla class khene

[if you speak in English only then why is this the Bengali class?]

S2: *miss you can choose*

S1: *I know English*

S2: *why?*

T: *because tumi Bangali*

[because you are Bengali]

S2: *my aunty chose it. She speaks English all the time.*

S1: *She is coming through the front door.*

T: *Jaara*

S1: [correcting teacher’s pronunciation] *Zahra*

T: **Tumaader aamaake shikhaate hobe naa**

[you all don’t have to teach me]

Ektu chintaa korbaa aamaader theke onaara boishko

[you should think that he is much older than us]

S1: *Okay, look Aleha, how do you spell Zahra?*

S2: *Z-a-h-r-a. In school we call her Zahra, in school we call her Zahra.*

As Blackledge and Creese (2008: 550–51) point out:

The teachers appeared to impose on the students' identities which were associated with Bangladesh and its history. Like the institutional 'language' ideology, 'heritage' ideology was reified and naturalized. However, the students did not always accept the static, essentialized version of 'heritage', which the school was teaching . . . That is, while the teachers and administrators of the schools believed that teaching 'language' and 'heritage' was a means of reproducing 'Bengali' identity in the next generation, the imposition of such identities was often contested and re-negotiated by the students. Their apparent rejection of some 'heritage' symbols, their challenge of their teachers' insistence on the pronunciation of a Bengali name, all became instances of students negotiating subject positions which contested those imposed by the institution.

And furthermore, it was clear that the students were intent on finding some place for their specific understandings of what it means to be Bengali, understandings informed by their own experiences (Blackledge and Creese 2008: 552):

These young people were discursively negotiating paths for themselves which were in some ways contrary to the ideologies of the complementary schools, where teachers and administrators held the view that they ought to learn Bengali because to do so was a practice which carried with it knowledge of Bangladeshi history, nationalism and identity. The young people's attitudes to their languages, and their multilingual practices, constituted a sophisticated response to their place in the world, as they negotiated subject positions which took them on a path through language ideological worlds constructed by others. The young people were flexible and adaptable in response to their environment, as they negotiated identities which were more complex and sophisticated than the 'heritage' positions ascribed to them institutionally.

Even in the case of 'heritage' language education, then, what is needed is an approach that recognizes the open-ended, variable, and contested understandings of language and culture, especially if such education is to find resonance with and relevance to different generations of students. Failure to do so not only carries the risk of imposing on students a conception of heritage that bears little connection with their social realities, it can create the very kind of marginalization of identity concerns that the notion of language rights is intended to help secure. As Süssmuth (2007: 207) points out in a discussion of challenges facing immigrant youth:

Often these young people are at risk of adopting an 'ascribed identity', one projected on them from the outside based on their ethnic or religious affiliation (C. Suárez-Orozco 2004). Immigrant youth must 'achieve' their identities: 'Achieved identity is the extent to which an individual achieves a sense of belonging—"I am a member of this group". An ascribed identity is imposed either by co-ethnics—"You are a member of our group"—or by members of the dominant culture—"You are a member of that group"' (C. Suárez-Orozco 2004). The inner conflict, emotional strain, and social

challenges that arise as immigrant youth find a comfortable sense of belonging ‘on their own’, not based on outside pressures, are immense. Educational curricula must teach the skills youth need to overcome this challenge.

Thus, rather than insist on a preservationist view of language and culture, schools are more likely to benefit from encouraging teachers and students to interrogate what it means to be a young Bengali in Birmingham, for example, and compare this with the experiences and values of older Bengalis as well as those of Bengalis located outside the United Kingdom in, say, Bangladesh. Heritage language education may even incorporate more metalevel deliberations where students and teachers critically evaluate their understanding of concepts such as ‘minority language’, ‘standard language’, and ‘native speaker’ (cf. Tollefson and Tsui 2007: 262), and explore the possibility that a nontraditionally affiliated language may in fact be usefully appropriated for the promotion of a given culture. In other words, teachers may have to accept that for some students, an ostensibly foreign language like English may be an appropriate resource for manifesting ethnic identities. To a certain extent, this is already the case in Japan, where English is at times ‘constructed as a tool for the promotion of Japanese culture, linked discursively with renewed Japanese nationalism, and politically with a range of newly emerging policies, including a shift away from reliance on the United States for military protection and security’ (Tollefson and Tsui 2007: 263, citing Hashimoto 2007; see also Hornberger 1997: 94).

The already contested nature of language and heritage has in recent times been heightened by a global shift in language ideology from one of ‘authenticity’ to one of ‘commodification’, where understandings of language as a mark of ‘belonging or identity’ come into conflict with language as a ‘an acquirable technical skill and marketable commodity’ (Heller 2002: 47). Such tensions are observable in the education system (see the discussion of Champlain in chapter 6), but because of the connection between education and the workplace they are also traceable to perceptions about the relative values of different linguistic capital in the workplace (Heller 2002: 59):

It is the (concrete or imagined) ‘realities’ of the workplace that increasingly drive the ways Franco-Ontarian (and other) schools approach language, and the ways parents and students make choices regarding language of education and language education.

What this means is that heritage education, too, needs to justify its relevance to the changing realities of young people’s lives, and cannot hope to make this justification on the grounds that there is a transgenerational obligation to preserve a language or culture as some form of ‘public good’ (Ferguson 2006; Süßmuth 2007: 197). That is, the preservation of language and culture must be the result of speakers’ choices, and cannot be treated as an obligation incumbent upon them simply because of an inherited cultural identity (Weinstock 2003). As Edwards (1994: 11) puts it:

Wherever societal heterogeneity exists, schools may be asked to play a part—perhaps the central part—in maintaining and encouraging identities thought to be at risk. Schools and teachers have increasingly, in fact, played the role of agents of social change and have correspondingly experienced more difficulties since this does not always mesh well with their traditional task of transmitting core or basic skills.

Consequently the worst thing that schools can do for heritage education is to simply assert by fiat that heritage education is somehow privileged or immune to the changing realities of the world ‘outside’. Such a move merely pits a pastoral view of language (Gal 1989) against a more pragmatic one without recognizing that the relationship between these views is a complex and shifting one.

A pastoral view treats language as a proprietary entity that is inherited across generations of speakers who belong to the same community, and this community is itself understood as (always) having occupied a specific territory. This territoriality contributes to the community’s sense of history, so that the language comes to be seen as steeped in tradition: it is understood to be an inalienable carrier—in the sense that no other language is considered to be an adequate substitute—of the community’s ancestral values. Because of this, the language is said to represent a significant if not essential aspect of the speakers’ cultural identity. Loss of the language, then, is (allegedly) tantamount to the destruction of that culture. Speakers are consequently expected to aim at preserving their knowledge and use of the language, as a demonstration of their fidelity to the community and its associated values. As a counterpoint to this pastoral view, language can also be understood to serve a primarily instrumental or pragmatic purpose (Budach, Roy, and Heller 2003; Wee 2003b). Speakers who learn the language do so because it is valued as a resource that facilitates socioeconomic mobility in a competitive marketplace rather than as a heritage language intrinsically valued as a marker of cultural identity. The loss of the language is not expected to result in significant identity trauma. Consequently speakers are not under any moral obligation to maintain the language. This is a language of convenience, so to speak, being learned and used for the mundane, if not profane, purpose of making money or simply getting on in the world. And if some other language should prove to be of greater pragmatic value, speakers might then be expected to shift their language interest accordingly.

It would clearly be ideal for any community if one and the same language were to serve both these functions, since this would reduce the learning burden on the members of the community as well as the danger of language shift and loss. But given that most societies are multilingual so that a purely monolingual society is not just atypical but most likely chimerical, the reality is that different languages are always going to be in some kind of dynamic tension with each other, and each community member will have to decide just how to negotiate this tension. In this regard, it is important to note that, in the course of time, it is entirely conceivable that what started out as a pastoral language can become commodified, and vice versa. It is therefore clear that pastoralism and commodification represent different idealized conceptualizations of language. Assuming that the

two are coterminous with the boundaries of named languages drastically oversimplifies the complex roles that language plays in the lives of its speakers.

ECONOMIES OF LITERACIES

It is necessary to appreciate that the challenges discussed in the previous section are not limited to heritage education, but are part of a larger picture involving competition between languages as speakers make decisions about their preferred life choices. That is, even so-called dominant or majority languages are not exempt from such competitive pressures, and in fact, some form of displacement or 'consolidation' is inevitable in any drive toward literacy, so that any resulting loss of linguistic diversity cannot necessarily be laid at the door of a dominant language (Levy 2003). As Levy (2003: 230) points out:

[arguments for language rights and language preservation] sometimes proceed as if language consolidation arises in a vacuum, as if it's simply a bad idea on the part of malicious majority-language policy makers . . . [In fact] there are substantial pressures toward linguistic consolidation that arise spontaneously, especially at the time when literacy becomes a widely available option.

As Levy (2003: 231, italics in original) further explains:

In laments for the lost world of casual polyglottism, or enthusiastic reports of that world's persistence in parts of Africa and Asia, one fails to see acknowledgement that it is much harder to be literate in several languages than it is to be conversant in them. Once 'knowing a language' comes to include the ability to read and write in it, each language (including the native language) requires a much greater investment of time, energy and education to acquire. This of course does not force anyone into monolingualism. But it does put downward pressure on how many languages any one person is likely to know.

Moreover, *any* downward pressure on the number of languages any person is likely to know also places downward pressure on the number of languages that can sustainably be spoken in any given region. A pre-literate equilibrium might include several languages, including one or two with very small numbers of native speakers . . . But that equilibrium is upset by literacy. Once language acquisition has become more costly, members of the larger groups reduce the number of languages they are willing and able to learn, and so cease acquiring the language spoken by smaller groups. This in turn makes life more difficult for members of each smaller group. They must either (1) invest time in language acquisition that members of the larger groups do not have to invest (in the simplest case, members of a minority have to learn the majority language while the reverse is not true); (2) limit interactions to members of their own linguistic community; (3) depend on interpreters and translators, who then form a bottleneck and may gain unfair power over members of the smaller group; (4) give up their ancestral language and

assimilate; or (5) migrate out of the area. As some members opt for (4) or (5), (2) becomes progressively more difficult and less appealing.

Levy's observations make clear that competition between languages is a consequence of 'sociolinguistic consumption' (Stroud and Wee 2007), that is, of the kinds of choices that speakers make, based on perceptions of relative advantage and effort in language learning (see also Mufwene 2002b). An illustration of the connection between language education and socioeconomic achievement, and how this may impact on languages, can be observed in Lamb and Coleman's (2008) discussion of the pursuit of English in Indonesia. Lamb and Coleman (2008) point out that after the fall of President Soeharto in 1998 and the devolution of power to the regions, one might have expected a resurgence in the use of local languages. Up to this point various indigenous languages such as Aceh, Bugis, Jawa, and Minang had been dominated by the institutionalization of Bahasa Indonesia as the national language. Instead, 'it appears to be English which is filling the ecological spaces', given its rising 'economic and cultural stock' (2008: 189, 193). Of importance, Lamb and Coleman (2008: 201) note that despite the demand for English,

the way in which it is being acquired is through individuals acting autonomously with the object of transforming themselves by joining an exclusive club of cosmopolitan English-speaking Indonesians. The competition for places in this club is turning the language into a luxury consumer product, sold by high-street language schools and profit-seeking publishing companies. More seriously, while the intention is that English serves the nation, paradoxically it may deepen existing social divisions and help divert the attention of the elite from the problems and preoccupations of the rural poor.

Since access to prestigious institutions and high-paying jobs depends on having competence in English (Lamb and Coleman 2008: 201), and since individuals who can afford access to better quality English language are already likely to come from more privileged backgrounds, this is a situation that requires serious attention. Failure to address this problem merely serves to exacerbate linguistic discrimination by allowing the rich to get richer and the poor to get poorer. To help mitigate this potentially deepening social inequity, Lamb and Coleman (2008: 203, italics in original) suggest that

what is needed is a curriculum that puts learner motivation at its core: conceding that, at the present time, with realistic levels of material and human resources, and with competition from all the other subjects in the curriculum, there are severe limits on how much English can be learned at school, but that at the very least, all learners should be *encouraged* to learn it outside school, now or in the future. This does not mean the kind of controlling extrinsic motivation which relies on fear of the consequences of failure, but instead encouraging the development of a personal identification with the language, of a genuine belief in the possibility of one day being an

English user. Gaining literacy in English could then become what Kern (2000: 35) calls an ‘apprenticeship in particular ways of being’, rather than, as it has been, merely the acquisition of a set of reading and writing skills for examination success . . . What is needed in fact is a lowering of barriers between classroom and society, so that the increasing presence of English in the environment (the songs, the product labels, the job advertisements, the public posters) becomes a valuable resource for learning in school, providing part of the subject matter and the reason for learners to become literate in English.

As another example, consider Park’s (2009: 43) observation that in the South Korean job market, the indexical connection English has with globalization and modernization means that local definitions of what constitutes an *injae* ‘talented person’ or *gukjein* ‘an international’ all involve expectations of English language competence:

the ideal employee of a globally oriented corporation must be globally oriented as well, a quality that is indexed through the person’s English skills. In other words, English is not the kind of skill whose lack may be compensated by other skills, but something more fundamental to the desired corporate worker in the global age.

As Park (2009: 44) highlights, it is this indexical association that has prompted many parents in South Korea to pursue better English language education opportunities for their children, including enrolling them in expensive English-only kindergartens or sending them abroad to English-speaking countries. As with the Indonesian situation, unless steps are taken to address the issue, class too can emerge as a potentially socially divisive factor inflected along English language lines (Park 2009: 45).

The foregoing discussion demonstrates that in many societies today, a language of wider communication (LWC) such as English is needed for social mobility. And there is a serious danger of language access deepening into social division among English-haves and English-have nots. As argued in chapter 3, the answer to this problem does not lie in trying to boost the status of a minority language, since this would rely on a long-term significant overhaul of current economic social structures at the local, regional, and global levels during which the social problems faced by those lacking access to the LWC remain unaddressed. Rather, a more reasonable response lies in trying to widen access to the LWC in ways that underscore the performative nature of language and its potential as a semiotic resource.

ENTERPRISE CULTURE AND SELF-BASED AUTHENTICITY

We can now address the question of what kind of language education might be appropriate, given that it is not possible to predict the kinds of work environments that students will encounter. Cheng (2007: 178–80), for example, emphasizes the

increasing importance of communicative skills as organizational structures become more fluid and more reliant on teamwork:

Workplace activities, including presentations, negotiation, brainstorming, persuasion, debates and arbitration all entail high competencies in communication skills . . . Tasks, jobs, and even careers are frequently shifting; therefore, individuals must be continually engaged in on-the-job, on-demand, and lifelong learning . . . Changes in workplace structure will eventually result in fewer available jobs. At the same time, however, there will be almost limitless space for *freelancing and entrepreneurship*.

I will consider the case of English language teaching (ELT) here, since English possibly represents the most commonly commodified language, and in many countries the rationale for introducing English into the curriculum—as well as the pressure to make this introduction ever earlier in the educational stream—is because competence in the language is expected to enhance the economic competitiveness of students as they enter the workplace (Nunan 2003).

In this regard, it is worth noting that concerns have already been expressed about a disconnect between the relatively ‘trivial’ (Brumfit 1985: 155; Pennycook 1994: 170–73; Tomlinson 1986: 34) kinds of communicative activity that students are usually encouraged to focus on in the English language classroom and the more serious kinds of communication that they are expected to engage in upon graduation. Wallace (2002: 109) suggests that there is undue preoccupation with ‘the three Ds of consumerist EFL culture, *dinner parties, dieting and dating*’, pointing out that such themes are not likely to ‘prepare students for longer term and relatively unpredictable needs as continuing learners and users of English’. But since students do not necessarily know to what specific noneducational ends they will be using English, school-based ELT cannot, and in fact should not, be oriented toward particular professions. In short, students should not be expected to take courses in ‘Business English’ or ‘Accountancy English’ (cf. Donna 2000; Forey and Nunan 2002) because the relationship between any ELT learning strategy or content in the school and any postlearning purpose will necessarily be an indirect one.

It is in fact possible to aim for some realistic middle ground between the relatively trivial and the overly specific in school-based ELT. This is because at the same time that the global economy places a premium on communicative skills, it also (for better or worse) blurs the distinction between work and personal life. As we saw in chapter 4, a key characteristic of the global economy is the pervasiveness of enterprise culture (du Gay 1996), where work, rather than being considered a burden, is instead construed as essential to how an individual can realize her full potential (Miller and Rose 1990: 27). Enterprise culture, as we saw earlier, puts pressure on individuals to demonstrate their entrepreneurial selves not just in the workplace, but even at the much earlier stage of applying for entry to jobs: applicants who construct themselves discursively by drawing connections between their identities both inside and outside the workplace so as to consistently display a high degree of agency, initiative,

and purpose tend to be more successful in their search for employment (Scheuer 2001; see chapter 4).

Making a similar point, Kramersch (2007: 61) observes that discourse in enterprise culture places a premium on interactional efficacy:

Of paramount importance is learning to learn (learning to think and to represent knowledge to oneself and to others) and learning to interact (to take turns talking, participate in group activities, initiate questions, take part in debate, contribute ideas). All these uses of communicative competence are good for the kind of fast capitalism learners will encounter later in the workplace, where they will have to understand and internalize the goals of the company, self-monitor their efficiency and productivity, develop a competitive spirit and work in teams, but not rely on anyone but themselves and be ready to change jobs when the market conditions require it.

All this suggests that school-based ELT can and should play a greater role in preparing students for the workplace by sensitizing them to the properties of discourse in enterprise culture, providing them with opportunities to develop competence in such discourse, and helping them achieve a critical perspective on it. And it can do so without having to make assumptions about the likely relevance of particular professions, since such discourse is not profession-specific. ELT also needs to bear in mind that a key condition for such interactional efficacy is that speakers must come across as authentic and trustworthy (Kramersch 2007: 60), and this is typically achieved by drawing on various ‘formulaic phrases like *exploring options*, *picking up challenges*, *grasping opportunities*, *showing support*, and *building consensus* . . . to give an impression of choice, initiative, opportunity, support and consensus’ (Kramersch 2007: 65).

I will refer to this kind of authenticity as ‘self-based authenticity’ because speakers are expected to construct themselves as genuine, credible, motivated, and sincere, that is, individuals with entrepreneurial qualities that are independent of, and hence transcend, the requirements of any particular task. Kramersch’s (2007) observation that the construction of self-based authenticity is facilitated by the deployment of formulaic phrases may appear paradoxical, but as pointed out by various scholars, authenticity is in fact a socially negotiated attribute that—via processes of ratification—may be bestowed upon, or denied to, various uses of language and their speakers (Bucholtz and Hall 2004: 385; van Lier 1996: 127–28).

At the same time, it is obvious that formulaic phrases in and of themselves lack any interactional efficacy in the absence of appropriate emotional accompaniments. In other words, it is not simply the robotic enactment of communicative moves that is called for (cf. Hochschild 1983: 129); workers are expected to ensure that the moves and phrases are accompanied by appropriate attributes, such as those of sincerity, enthusiasm, or confidence. This ‘emotional labor’ demanded of workers involves ‘expressing organizationally desired emotions’ (Morris and Feldman 1996: 987) and requires acts of emotion management where one becomes enthusiastic, say, by working hard at being enthusiastic.

In enterprise culture, such ‘desired emotions’ include the entrepreneurial qualities noted previously. As we shall now see, these are qualities that individuals are expected to demonstrate in both their professional and personal lives. Consider, as an example, the following extracts from *Winning Presentations* (Gilchrist, with Davies 1996: xi, emphasis added), which claims to contain a ‘proven method’ that will ‘enable’ the reader to deliver effective presentations. However, it is later made clear (Gilchrist 1996: 71–73, emphasis added) that whether or not the presentation actually succeeds also depends on how authentic the speaker has been.

The objective here is to *project your own personality. Don't put on an act.* If your audience is fooled by the act, they are buying a *deception* and will be subsequently disappointed. Conversely, if they dislike your act they have a reason to reject what you are saying. *Be authentic.*

This emphasis on the authenticity of the self is reiterated (Gilchrist 1996: 147): ‘The key to your non-verbal delivery style is to *be yourself*. In all business presentations your audience is looking for those *intangible qualities of personal chemistry and confidence*. If you put on an act it is, in effect, a deception’.

These statements appear somewhat contradictory, since the reader is told to ‘be authentic’ and not ‘put on an act’, but is also told to ‘look (and act) the part’. These contradictions can be resolved, however, once we realize that authenticity is something that is assumed to be achievable with sufficient practice. As Hochschild (1983: 193, emphasis original) observes:

Ironically, people read a book like *Born to Win* in order to *learn* how to *try* to be a natural, authentic winner . . . In the course of ‘getting in touch with our feelings’, we make feelings more subject to command and manipulation, more amenable to various forms of management.

And increasingly it is considered a crucial part of one’s personal responsibility (regardless of the specific profession involved) to take the necessary steps to cultivate an appropriate professional identity. For example, in *Assert Yourself* (2004), which is part of a series entitled ‘Steps to Success’, the reader is taught to communicate assertively at work by going through a five-step technique. Below are extracts from ‘Step Two: Practice projecting a positive image’: ‘Visualize yourself how you would like to be. Form a mental image of an assertive you, and then make the image as real as possible, and feel the sensation of being in control’.

In the section on ‘developing presence’ (2004: 14–16), the reader is told: ‘By telling yourself “I am confident”, “I feel good”, “I have presence”, you can subconsciously begin to influence your outward behaviour.’ Notice that these entrepreneurial qualities (confidence, assertiveness, enthusiasm, being a winner) are not contextualized in relation to specific tasks, but are instead qualities that individuals are expected to bring to *any* task they undertake, even those involving activities and relationships outside the workplace.

It is in this sense that self-based authenticity can be said to have a ‘wide scope’, to the point where entrepreneurial qualities are expected even in personal relationships. Thus Wee and Brooks (2010) observe the increasing popularity of ‘personal branding’ strategies, where an individual is expected to identify the kinds of values and relationships she considers important. Having done this, she is then given advice on how to manage her personal brand, that is, how her identified nature and values can be sustained and reflected in ongoing professional and personal interactions, including those involving the roles of ‘friend’, ‘parent’, or ‘spouse’. In one of their examples (from McNally and Speak 2002: 78), Wee and Brooks (2010) note that individuals are reminded: ‘Your brand promise states how you will make a difference in relationships throughout your life. The key is knowing how to apply your brand promise in the different aspects of your life—work, marriage, partnerships, parenting and more’.

Wee and Brooks (2010) observe that in enterprise culture, individuals are expected to present a self that is constantly and reflexively working on itself, to better itself and its relationships with others, all the while demonstrating that its behaviors are reflections of an ‘authentically unique personality’. Consequently, transgressions would arise if individuals showed themselves to not be ‘autonomous, self-regulating, productive individuals’ or lacking in ‘energy, initiative, self-reliance and personal responsibility’ (du Gay 1996: 60).

AUTHENTICITY AND ELT

These observations about authenticity and enterprise culture bear on ELT in the following manner. In much of ELT as it is currently constituted, activities and materials outside the classroom are treated as authentic; the ELT debate concerns whether it is possible to reproduce such authenticity inside the classroom.² But this involves a degree of misrecognition (Bourdieu 1990), since ELT does not seriously consider the fact that authenticity in the ‘real world’ is also an ongoing process of learning and performance (Butler 1996). As the preceding discussion has demonstrated, individuals in enterprise culture are expected to cultivate and project authenticity in both their professional and personal communicative activities.

What is needed therefore is a perspective that foregrounds authenticity as something that is continually practiced and performed *both* inside and outside the classroom. Such a perspective can be found by viewing authenticity as

2. There are two identifiable strands in ELT regarding the nature of authenticity. Text-based authenticity is concerned with whether the texts being used for instruction should be authentic in the sense of having been attested in a corpus rather than having been specifically prepared for use in the classroom (Sinclair 1988: 6). Task-based authenticity, on the other hand, is concerned with ensuring that learners are engaged in communicative activities that provoke in them ‘an authentic response’, regardless of how contrived the texts themselves may be (Widdowson 1978: 80). See Wee (2008) for further discussion of the debates in ELT over text-based and task-based authenticities.

performance. A performance perspective necessarily views speakers as being reflexive, that is, having ‘the ability to reflect meaningfully on their own communicative conduct’ because ‘audience evaluation of the communicative competence of performers forms a crucial dimension of performance’ (Bauman and Briggs 1990: 66). This performance view of authenticity connects language use inside and outside the classroom by highlighting that authenticity is something that learners are expected to work at even after graduating from the classroom. It has the advantage of encouraging learners to attend to the processes whereby instances of language use come to be ratified as authentic. In this way, learners come to ‘authenticate discourse through observation’ (Gavioli and Aston 2001: 241) or appreciate how much of language use is ‘actually culturally constructed through the repetition of stylized acts’ (Díaz-Rico 2007: 94). A performance perspective should not be treated as an ‘add-on’ to language learning, because ‘observer as well as participant roles can allow learning: observation allows strategies of interaction to be noticed, while participation allows such strategies to be tested’ (Gavioli and Aston 2001: 241).

At this point it is worth recalling Kramsch’s (2007: 65) observation that formulaic constructions like *grasping opportunities* or *building consensus* are often deployed in enterprise culture, and conjoining this observation with the fact that ELT already recognizes that successful language use oftentimes involves the mastery of preexisting linguistic constructions (Ellis 2003; Lewis 1993; Nattinger and DeCarrico 1992; Willis 1990). Because enterprise culture also traffics in prefabricated sequences, ELT can help learners by emphasizing the kinds of impression that such formulaic uses of language are intended to help create.

However, ELT has hitherto not tended to focus on the kinds of constructions and, more broadly, the kinds of discourse that are valued in enterprise culture. This means that ELT can help learners by providing opportunities for them to ‘recontextualize’ (Scheuer 2001) the use of formulaic phrases in different kinds of situations, but each time emphasizing the need to construct themselves as in possession of those qualities (such as initiative, choice, and support) that are valued in enterprise culture.

While it may be possible to argue that such strategies merely encourage learners to give a false account of themselves, such a criticism is unduly harsh, I believe. It ignores the fact that authenticity is constructed (see above) and entrepreneurial qualities learned. Providing learners with the opportunities to engage in presenting themselves as entrepreneurial is therefore not an exercise in mindless drilling. Rather, it enables them to start seeing themselves as having initiative, being motivated, etc., or at the very least, as wanting to be individuals with such qualities.

Of course, it is not enough to simply expose or even alert learners to the properties of discourse in enterprise culture. It is also important to help them gain critical distance, so that they come to see such discourse ‘as problematic and in need of analysis and interpretation’ (Kramsch 2007: 67). Thus ELT should also encourage learners to approach both the texts they encounter and their own performances of language with questions such as ‘Why are such texts being used?’

For whom? For what purpose? What kinds of impressions are the speaker/writer hoping to convey?' (adapted from Kramersch 2007). As Kramersch (2007: 67–68) emphasizes:

These questions have no right or wrong answers, only plausible responses based on the historical and social context . . . [and] Bringing back an historical dimension into the concept of communicative competence, and a dialogic dimension into the concept of textual competence could better prepare learners of English for the challenges of the global age. It would make learners conscious of a speaker's subject position, his/her history, status and interests . . . [and] instill in learners a salutary circumspection vis-à-vis language.

CULTIVATING SYMBOLIC COMPETENCE

What the foregoing discussion indicates is that a greater sensitivity to the contingent and situated nature of cultural practices and the values that get attached to them will go a long way toward cultivating the kind of communicative competence that will be useful in multilingual and multicultural encounters. According to Kramersch and Whiteside (2008: 646):

In many places around the world where multiple languages are used to conduct the business of everyday life, language users have to navigate much less predictable exchanges in which the interlocutors use a variety of different languages and dialects for various identification purposes, and exercise symbolic power in various ways to get heard and respected (Rampton 1998, 1999). They have to mediate complex encounters among interlocutors with different language capacities and cultural imaginations, who have different social and political memories, and who don't necessarily share a common understanding of the social reality they are living in.

Drawing on ethnographic data collected from a predominantly Spanish-speaking neighborhood in San Francisco, Kramersch and Whiteside (2008: 660) show how language performances that variously utilize English, Mayan, Spanish, and Chinese allow speakers to 'signal to each other which symbolic world they identify with at the time of utterance'. For example, in commenting on one exchange involving a Chinese clerk, Kramersch and Whiteside (2008: 661) observe:

She alternately speaks Chinese with her old relative, Spanish with the putative 'Mexicans' . . . and English with Anglos . . . These three languages index respectively: her ethnic or cultural identity as a Chinese, the accommodating role that she wants to assume and cultivate with Spanish-speaking customers, and the public voice she feels appropriate to adopt with Anglos. But she clearly uses these languages to align herself symbolically with the shifting centers of power in her store.

But the authors are also careful to avoid any stance of essentialism by emphasizing the strategic and situated use of language (Kramsch and Whiteside 2008: 662):

It is important to note that the protagonists' choice of language is not dictated by some pre-existing and permanent value assigned to each of these languages, rather, the meaning of these choices emerges from the subjective perceptions of shifting power dynamics within the interaction.

This leads them in turn to emphasize the importance of what they call 'symbolic competence' (Kramsch and Whiteside 2008: 667):

Symbolic competence could thus be defined as the ability to shape the multilingual game in which one invests—the ability to manipulate the conventional categories and societal norms of truthfulness, legitimacy, seriousness, originality—and to reframe human thought and action . . . Multilingual encounters increase the contact surfaces among symbolic systems and thus the potential for creating multiple meanings and identities. In the late modern stance offered by an ecological perspective, symbolic competence is both semiotic awareness (van Lier 2004), and the ability to actively manipulate and shape one's environment on multiple scales of time and space. Symbolic competence in our view adds a qualitative metalayer to all the uses of language studied by applied linguists, one that makes language variation, choice, and style central to the language learning enterprise.

The cultivation of symbolic competence is relevant because it contributes to learners' acquisition of voice, of the ability to be heard and understood in ways that as far as possible respect a speaker's intended contextualizations (chapter 6). The reason for this is that all acts of communication inevitably carry expectations about the relationship between style and content, and understanding this relationship and how to manage it in different encounters is key to making oneself properly heard (Blommaert 2005a: 10–11):

As already said, there is no such thing as 'non-social' language . . . Any utterance produced by people will be, for instance, an instance of oral speech, spoken with a particular accent, gendered and reflective of age and social position, tied to particular situation or domain, and produced in a certain stylistically or generically identifiable format. And the point is: all these diacritics are not only linguistic diacritics but also *social* ones. They reflect speakers' identities, expectations as to what speakers intend to accomplish in a particular act of communication, elements of the wider social structure in which speakers are caught, and so on.

Symbolic competence refers to a speaker's awareness (at differing levels of consciousness) of these social meanings of language use and his or her ability (again, at differing levels of consciousness) to manipulate these meanings in order to achieve specific interactional goals.

LANGUAGE RIGHTS IN RELATION TO OTHER RIGHTS

One of the advantages of discussing language education and workplace communication together is that it brings into relief the fact that educational initiatives must address what happens to students after they leave school. This is a point that bears significantly on the issue of language rights, since it highlights the fact that the attitudes and preferences of speakers matter. As different speakers consider the relative advantages of speaking a minority language compared to the opportunities available if they speak a majority language, some may choose to abandon the former (Edwards 1985; Mufwene 2002a, b).

The observation that there is potential for conflict between the goal of language rights, which is the protection of a minority group's ethnic identity, and the language choices of individual families, which may or may not cohere with such a goal, requires some consideration of how language rights are to be weighed in relation to other rights such as freedom of speech, individual autonomy, and economic security.³ This is because 'the exclusiveness of the concept of rights lies not in *what* it protects—choice-capacities or welfare—but in its being simultaneously a *prioritizing*, *protective* and *action-demanding* concept', so that it is relevant to ask 'what happens to a value when it is elevated to the rank of a right and what are the consequences of that elevation for human behavior and social organization'? (Freeden 1991: 10–11).

There are three broad possibilities, none of which is unproblematic. The first is that language rights ought to be considered on a par with the kinds of individual rights that have become broadly accepted in democratic states. Notice that *if* language rights are intended to carry equal weight as individual rights, then there are no rights-extrinsic grounds for deciding which right ought to prevail when conflicts arise. This is especially true because rights discourse tends to involve 'a certain rigid conceptualization', so that a conflict between individual and group rights will lead to claims that 'are seemingly irreconcilable and non-negotiable' (Eisenberg 2005: 251–52). Claims and counterclaims involving individual and group rights, then, will tend to be construed as largely incommensurate, so that any 'resolution' is largely ad hoc rather than guided by adherence to broader principles. In any case, such a position is not one that rights advocates have typically pushed for. Instead, the more common positions are either that the language and cultural rights of the group ought to prevail over those of the individual, or the reverse, that the individual choice should be privileged over the group.

The second possibility is that group rights should override individual rights. For example, Charles Taylor (1994), one of the most astute commentators on the politics of multiculturalism, argues that it may be necessary for group rights to override individual rights if the group's cultural identity is to be preserved. The reasoning behind this is clear enough: if too many individuals 'abandon' their

3. I thank John Edwards (personal communication) for raising this point.

minority language in order to enjoy the advantages and opportunities that may come with speaking a majority language, there may come a time when the number of remaining speakers is too small to ensure the ethnolinguistic vitality (Giles, Bourhis, and Taylor 1977) of the minority language. For Taylor, such a circumstance warrants overriding individual liberties. This position sits uncomfortably with scholars who are concerned with ensuring that the promotion of group rights continues to respect the values of liberalism.

The third possibility does not countenance a situation where individual rights are sacrificed at the altar of group rights (Kymlicka 1995). The argument here is that group rights are either assumed to be consistent with individual rights or, where the two are in conflict, the latter should prevail over the former. Simply asserting that group rights and individual rights are consistent with each other is clearly unsatisfactory, since it does not address the very real issue of conflict between these rights. Asserting that individual rights ought to prevail is a position more consistent with liberalism. For example, Hornberger (1997: 99, italics added) rightly observes that the success of any attempt to develop literacy in a minority language will 'ultimately depend on the degree to which it empowers or handicaps *individuals* as they pursue life opportunities'. But this is a position that runs the risk of being considered too weak to satisfy others who are concerned about the preservation of a minority language and culture.

More to the point, once the appeal to language rights (qua group rights) has been made, there is no apparent way of avoiding Taylor's (1994) stronger position, since it is the same concern with language and culture preservation that motivates both Kymlicka and Taylor. In fact, the danger is that once the discourse of group rights has been engaged, there is a momentum toward jeopardizing individual rights. This is because if language and culture are intrinsically valuable, then speakers of minority languages—and perhaps even speakers of other languages, too—all have a responsibility to maintain them, regardless of their individual preferences or desires (Edwards 2003; Weinstock 2003). This kind of thinking opens the door toward obligating speakers to maintain a language regardless of their personal interests.

CONCLUSION

Over the last three chapters we have seen a number of challenges for language rights. In chapter 5 we saw that language rights tend to raise the likelihood of interethnic tensions, despite claims to the contrary. In chapter 6 we saw that language rights are unable to deal adequately with the communicative problems that arise in the context of migration and global mobility. And in this chapter we have seen that language rights do not present realistic options for engaging the connection between education and preparation for the communication in the workplace.

These problems can be traced back to the essentializing nature of a rights discourse (see chapter 2) which, when applied to language, imposes unrealistic

boundaries onto a social practice that is not only variable, but whose variation is often beyond the control of any individual or community. These problems arise because the very idea of group cultural rights, including group language rights, seems to mean that communities are 'forced to choose between important and competing claims in such a fashion that vindicating one claim is, in every respect, at odds with accommodating the competing claim' (Eisenberg 2005: 252).

With these problems in mind, it seems clear that there is a need to explore an alternative way of dealing with linguistic discrimination that does not rely on the notion of language rights. This is the focus of the next chapter.

Language, Justice, and the Deliberative Democratic Way

Over the last seven chapters I have attempted to delineate the various problems involved in adopting the notion of language rights. In this chapter I explore an alternative approach—one that is able to handle the change and variation in language practices that exist across and within both individuals and communities, an inevitable result of the fact that language is ultimately a semiotic resource whose properties in the context of any localized situation are intersubjectively negotiated. Two important points need to be made regarding the facts of change and variation. First, change and variation often occur below the level of conscious manipulation. Even when they are consciously apprehended, the fact that they are intersubjectively negotiated means that any control over them is beyond the reach of any single individual or community, however powerful. Hence we need to recognize that no single entity possesses complete control or autonomy over language practices.¹ Second, speakers' preferences about the suitability of language practices can change as a result of language use itself. A good example of this is the rise and fall of taboo terms such as swear words. Initially highly taboo, gradual and frequent exposure to such

1. Ritualized language is relatively stable because the ritual as an ideological site is fairly autonomous when compared with other social practices (Silverstein 1998b: 137–38). However, even rituals are not completely immune to change and variation, since participants who are charged with performing a ritual may sometimes feel the need to introduce apparently innocuous innovations in order to sustain the interest or commitment of an audience. Such innovations may then go on to have fairly consequential effects on how the ritual itself is subsequently understood or performed (cf. Wee 2006).

terms slowly robs such words of their pragmatic force, leading to them becoming more socially acceptable over time. This in turn motivates the creation and rise of newer swear words, which in time will also see their own pragmatic force depleted.

As a consequence of these two implications, possibly the most important requirement for any approach that attempts to engage with issues of language and justice is that it encourages speakers to reflect, as far as possible, on their assumptions and preferences about language use, and to negotiate with those who might be affected by these preferences and assumptions. The critical point here is that speakers should not simply register their preferences or assumptions about language—whether these inform their sense of identity or affect their socioeconomic mobility—and allow these to provide the basis for policy decisions, especially with regard to entitlements and rights. Rather, speakers need to appreciate (i) that their preferences and assumptions are likely to change whether or not they want such change, and whether or not they are aware of the changes; (ii) that their (changing) preferences and assumptions can affect their own and others' social circumstances; (iii) that these preferences and assumptions are therefore in need of justification; and (iv) that in the course of providing trying to provide such justification, those preferences and assumptions that cannot be properly justified may need to be rethought or abandoned. What is required therefore is a notion of justice that gives center stage to speakers' preferences and assumptions about language practices, so that evaluations about what is linguistically acceptable and the consequences of these evaluations are opened up for continual examination and justification. This is where deliberative democracy comes in.

DELIBERATIVE DEMOCRACY

Deliberative democracy is a political model that is especially concerned with improving the quality of political participation. The key assumption behind the model is that this goal of improving political participation is best served by emphasizing the importance of public reason, where there is 'a premium on refined and reflective preferences' (Offe and Preuss 1991: 170), which are 'preferences that are the outcome of a conscious confrontation of one's own point of view with an opposing point of view, or of the multiplicity of viewpoints that the citizen, upon reflection, is likely to discover within his or her own self.'

A deliberative democratic model therefore strongly encourages reflective judgments—judgments that are based on facts (as these are best understood at a given point in time), that take into consideration anticipated consequences (rather than being concerned only with the present), and that are also concerned with the impact on others (rather than just being focused on one's self-interests) (Offe and Preuss 1991: 156–57). Deliberative democracy is emphatically not interested in simply allowing individuals to signal their preferences. Rather, it is concerned with creating conditions that would allow individuals to communicate with one another under

conditions of equality, so as to explain to one another why they hold certain views, to defend these views when asked to, and to revise them where necessary. This is the principle of reciprocity (Benhabib 1996: 79; Gutmann and Thompson 1996: 55; Held 2006: 233), which demands that individuals impose on others and themselves the willingness to engage with the viewpoints of others and to learn from such engagements. The goal for deliberative democracy, then, is to transform, via processes of deliberation, what might have started out as relatively uninformed private preferences into 'positions that can withstand public scrutiny and test' (Held 2006: 237).

By emphasizing the importance of deliberation and reflection, the model of deliberative democracy is uniquely placed to handle issues of language and justice, not least because deliberative processes and the modes of reasoning that they embody cannot be divorced from language practices. That is, deliberative democracy's commitment to equitable participation in public spheres of debate and discussion is simultaneously a commitment to nondiscrimination in communication about all matters of social interest, *including* the metadiscursive matter of how to ensure fairness in the deliberation process itself. Deliberative democracy therefore has the immediate advantage of forcing onto the political agenda the need to address problems involving linguistic discrimination, including discrimination that may impact the very process of deliberation itself.

The premium that deliberative democracy places on reflection stems from a concern that current democratic processes are all too often plagued by widespread public apathy, the dominance of political sound bites and political personalities, and a lack of informed decisions (Elster 1997; Fishkin 1991). Part of the reason for these problems, deliberative democrats hold, stems from weaknesses that have to do with liberal democracy, the model commonly embraced by language rights advocates. Liberal democracy wrongly assumes that an individual's private interests can be taken as given or preformed and unchanging. It therefore aims to introduce institutional mechanisms that allow individuals to register these preferences rather than those that encourage greater reflection, debate, and discussion about such preferences. Political institutions are thus mainly geared toward the tallying of such fixed preferences, whether by simple majority rule or some more complex form of representative counting. As a consequence,

it appears to be a largely novel task to think about institutional arrangements and procedures which could generate a selective pressure in favor of . . . reflective and open preference-learning, as opposed to fixed preferences that are entirely derivative from situational determinants, rigid beliefs or self deception. (Offe and Preuss 1991: 168)

But, as already noted, preferences and assumptions not only can change, they do in fact change, especially in the light of different experiences, new information, and encounters with others who may hold contrasting points of view. This is particularly relevant in the case of language, which, as the object of an individual's preferences, is neither completely private nor fully static—in fact, far from it. A speaker's language preferences will change because language practices themselves inevitably change, affecting other speakers in the social environment.

While the registration of speakers' language preferences, however stabilized at a given point in time, may be needed to help legitimize specific policy decisions, this needs to be seen as a temporary 'pause' in what is otherwise an ongoing flow of ever-changing language practices (cf. Held 2006: 255). Any language policy decision that is undertaken must therefore always be open to the possibility of revision. Consequently the enshrinement of any language preferences and assumptions in the form of language rights is a particularly bad idea, based as it is on the misguided notion that it is not only possible to freeze a phenomenon that is fundamentally variable in nature, it is also desirable to try to do so.²

This chapter provides an overview of key aspects of deliberative democracy (see chapter 1), focusing in particular on how the model understands the relationship between discourse and public reason.³ Because deliberative democracy attaches great importance to reflection and its potential for transforming preferences and assumptions, I deal with this in a separate section before moving on to discuss possible ways of realizing the model. After having outlined what the model involves, I then discuss how the model can respond to the issues of unavoidability and hybridity raised in chapter 2.

DISCOURSE AND PUBLIC REASON

Given deliberative democracy's goal of subjecting personal preferences to reasoned scrutiny, deliberative democracy is understandably interested in the question of what might actually count as public reason, and in particular, whether this requires arriving at a consensus or at a temporary agreement that acknowledges the existence of fundamental conflicts; who the discourse participants would be; and whether they must meet a culturally transcendent notion of impartial reasoning or whether culture-specific ways of communicating can be accommodated. These are difficult and complex problems, but Benhabib's (1996) discourse model of ethics and Dryzek's (1990) concept of discursive design both come reasonably close to showing how they can be addressed. For Benhabib (1996: 70):

There are no *prima facie* rules limiting the agenda of the conversation, or the identity of the participants, as long as each excluded person or group can justifiably show that they are relevantly affected by the proposed norm under question. In certain circumstances this would mean that citizens of a democratic community would have to enter into a practical discourse with noncitizens who may be residing in their countries, at their borders, or in neighboring communities if there are matters that affect them all.

2. At this point it is worth emphasizing that deliberative democracy does not in principal have a problem accommodating the idea of rights in general (Benhabib 1996: 77–78, 2004; Bonham 2007). Rather, the problem with language rights, as a particular species of rights, stems from the nature of language itself, as demonstrated in the preceding chapters.

3. Held (2006) provides an excellent and comprehensive introduction to basic ideas in deliberative democracy. More specialized discussions can be found in Benhabib (1996), Bonham (1995), Dryzek (1990), and Gutmann and Thompson (1996).

Ecology and environmental issues in general are a perfect example of such instances when the boundaries of discourses keep expanding because the consequences of our actions expand and affect increasingly more people.

In a similar vein, Dryzek (1990: 43) suggests that a discursive design⁴ is

a site for recurrent communication . . . Individuals should participate as citizens . . . No concerned individuals should be excluded . . . The focus of deliberations should include, but not be limited to, the individual or collective needs and interests of the individuals involved . . . Within discursive design, there should be no hierarchy of formal rules, though debate may be governed by informal canons of discourse . . . Finally, all the features I have enumerated should be redeemable within the discursive design itself. Participants should be free to reflectively and collectively override any or all of them.

This means that every individual is a potential participant, so long as there are grounds for believing that any decision stemming from the discussion will impact on him or her. Furthermore, all participants should have equal chances to initiate debate, or even question the agenda for discussion. Also they should all be able to question the very assumptions that go into structuring the discussion itself, that is, interrogate at a metadiscursive level the very communicative practices that help to constitute the deliberative process. Deliberative democracy therefore possesses an inherently reflexive component since participants can be expected to turn the deliberative lens back onto the process of deliberation itself and reflect on how they, as agents in the discourse, are actually contributing to it.

This final point is especially relevant to linguistic discrimination, since there may be individuals who have an interest in a given agenda but lack the language repertoire or discursive skills considered necessary for participation. Crucially, under deliberative democracy, the agenda can be shifted onto the metadiscursive question of whether prevailing linguistic conventions that exclude otherwise relevant participants from the deliberation ought to be revised, and if so, how. For example, I noted in chapter 4 that in Singapore there have been public debates about good English and its relationship to the colloquial variety, Singlish. These language ideological debates have been conducted in letters to the press and in official statements released by government officials. In short, the arguments for and against Singlish have all been presented using standard English, and someone who wishes to participate in the debate must already have a command of the standard variety. Singlish speakers who lack sufficient competence in the standard variety are automatically excluded from a discussion that they have a vested interest in. A deliberative democratic model, however, would force onto the agenda the question of why a discussion about the relative merits of Singlish cannot itself be conducted in Singlish, or at least not preclude

4. While Dryzek's (1990) proposal calls for a consensus, his more recent work (Dryzek 2000) suggests that it is more reasonable to aim for working agreements, where fundamental and perhaps irresolvable differences are temporarily put aside.

contributions using Singlish. This could possibly lead to the further question of whether this restriction has the effect of skewing the set of viewpoints and consequences being considered. As contributions made in Singlish gradually become commonplace, this might even lead to a transformation in attitudes about Singlish. In this way, the process of allowing Singlish to be used in debates about the status of Singlish can contribute toward a rethinking of that very status.

REFLEXIVITY AND THE TRANSFORMATION OF PREFERENCES

Because deliberative democracy attaches great importance to reflexivity⁵ and its ability to transform preferences, it is worth elaborating on how the two are actually connected.⁶ In this section I show how reflexivity and transformation can be accommodated within a rehabilitated understanding of habitus, drawing upon Frankfurt's (1988) notion of second-order desires and Bonham's (1999) reworking of this in relation to Bourdieu's social theory. Bonham (1999: 146) suggests that Bourdieu's concept of habitus is problematic because it fails to distinguish between two distinct types of second-order desires: those that result from 'unconscious adaptive preference formation' and those that result from deliberations and conscious planning.

Bonham (1999: 130) acknowledges that a significant advantage afforded by Bourdieu's notion of habitus is that it provides 'a constitutive account of cultural constraint without the traditional conception of regulative rules or internalized norms'. This is because the habitus is fundamentally *formative* in nature: it is a set of dispositions and orientations that does not merely regulate the behavior of agents, but helps to define who they are. Thus 'it is in virtue of being socialized into a common background of pre-reflective assumptions and orientations that agents have goals at all' (Bonham 1999: 130). However, Bourdieu's 'pre-reflective habitus' is too 'one-dimensional' and makes no place for 'deliberate processes and practices' (Bonham 1999: 146). Consider, for example, Bourdieu's 1990: 59; see also Bourdieu and Passeron (1979: 27) assertion that, with the habitus, 'the most improbable practices are therefore excluded, as unthinkable, by a kind of immediate submission to order that inclines agents to make a virtue of necessity, to refuse what is anyway denied and to will the inevitable'. By downplaying the possibility of critical deliberation, Bourdieu's theory thus ends up being overly deterministic (Adkins 2003; Calhoun 1993: 72; Collins 1993; Lash 1993).

Mitigating this determinism requires a conception of agency that is both reflective and transformative, one that recognizes 'the capacities of socially and culturally

5. For background on current sociological debates about the relationship between reflexivity and identity, especially in the context of theorizing about the nature of modernity, see Adams (2006), and Brooks and Wee (2008).

6. Reflexivity is a specific type of reflection. While an individual can reflect on proposals involving various objects or states of affairs, the reflection becomes reflexive when the individual's own relationship to an object or state of affairs is foregrounded as the target of critical scrutiny, that is, proposals are examined 'from a first-person perspective' (Tully 2000: 474).

situated agents to reflect upon their social conditions, criticize them, and articulate new interpretations of them' (Bonham 1999: 145). And despite her suggestion that the habituation of reflexivity may be anathema to identity transformation, Adkins (2003: 36, italics added), too, makes a similar point when she suggests that any study of social action and the possibility of transformation must accept that 'subjects never fully occupy or identify with norms, indeed that there is an *ambivalence* at the very heart of inclination'. The problem, however, lies in developing such a conception of agency that recognizes the ever-present nature of ambivalence.

To do this, Bonham draws upon the work of Frankfurt (1988: 11–25), who observes that although human beings are not unique in having desires or making choices, they are unique in being able to form second-order desires (Frankfurt 1988: 12 italics in original): 'Besides wanting and choosing and being moved *to do* this or that, men may also want to have (or not to have) certain desires and motives. They are capable of wanting to be different, in their preferences and purposes, from what they are.'

Frankfurt suggests that autonomy comes about when there are second-order desires, that is, the desire to have or not have a desire. Such second-order desires are typically called upon when agents experience the need to resolve conflicting first-order desires. Bonham (1999) expands on Frankfurt's ideas by situating them in relation to Bourdieu's sociological theorizing. Some second-order desires are apparently constrained by cultural experiences, such as the hypercorrectness of petit-bourgeois speakers in France (Bonham 1999: 146). However, other desires are much more deliberate in character, such as the desire to be the sort of person who has particular sorts of desires or goals, or even the desire to be critically reflective. Bonham (1999: 146) insists that far from being anomalous, there are clear historical precedents—such as the various aesthetic and moral disciplines pursued by the Greeks, Buddhists, and the Jesuits—where, in the context of particular communities or social movements, 'care for the self can open up a cultural space for greater self-interpretation and deliberate choice'. In a more modern context, institutionalized practices of legal review, scientific peer review, or democratic debate are 'the institutional equivalent of practices of *character planning*, in which second-order beliefs and beliefs about the demands for justification lead people to reject certain sorts of widely accepted beliefs, such as those that depend on ignoring legitimate protests of others or that could not withstand free and open debate' (Bonham 1999: 147, italics added). Bonham (1999: 147) concludes⁷ that

7. While Bonham's concluding remarks may seem to echo those of the modernization theorists, there are actually important differences. For the modernization theorists, individuals are compelled to fall back on themselves because institutional structures are no longer reliable. This leads to an account of identity transformation that creates unrealistic expectations about what the self is actually capable of achieving (Craib 1994). Instead, as argued here, we need to adopt an account that acknowledges that it is in the 'experience of the day-to-day limits of self-reliance and control, set by constraints of political economy on the one hand and family and intimate relations on the other' that creates a sense of reflexivity or 'self-awareness' (Webb 2004: 735). It is precisely from Frankfurt and Bonham that we get such an alternative account. As Frankfurt points out, individuals are always to some degree already reflective of their own goals as well as those of their surrounding institutions *regardless* of whether the latter are 'solid' or not. And as Bonham suggests, there are in fact institutions that insist on reflexivity as part of their own institutional norms, so that individuals are required to be reflective not in spite of institutional failings but *because of* institutional fiat.

The more pluralistic a society is the less likely it is that its integration can be achieved pre-reflectively in common dispositions, even in sub-groups . . . the issue for practical reason in such a situation is the revision of beliefs and desires in explicit ways in accordance with more public and inclusive conceptions of legitimacy and authority. Reflexive agency in such societies requires not only changing beliefs and desires, but also the social conditions under which agents reflect, deliberate and cooperate with each other to widen their universes of discourse.

Bonham's work (1999) thus highlights the fact that reflexive mechanisms can lead to the revision of preferences and assumptions. For example, a scientific review process is not simply one where relevant agents in the field become more experienced in reviewing scientific articles or applications for grants. Precisely because the process requires/encourages an attitude of critical scrutiny, albeit of certain institutionalized objects (grant proposals, manuscripts), there is always the potential for a 'spillover' where the agents may begin to question if the institutional status quo is adequate to the goals that it is supposed to serve. In such a situation, the reflexive practice acquires a second-order status.

The significance of this is that even if cultural practices, including language practices, are highly constitutive of identities (as has been argued by advocates of language rights), there is no reason to assume that individuals cannot critically reflect on these practices, especially when faced with multiple and conflicting cultural choices or norms. In so doing, individuals inevitably have to 'rethink particular cultural norms, and even to call into question the person she is' (Festenstein 2005: 16). Clashes of ethnolinguistic differences—the very kinds of situations that language rights advocates are primarily worried about—inevitably induce individuals to reflect on their cultural assumptions and desires. The trick here, then, is to encourage individuals to engage in informed reflection and to be willing to amend their judgments in the course of mutually respectful engagements rather than to encourage them to stubbornly stick to inherited assumptions about language, identity, and group boundaries, and make demands on the basis of those assumptions. It would certainly be highly detrimental to any attempt to resolve language issues if individuals approached one another with the mindset that any requirement to critically examine inherited assumptions is a threat to their sense of self. There is therefore every need to provide and cultivate the kind of social environment that allows individuals to reflect on their cultural identities and facilitate changes to these identities where possible.

This final point brings us back to the deliberative democratic model. When participants confront different viewpoints in an atmosphere where the intention is to resolve conflicts while also being open to the possibility of learning from each other, this already involves a commitment toward a second-order desire: the desire to be the kind of person who is willing to open up her preferences to scrutiny (from herself as well as others), which involves the concomitant desire to not be dogmatic about one's first-order desires. By placing a premium on participants' willingness to engage with one another's viewpoints and by making the deliberative process itself an object of reflection, participants are thus encouraged not only to discuss

with each other the issues on which they differ, they are also enjoined to review the ways that they themselves (as well as their interlocutors) are contributing positively to the constitution of the process. In this way, the desire to properly realize the deliberative process or see it improve creates a second-order desire—the desire to be the kind of person that can constructively contribute toward deliberation.

Deliberative democrats are quick to point out that their optimism about the role that reflexivity can play in transforming preferences is neither naïve nor utopian. Instead, as Frankfurt and Bonham suggest, human beings are already naturally reflexive in their thinking, and what deliberative democracy tries to do is to simply further encourage this reflexivity in order to enhance the quality of political participation and debate. As Held (2006: 246) puts it, ‘deliberation is not an all or nothing affair; and the task is to find ways of increasing the deliberative content in modern democracies’.

POSSIBLE INSTITUTIONAL DESIGNS

A number of advantages follow from adopting a deliberative democratic model. One, it is not envisaged that all relevant participants necessarily gather at one and the same deliberative forum, given the logistical and other practical difficulties involved. Instead, multiple public forums are encouraged, some of which may be highly institutionalized while others may be more informal in nature. As a corollary to having multiple forums, the boundaries between civic society and government proper, between various grassroots communities, between communities aligned along ethnic or other social parameters, and even between individuals with ad hoc interests, are not to be taken as rigid ones. Social interests and problems can emerge that cut across established boundaries and require the joint involvement of participants who are otherwise divided by established affiliations or traditional community memberships. A clear example of this would be issues of environmental impact and sustainability, which increasingly require the involvement of state and nonstate actors at a transnational level (Benhabib 1996: 70; Dryzek 1997).

But this is also increasingly true of language issues. For example, the Singlish case (chapter 4) exemplifies support for a language variety that is claimed to embody a national identity that cuts across ethnic affiliations. Similarly, it is not implausible that there might develop joint support for Rinkeby Swedish (chapters 1 and 2) along generational lines, as both immigrants and nationalized Swedes treat a variety stigmatized as ‘migrant speech’ as (instead) the expression of a youth-oriented identity. This is a point of general significance, as it also pertains to cases where diasporic communities establish connections with each other and with their ‘motherland’, despite being located in disparate parts of the globe, leading to the rise of transnational communities. As an example, it is worth noting that the community of Malays in Sri Lanka has in recent times gained support from the Malaysian High Commission in Sri Lanka to help them acquire the standard Malay that they feel they have ‘lost’ as a result of contact with Sinhala and Tamil (Lim and Ansaldo 2006). It is in dealing with language affiliations involving

nontraditional, multiple, and fluid affiliations that the notion of language rights falters. This is because language rights are intended by their advocates to reflect the interests of a community and, by this same token, depend on specifying the boundaries of this community (Stroud 2001: 347). ‘Such boundaries are very hard to specify in international politics. But while aggregation across boundaries is hard to conceptualize, deliberation across boundaries is straightforward’ (Dryzek 2000: 116).

Two, some forums might be organized to take place on specific occasions while others may occur more spontaneously. Be that as it may, the guiding principle is that avenues for the exchange and justification of viewpoints need to be made available on an ongoing basis because decisions arrived at on earlier occasions may need to be revised in the light of newer developments. This follows from the fact that because deliberations are open-ended, the decisions or outcomes that the participants arrive at should not be treated as final *in the sense that they preclude the possibility of revision*.⁸

Three, and perhaps of special significance in relation to multicultural conflicts, there may be areas of disagreement that are so ‘deep’ as to constitute not just conflicts of interest, but conflicts of principle, especially when they involve different ideas about what counts as fairness. As Bonham (1995: 274) observes:

Deep conflicts do not emerge solely from special situations of ethnic and cultural minorities. Difficult political and legal issues emerge when well-established minority communities hold different belief systems, often for religious reasons. Such problems become deep conflicts when they are not just conflicts about particular beliefs or even principles, but when they are conflicts about principles of adjudication themselves . . . [where] even the ‘facts’ are at stake in the conflict.

There is no easy solution to this conundrum, but it seems clear that the more participants are required to share specific normative values as a precondition for working out their differences, the harder it becomes to accommodate deep differences, since the presumption of a common value system is more often than not likely to result from the imposition of a dominant culture’s viewpoints and institutions onto that of other communities. However, simply allowing each community to work with(in) its own set of values and institutions (as is implied in Kymlicka’s [1995] notion of societal culture) merely leads to a form of apartheid or ‘mosaic multiculturalism’ (Benhabib 2002), where communities simply live apart from each other despite being part of the same society.

8. This possibility of revision actually also applies to the notion of rights in general. Language rights advocates have been keen to expand the category to rights that embrace socioeconomic and cultural activities, suggesting that there should be second- and third-generation human rights. But while changing human experiences may prompt advocates to argue that the category of rights should be expanded, by the very same token, such experiences may in principal also justify the revocation of particular kinds of rights (Dershowitz 2004). Rather predictably, however, there is greater momentum toward the proliferation of rights than their considered reduction. For reasons why this might be the case, see chapter 2.

Clearly, a deliberative democratic model cannot itself be completely purged of all normative values. But the kinds of normative values demanded are simply the *minimum* needed to bring together participants to deliberate in the spirit of mutual respect and cooperation. Gutmann and Thompson (1996), for example, suggest that in addition to reciprocity, participants should also be committed to the principles of publicity (avoidance of narrow self-interests) and accountability (the ability of arguments to withstand scrutiny).⁹ Participants are thus expected, as a matter of good faith, to be willing to listen to each other's positions, to accommodate as far as possible opposing viewpoints, and to work toward an outcome that each party might consider a reasonable compromise,¹⁰ which might include compromises about criteria for adjudication. In this regard, deliberative democracy's recognition of multiple public forums is not merely a logistical device; it carries the corollary that what counts as public reason or fairness is itself plural or multiple so that 'a single norm of reasonableness is not presupposed in deliberation', thus allowing participants to 'come to an agreement with each other for *different* publicly accessible reasons' (Bonham 1995: 263, italics in original). Participants, in other words, are encouraged to compromise and cooperate—recognizing that trade-offs and balancing of interests are necessary when conflicts are deep—and to do so while engaged in dialogue with one another (Bonham 1995: 268–69). Participants therefore arrive at working agreements or temporary concessions without being required to espouse or endorse value systems or principles that they may not actually share. Compromise, in this sense, is emphatically not a cynical result of strategic give and take, but instead points to changes in 'one's practical commitments that one would not have made but for one's concern and respect for the other or for the joint entity or enterprise one shares with him or her' (Richardson 2002: 146).

Stroud's (2001) notion of linguistic citizenship makes very much the same point, as it highlights the importance of avoiding charges of 'political particularism', a charge that Stroud (2001: 346–47) observes can be leveled against a rights-based approach. Instead, the notion of linguistic citizenship calls for the need to recognize the complex, constructed, and contingent relationship between language and identity, and the importance of opening up this relationship for public mediation. Furthermore, any proposed strategies for responding to social

9. Dryzek (2000: 45–47) adopts a stronger position, arguing that there is no real need to specify particular normative values. Instead, Dryzek believes that deliberation already contains the 'endogenous mechanisms' needed to bring about the values proposed by Gutmann and Thompson (1996). The very process of participating in deliberation will bring about these values. The two positions are not necessarily exclusive. Even if we agree that the experience with deliberation itself can sow the values of publicity, accountability, and reciprocity, stating them as normative requirements at the very outset can serve to shorten the learning curve, so to speak, and thus enhance the conduct of deliberative proceedings.

10. Deliberative democracy is therefore not a panacea for all forms of disagreement. It 'cannot reach those who refuse to press their public claims in terms accessible to their fellow citizens' (Gutmann and Thompson 1996: 55). There are also cases where some participants may feel that deliberation has led nowhere, and these participants may withdraw from any deliberative process and instead resort to extreme communicative acts (Wee 2004, 2007b), such as hunger strikes or self-immolation. Typically these are participants who feel that they have reached the end of their tether, when their attempts to represent their positions are perceived, rightly or wrongly, as falling on deaf institutional ears.

inequality should emphasize the commonality that exists between individuals and groups rather than entrench differences (Stroud 2001: 348, italics in original):

Attention to what unites actors with respect to language, however, does not preclude sensitivity to issues that divide speakers of different minority languages and how they are positioned in relation to each other. Language activists do not have to agree on a unified and coherent vantage point. Just as the meanings of the sociopolitical role of gender and implications have developed over the years, so too can we envisage that debates on the importance and reach of language as a sociopolitical category will develop in like manner. Debates on linguistic citizenship will offer contending representations of speakers and their rights, hosted by conflicting political interests, as has been the case with gendered citizenship. The important point is that this approach to minority language issues also draws on the power of *linguistic* identity to mobilize minority language speakers, but in ways that transcend essentialist ascriptions of identity to language by viewing the language-identity link as contingent and constructed in discourse.

While a number of institutional designs have been suggested (see Held 2006: 246–52), I concentrate on two here: deliberative polling and the reform of civic education, mainly because these go to the heart of the deliberative processes. Other possibilities are either variants on these (e.g., citizen juries are similar to deliberative polling), presume the prior occurrence of deliberation (e.g., voter feedback mechanisms), or focus on improving material support (e.g., increasing funding to enhance interaction between civil society and government institutions). I begin with deliberative polling.

While ordinary opinion polls are designed to survey what a group of citizens currently thinks regarding a specific issue, a deliberative poll, in contrast, works by asking what citizens might think about the issue, if they were to be given the opportunity to engage in deliberation. Fishkin (1991: 81) suggests that the outcome of a deliberative poll carries greater weight than the outcome of an ordinary opinion poll because it indicates what the public would think when given the opportunity for better information and sustained reflection. Held (2006: 247) describes how a deliberative poll might be implemented, by gathering together a small representative sample of the population for a few days and initially polling them on their ‘predeliberative views’:

Deliberation then takes place usually involving two elements: exposure to, and questioning of, a range of experts on the issue at stake; and a debate among the participants in the hope of arriving at more publicly defensible positions. After this everyone is polled again and the results of the pre- and post-deliberative polls are compared. Typically, the process of deliberation is expected to shift opinions because views have become informed by a careful consideration of the evidence, and those involved have taken account of the opinions and arguments of others . . . Apart from the immediate impact of a deliberative poll on its participants, it is hoped that, if the results are well publicized . . . the general public would be stimulated to consider their own views more carefully.

While deliberative polls work by allowing citizens to interact with experts as well as one another under conditions that encourage mutual engagement and accommodation, there is no doubt that the process is considerably enhanced if citizens are already educated about and committed to the merits of deliberation (Gutmann and Thompson 1996: 359). This is where education reform comes in, particularly if it helps to cultivate the capacity to engage in public reasoning. This would include the ability to pinpoint background assumptions, understand lines of reasoning, extrapolate from these to possible consequences, and evaluate these in the context of relevant supporting evidence. But it would also include the ability and willingness to empathize with the viewpoints of others, appreciate their value systems, and work toward a cooperative outcome. Held (2006: 251) summarizes the key expectations of such reform:

Learning to place one's own desires and interests in the context of those of others should be an essential part of every child's education. Thinking in a way that is sensitive to others, and to the facts and future possibilities, is not any easy task and requires considerable mental discipline—above all, the capacity to put one's own immediate perspective on life in critical relation to those of others . . . A multi-perspectival mode of forming, defending and refining one's preferences and judgments is a tough cognitive challenge (at all times) and needs to be acquired through schooling, a commitment to lifelong learning and a willingness to put oneself in discursive situations which unsettle one's point of view. The creation of an education system, which opens up people's understanding and horizons as a result of knowing about others, is a crucial element of the development of a democratic public culture.

Various scholars have in fact been calling for education initiatives that specifically aim at nurturing cross-cultural awareness and sensitivity—a goal that many argue is increasingly urgent given the challenges of living in a globalized world (see, e.g., the contributions to Suárez-Orozco 2007). Thus Mansilla and Gardner (2007: 58) speak of cultivating 'global consciousness', defined as 'the capacity and the inclination to place our self and the people, objects, and situations with which we come into contact within the broader matrix of our contemporary', and Süssmuth (2007: 210) laments the 'lack of didactic concepts for adequately incorporating intercultural skills in schools'.

While it is possible to think of educational reform as preparation for taking part in deliberative polling, there is no reason why deliberative polling itself cannot be introduced as part of the educational reform to help induce a more inclusive civic mentality. Undertaken as a form of experiential learning, we might expect that it is through direct experience with deliberation that students can come to acquire the relevant normative values. Students can be asked for their pre- and postdeliberative opinions, mediated by exposure to experts on a relevant topic, supplemented by their own research as well as discussions amongst themselves. Exposure to experts, as well as their own research, will provide students with the technical expertise and conceptual vocabulary to discuss the topic with greater depth and confidence. Teacher guidance can take the form of pointing out cases of

unwarranted personal attacks, failure to adequately consider different viewpoints, or failure to recognize possibilities for compromise and mutual accommodation.

UNAVOIDABILITY, NEUTRALITY, HYBRIDITY, AND DELIBERATIVE DEMOCRACY

Recall that unavoidability (chapter 2) refers to the fact that it is simply not possible to be completely neutral with regard to language, since it is necessary to adopt a particular language in order for any kind of social activity to take place. The choice of some specific language, whether consciously made or not, immediately disadvantages nonspeakers of the language. The consequence of this for any approach to language and justice is that it must begin with the acknowledgement that language in social life is a fundamentally illiberal phenomenon. Hybridity, on the other hand, refers to the fact that in multicultural and multilingual societies, contact and interaction between diverse communities leads to the emergence of mixed varieties, which are often socially stigmatized (at least in the early stages of their emergence).

While unavoidability, neutrality, and hybridity create serious problems for the idea of language rights, they become much more tractable within deliberative democracy. This is because deliberative democracy does not make an a priori commitment to neutrality. For example, it recognizes that, in cases of ‘deep conflicts’ (see previously), it would be unrealistic to expect participants to adopt anything like a neutral perspective. Rather, the model simply asks that participants be willing to accommodate different and opposing perspectives as far as possible and work toward a reasonable compromise.

Thus neutrality can be deemphasized once participants begin to appreciate and reflect on the implications of unavoidability in the case of language. The appreciation of this simple but important fact puts a significantly different complexion on questions pertaining to language and justice. The focus of discussion can now shift away from a preoccupation with linguistic neutrality toward the question of how best to compromise on matters of usage. Participants can vocalize their expectations regarding language use, modulate these expectations when confronted with the expectations of others, work toward a policy decision or agreement in conjunction with expert advice, and even agree on a point in time when the decision can be revisited and revised if necessary.

Crucially, participants may, but certainly need not, be speaking as members of identifiable ethnic groups with clear associations to historically defined language varieties. This gives deliberative democracy the ability to handle a wider range of situations involving linguistic discrimination than just those that concern ethnic minorities, since ethnic minority languages are but one among many possible register formations. As Agha (2007: 143–44, *italics in original*) points out:

register models are ideologically stabilized systems of footing. They are stabilized (or, rather, stabilized-for-a-while) by institutional processes that link figures of personhood

and relationship to specific performable signs. And, to the extent that they are stabilized at all, they are stabilized only for a specific social domain of sign-users. The social domain may vary in demographic terms from case to case (a caste group, a town, a nation) . . . Different register formations treat *different features of perceivable conduct* as signs of the register; and enregistered signs differ substantially in *the kinds of pragmatic effects* that are enactable through their performance.

The fact that there is no commitment to an a priori definition of a language and its relationship to a group is therefore a significant advantage, since not all cases of discrimination involve linguistic varieties that could plausibly be treated as the objects of language rights. As we have seen, some of these language problems may be so nebulous as to evade the easy ontological circumscription that the discourse of rights demands. This means that problems involving intralanguage discrimination or differences in discourse styles and literacy practices can all be opened up for serious discussion within the deliberative democratic model. These need not even be characterized as *language* problems per se. They could instead begin (and this is perhaps more likely to be the case) as parental concerns about children's educational attainments or as complaints about unfair workplace practices. A forum that brings together parents, students, and educators, or one that involves employers, job seekers, and workplace consultants, may slowly result in the awareness that there are linguistically relevant issues that need to be addressed. This could then lead to the inclusion of linguists as expert consultants to these forums, which in turn might help participants come away with a better understanding of each other's abilities to meet one another's linguistic expectations and concerns. Employers, for example, might be better able to rethink their own job selection or promotion processes and the extent to which these make unfair demands on the language practices of various candidates. Conversely, job candidates might have a better understanding of what kinds of linguistic qualifications are being sought and whether these are in fact relevant to job performance in particular positions. Hybridity, similarly, poses no serious problems under the deliberative democratic model, since participants can come together to address language problems of all sorts, even or especially those that are stigmatized for being mixed or 'broken' and hence deficient when compared with their 'fully formed' counterparts.

LANGUAGE AWARENESS IN EDUCATION

While the quality of participation in deliberative forums can be significantly enhanced if education reforms are undertaken that inculcate a greater sense of civic mindedness and intercultural sensitivity in public discussions, the quality of participation is also improved if participants are themselves relative experts in the topic under discussion, since 'individuals who understand the basic forces shaping both their choices and the consequences of those choices are better equipped to make those choices wisely' (Audretsch 2007: ix). In the case of language, given how widely it affects so many different aspects of our lives, it makes sense to include as

part of any education curriculum, basic information about language in society, thus improving the general awareness of citizens about the nature of language. This would provide citizens with a better understanding of the kinds of forces that contribute to language change and variation, the role that language plays in constituting the identities of various individuals and communities, and the cultural politics and constraints that surround the management of multilingual societies.

Thus far, most discussions of language awareness have been subordinated toward the goal of helping students learn a second or foreign language rather than encouraging democratic deliberation.¹¹ As a consequence, exposure to language awareness education has tended to be limited to those students who are engaged in second or foreign language learning. However, it needs to be emphasized that the responsibility for appreciating the social implications of linguistic and cultural heterogeneity falls upon everyone, which therefore includes both the traditional native speaker and nonnative speaker alike. So called native speakers can be confronted with data from the language that they already speak, since drawing on a language that learners are already familiar with can still beneficially induce a critical distance from one's own taken-for-granted practices and assumptions.

In this regard, it is necessary to avoid an ontologically simple understanding of language, since it is specific language practices that underlie the issues of social difference and inequality. As Blommaert (2005a: 11–12, italics in original) reminds us:

It is one of sociolinguistics' great accomplishments to have replaced a uniform and homogeneous notion of 'language'—'English', 'French' etc.—by a fragmented one, and to have explained why this fragmentation is necessary . . . acts of communication produce *indexical* meaning: social meaning, interpretive leads between what is said and the social occasion in which it is being reproduced. Thus the word 'sir' not only *refers* to a male individual, but it *indexes* a particular social status and the role relationships of deference and politeness entailed by this status . . . Through indexicality, every utterance tells something about the person who utters it—man, woman, young, old, educated, from a particular region, or belonging to a particular group, etc. . . . Every utterance also tells us something about the utterance itself. Is it serious or banter? Is this an anecdote, a joke, an order, a request? Is the speaker sure/sincere/confident of what s/he says? . . . Are things such as social class, gender, ethnicity, or professional status played out in the utterance? Are social roles reinforced or put up for negotiation? Are social rules being followed or broken? And so on. Indexical meaning is what anchors language usage firmly into social and cultural patterns.

And as Blommaert (2005a: 13, italics in original) observes:

And this is where inequality enters the picture: not everyone will have the same means of communication and, consequently, not everyone will be able to perform the same

11. A recent exception is Brady (2006), who suggests that language learning can be used to help instill a greater sense of social commitment and agency among students. However, even Brady's proposal takes place in the context of foreign language learning (in this case, English for Japanese students).

functions of communication. People are restricted as to what they can do with and in language, depending on the range and composition of their repertoires. In that sense, apart from what people do to language, there is a lot that language does to people.

In the case of language awareness in education, what is needed, then, is an approach where grammatical properties are consistently linked to communicative goals (chapter 7). Such an approach will not necessarily be based on words and sentences, since actual communication can involve nonsentential constructions, including fixed idiomatic phrases. The approach should also not be necessarily bottom up or top down, since language users can deal with utterances both compositionally as well as ‘holistically’. Perhaps most important of all, the approach should allow learners to appreciate that language use consists in the deployment of *conventionalized* pairings of form and meaning; that socially significant consequences can follow from how these pairings are deployed; and that variations along the dimensions of form and meaning are not just possible, but inevitable. Only in this way can learners come to critically ruminate upon and thus contest the contingent nature of language.

This is where a constructional approach is potentially useful. Because constructions are form-meaning correspondences, any discussion of the properties of a construction must pay attention to both formal and functional properties. Formal properties might include phonological and morphosyntactic features, while functional properties (understood broadly) may include semantic, pragmatic, and discourse features. An important part of the curriculum would also provide learners with the kind of metalinguistic vocabulary needed to identify and deliberate about language practices.

A constructional approach is advantageous in this respect because, in comparison with other linguistic theories, it is minimally encumbered by technical terminology. The basic points simply involve appreciating that a construction is a pairing of form and meaning and that processes of general reasoning and patterns of usage help to create relations between constructions. Anything from relatively small lexical items (words, affixes) to much larger sentential patterns can count as a construction. Larger constructions that have been discussed in the literature include the Resultative Construction (*He painted the house black*), the *What’s X Doing Y* Construction (*What’s this fly doing in my soup?*), and the Way Construction (*He whistled his way down the street*) (Goldberg 1995). This suggests a view of grammar where there is a continuum from the highly regular and compositional to the much more idiomatic, with no strict separation between the two. This conception of grammar has the advantage of allowing recognition of nonsentential idioms, fixed formulas, sentence fragments, etc., as equally central phenomena alongside more traditional ones such as active sentences and their passive counterparts. And when a metalinguistic vocabulary or terminology is needed, it can be ad hoc, since the focus is on identifying and describing the properties of particular constructions (see below). Any set of terms that serves this purpose will suffice. Thus labels such as *nouns*, *verbs*, or *clauses* have no value in and of themselves outside of the purpose they serve in allowing teachers and students to

compare the properties of constructions (cf. Croft 2001). They serve the purely heuristic purpose of allowing teachers and students to reflect on what they see as similarities and differences across various constructions. The focus on similarities and differences also draws on the fact that newer constructions can be combinations of other constructions, straightforward instantiations of more general ones, or creative modifications of existing ones. Thus a constructional perspective highlights the fact that language use involves general cognitive abilities (induction, deduction, analogical thinking, principles of categorization) rather than any language-specific rules or capacities.

In fact, a constructional approach converges nicely with recent suggestions in applied linguistics that ‘lexical phrases’ or ‘formulaic sequences’ should be given greater focus in language teaching (Lewis 1993; Nattinger and DeCarrico 1992; Willis 1990; Wray 2000; see chapter 7). As noted by Widdowson (1989: 135, italics added; see also Nattinger 1980: 341):

communicative competence is not a matter of knowing rules for the composition of sentences and being able to employ such rules to assemble expressions from scratch as and when occasion requires. It is much more a matter of knowing *a stock of partially pre-assembled patterns, formulaic frameworks, and a kit of rules*, so to speak, and being able to apply the rules to make whatever adjustments are necessary according to contextual demands. Communicative competence in this view is essentially a matter of adaptation, and rules are not generative but regulative and subservient.

Knowing the conventional ways of saying things is an important part of knowing how a particular discourse community works and how to effectively interact with members of such a community. This is because the conventional ways of saying things are not merely matters of form, but associations between particular forms and particular meanings.

Compare the following two constructions, the first from Singlish and the second from American English:

- (1) Why you paint the house green? [Singlish]
- (2) Why paint the house green? [Am Eng]

It is pedagogically useful for a teacher in a Singapore English classroom to acknowledge that (1) and (2) serve similar pragmatics, though they have rather different morphosyntactic properties (Alsagoff, Bao, and Wee 1998). In both constructions, the speaker is asking for a justification concerning a particular situation. In these examples, the speaker is asking the hearer to provide a reason for painting the house green, with the implication that unless a good reason can be given, it is probably not advisable to do so. Crucially, in the Singlish construction, the presence of the second person pronoun ‘you’ is essential, as demonstrated by (3). In contrast, the presence of the same pronoun is unacceptable in the American version (4).

- (3) *Why paint the house green? [Singular]
 (4) *Why you paint the house green? [Am Eng]

Being able to discuss these constructions *as constructions* gives the teacher the opportunity to focus on (i) how specific chunks of English are similar to or different from other chunks and (ii) how the formal properties of such chunks relate to their functions. Because of (i), the teacher is not required to dismiss one variety of English as being better or superior to another. Rather, pedagogical attention is aimed at comparing different constructions, and the students' own use of language (in this case, English) (however informal, colloquial, or stigmatized) can serve as relevant pedagogical resources for language teaching. And because of (ii), students are encouraged to adopt a more reflexive attitude toward their own language use among friends and family members (i.e., outside the classroom) as well as toward the target variety that they are expected to master. Crucially, learners are not expected to develop a detailed technical metalinguistic vocabulary (regarding, say, tense, aspect, prepositional phrases, etc.) before discussing constructions. As mentioned above, the vocabulary can and should emerge from the discussion itself, as both teacher and students begin exploring the properties of specific constructions. This means that both teachers and students can come up with their own labels—and adapt these labels accordingly—so long as these help in the discussion of constructional properties. There should be no expectation that these terms possess objective or definitional significance to which learners are obliged to adhere.

This last point is important when we consider the fact that students' own colloquial uses of language may involve elements from other languages (through borrowing or code-mixing) or constituent structures that are not always easily describable within a standard grammatical vocabulary. The existence of 'nonstandard' grammatical structures is obviously widespread in casual and informal interactions, even where so called native speakers are involved. Carter (1997: 57–58), for example, points out that there are many grammatical structures in spoken (British) English that are used quite routinely by educated speakers. Yet, such structures are difficult to accommodate in ELT, if 'proper' sentences are privileged as the norm. Some of his examples are provided here:¹²

- (5) *Left-displaced Subject Construction* (with recapitulatory pronoun)
 The women they all shouted.
 (6) *'Complete' Relative Clause Construction*
 Which is why we put the Bunsen burner on a low flame.
 (7) *Wh-pseudo Cleft Construction* (as 'summarizing conjunctions')
 What I would do is, people should try a different policy.
 (8) *Fronted Anticipatory Phrase Construction*
 That house in Brentford Street, is that where she lives?

12. Carter does not himself use the term 'construction'. I have added the term here to Carter's own informal descriptive labels to indicate that these can all be treated as constructions.

The value of a constructional approach, then, is that the teacher is able to acknowledge and bring up for discussion bits and pieces of language use that may not be easily recognized in ‘sentence-based’ approaches to language teaching. Furthermore, the fact that both teachers and learners are encouraged to develop their own informal metalinguistic vocabulary when discussing these constructions facilitates the students’ own active sense of involvement in uncovering the properties of the constructions that they already use themselves, as well as the properties of those that they are expected to acquire. A constructional approach, then, has three main advantages. First, it consistently emphasizes the relationship between linguistic form and communicative function, and in so doing, can contribute toward the cultivation of symbolic competence (chapter 7). Second, it allows for actual language use to be reflected in language teaching, since it can accommodate a wide range of grammatical structures. And third, by doing so, it provides teachers with a principled reason for treating the students’ own knowledge of language, including varieties that may otherwise be stigmatized, as a resource that can be used not only to improve language awareness, but also to scaffold the students toward more standard varieties while still encouraging them to interrogate the status of these varieties as standard.

THE RIGHT TO A CONSTRUCTION?

While language rights advocates and ethnic minority communities may find it natural to claim the right to specific language varieties, it is far less intuitive to suggest that communities should be claiming the right to individual constructions, or even to a family or set of constructions. This is not to deny that members of a community may make etymological claims and suggest that particular constructions may have originated (in a historically relative sense) with them before being borrowed by other communities. In fact, a constructional approach is entirely consonant with this argument, since it facilitates the investigation of such claims by tracking how particular constructions are distributed and modified across time and space. However, it would be absurd to make the leap from following the trajectories of particular constructions to suddenly suggesting that some constructions are the objects of the language rights of specific communities. Loans and borrowings are natural outcomes of language contact, and it is fundamentally arbitrary to stipulate that any community that had a historical involvement in the trajectory of a construction should be able to claim the construction as its right. A community’s involvement with a construction simply represents one point of intersection in an indefinitely long trajectory of language change and variation. In fact, a constructional approach encourages just the opposite perspective, namely, that as constructions flow across multiple linguistic markets, there is no real basis for privileging a specific community and allocating a particular construction to it in the form of language rights.

We can go even further and ask exactly what purpose might be served by insisting that particular constructions are the rights of specific communities. Recall that language rights, according to advocates, are intended to protect the cultural values of a community. In this argument, it is language—understood as a bounded entity—that somehow encapsulates culture. Any attempt at insisting that a particular construction (or some selection of constructions) is the right of some community, then, would have to be grounded in the claim that the selected construction is of particular significance to that community.¹³ Notice that the attempt cannot be made on behalf of *all* the constructions associated with a language variety since (i) there is no such delimitable inventory of constructions in the first place and (ii) this undermines the ‘prioritizing’ function of a right (Freeden 1991: 10; see also the discussion on ‘Selectivity’ in chapter 2). Trying to make this argument would thus merely return us to the problem of misrecognizing the nature of language as a bounded entity.

But even assuming that some construction (or set of constructions) can be identified as specific and significant to a given community, language rights advocates would have to answer the question of what would be gained by appealing to the notion of language rights. A construction is a form-meaning pairing, and both the form and the meaning are potentially open to change and variation as a consequence of the construction being used as a resource for communication. Policing the ‘proper’ use of a construction as the right of a community would more likely than not have a negative impact on communicative practices. It may discourage speakers—even speakers from within the community—from using the construction, and ironically may lead to its ‘demise’. At the very least, the ‘proper’ use gets relegated to the realm of the overly pedantic or old-fashioned and a constructional variant then arises that is more reflective of a community’s social, cultural, and political concerns, *and because of this reflectiveness*, gains wider currency. Consider as an example the meanings associated with the English word *gay*. It only takes a moment to realize the futility of insisting that the ‘proper’ meaning of this word—assuming some community, say community X, has claimed the right to this lexical construction—must involve a reference to a state of joyfulness and not carry any implication regarding sexual orientation. Even if it were conceded that community X has the right to *gay* when it refers to joyfulness, it does not follow that when others use *gay* to refer to sexual orientation, the rights of community X have somehow been violated.

What this shows is that once we start adopting a constructional approach, it becomes much easier to appreciate in concrete terms what it actually means when we talk about language as a form of social practice, and why a rights-based approach to language and justice is so problematic.

13. A close example might be Paris Hilton’s successful request in 2004 to have the phrase ‘That’s hot!’ trademarked, on the grounds that she uses it so often that it has become associated with her, and that she wants to have the phrase prominently displayed on various kinds of merchandizing, such as clothing marketed under her name (www.breakingnews.ie/archives/2004/0918/entertainment/kfjgbqlkfcwid/, accessed June 13, 2010). The purpose of such trademarking, however, is entirely commercial. It does not claim to protect important human attributes or significant community interests, as would be the intent of the kind of language rights envisaged by rights advocates.

DELIBERATING CONSTRUCTIONS

A constructional approach can facilitate deliberation about linguistic discrimination, for several reasons. One, participants need the flexibility to be able to identify specific instances of language use, which can range in size from single lexical items to larger chunks of languages; they also need to be able to discuss how such instances may be seen as representative of different varieties of language. The ability to properly identify relevant instances of language use is a key prerequisite when charges of linguistic discrimination are being leveled, because even when these charges involve named linguistic varieties, there is still a need to talk about concrete instances. Simply relying on language names is too vague: it is all too possible that different individuals may have different language practices in mind when referring to what is ostensibly the same variety or register ('good English', 'standard Malay', 'offensive language'), since we know that individuals each have their own specific constructional repertoires. In the absence of any identifiable actual practices, claims of linguistic discrimination become that much harder to adjudicate.

Two, any identification of relevant instances of language use is incomplete if participants are unable to connect them to the relevant assumptions and social evaluations that they feel they are being subjected to, or that they admit subjecting others to. But as Netanel (2008: 158; see also Bakhtin 1981, 1986) points out, 'To successfully challenge prevailing understandings and stereotypes perpetuated by mainstream popular expression often requires a partial *melding* of expressive product rather than complete product differentiation.' What this means is that both the identification of discriminatory language practices as well as any discussion about such practices will be aided by an awareness of preexisting constructions and how they can be recontextualized in different situations. A constructional approach proves invaluable here by facilitating the discussion of constructions of varying sizes, as well as the kinds of meanings that they index, whether these are narrowly referential meanings or broader social connotations. Furthermore, because relationships between constructions are not assumed to involve language-specific mechanisms, a constructional approach requires mainly that learners draw on general processes of reasoning and categorization rather than any postulated language-specific devices that may be too exotic or technical to contribute positively to public debate. These processes of reasoning and categorization are ones that citizens will need in any case, because they constitute 'important parts of the discursive armory' for 'presenting or describing practices' (Festenstein 2005: 125).

Three, while the identification and discussion of specific constructional properties allows participants to better understand the kinds of assumptions that inform and influence their behaviors, participants need also to be able to discuss possible ways of modifying their behaviors, to the extent that this is agreed to be an advisable move. Participants might aim to declare amongst themselves that there should be agreed-upon conventions for interpreting particular constructions, especially those that are under scrutiny as contributing to discrimination. This is useful only up to a point. Given the fact that language change is

inevitable, conventions established by fiat are certainly not invulnerable to slip-page, variation, and change. It might therefore be more realistic for participants to try to adopt a more vigilant and self-critical stance, where the goal is to be careful that their assumptions about language use might be prejudicial to others around them. The general heuristic being suggested here is not especially different from the kind of advice offered by Scollon and Scollon (1995) when dealing with cases of cross-cultural communication. Scollon and Scollon (1995) suggest that interactants approach each other with a principle of charity (attribute the best intentions to your interlocutors, where possible) and self-awareness (be prepared to reexamine your own assumptions governing appropriate or plausible interpretations). Any attempt to do this is facilitated when interactants are attending to the properties of specific constructions.

In forums for deliberating about language and discrimination, linguists clearly can make useful contributions by providing expert information and advice about the nature of language and the social factors that affect change by analyzing the properties of specific constructions and by advising on the feasibility of proposed policies. Here, it is crucial that linguists also undertake the responsibility to point out that the kinds of reception accorded to any language practice are necessarily relativized to specific linguistic markets. Participants should therefore bear in mind the kinds of linguistic markets that they see themselves (or those that they claim to speak for, such as their children) likely to be taking part in, and make their decisions accordingly. Since (i) every participant is likely to be a member of multiple linguistic markets and (ii) there might be strong disagreements among participants (even among those with shared ethnolinguistic affiliations) concerning the relative importance of specific markets, it is worth pointing out that any attempt to resolve such disagreements, regardless of its outcome, will require the adoption of a second-order and hence reflexive perspective. In this way, participants are already induced to gain a degree of distance from their interests as well as the reasons that they appeal to in justifying those interests. The main difference, under a deliberative democratic model, is that this reflexivity is being actively encouraged as part of a process that aims to facilitate the resolution of language-related grievances.

In the case of ethnic minority communities and their languages—which has been the main preoccupation of language rights advocates (chapter 3), fieldworkers who have been working on language revitalization and preservation projects are in a particularly strong position to make a contribution, given their intimate knowledge of how a given minority language currently figures in the life of the associated community. However, as many of these fieldworkers themselves acknowledge, their role is to serve as expert consultants, providing guidance to the community on likely avenues to pursue and their implications. How strongly an individual fieldworker feels about moving from consultant to advocate would depend, first and foremost, on the needs and desires of the community itself (Hinton 2001: 5). Some communities may want to aim for a more ambitious revitalization program where the ethnic minority language ‘repels’ a dominant language. Others may want to implement some form of bilingual education, in which case they

need to appreciate that their ethnic language and the dominant language are unlikely to coexist as equals. Yet others may be happy to provide archival information to the fieldworker about their ethnic language while still allowing it to languish and ultimately disappear from their own lives, thus leaving any language preservation efforts entirely up to factors external to the community. All these possibilities must be allowed for, but unfortunately, as already noted, when there is a push toward the idea of language rights, many of these possibilities get preempted so that it appears as though the only acceptable option is to safeguard the named minority language from the threat posed by a named dominant language, on the assumption that this (somehow) simultaneously protects the interests of the community.

CONCLUSION

By way of closing this chapter, I want to address the possible criticism that the deliberative approach discussed here may be too weak to satisfactorily deal with issues of linguistic discrimination. Language rights advocates may want to suggest that the advantage of a rights-based approach lies precisely in the fact that it makes much stronger demands on what rights-bearers can expect when it comes to protecting their linguistic and cultural identity.

In response to this possible criticism, we can consider four key points. The first comes from the remarks of Grin (2005). While largely sympathetic to the idea of language rights, Grin nonetheless observes that a major weakness with the notion of language rights is its 'almost exclusive reliance on one moral consideration', with the result that it tends to 'preach to the converted' (Grin 2005: 448, 451). Grin (2005) suggests that if the discourse of language rights is to work at all, it needs to be complemented more carefully by the discourse of policy analysis, where considerations of feasibility, costs, and burden sharing are seriously taken into account rather than simply relying on moralistic assertions that rights violations have taken place. With this in mind, Grin (2005) suggests that the recognition of language rights needs to be seen as a form of public policy such that measures that are being considered for implementation must be evaluated on how effectively they help improve welfare. Evaluations of specific measures must be subjected to democratic debate so as to clarify, among other things, why other alternative measures are not as optimal, and what benefits exactly accrue to which parties.

Grin's (2005) suggestions about the importance of democratic debate are obviously in tune with the deliberative approach discussed here, but they are ultimately problematic because they assume the continued relevance of language rights. Unfortunately the appeal of rights lies in their status as trumps (Dworkin 1984) over more utilitarian or other considerations so long as these are not themselves rights. Rights as trumps reflect their ability to override the demands and constraints on political actions that might otherwise contravene the rights of the bearer. Any interaction between the discourse of language rights and that of

general public policy considerations is unlikely to result in a measured and considered deliberation of possible alternatives, especially if advocates already start with a strong sense of injustice that the rights of speakers (if not their languages also) have already been violated, and it is the morally framed desire to remedy such ‘wrongs’ (Phillipson and Skutnabb-Kangas 1995) that constitutes their prime motivation. Conditions such as these are not at all conducive to constructive discussions between parties holding different views and different vested interests.

The second point comes from de Varennes (1996: 90), who reminds us that the question of whether specific laws regarding the choice of language in a state and its various services can be considered discriminatory is a ‘highly complex’ matter. De Varennes (1996: 127, italics added) goes on to provide a list of some of the many factors that may need to be taken into consideration:

Without submitting an exhaustive list, it is possible to suggest a number of relevant considerations when attempting to determine whether a particular language distinction by a state’s machinery or agents is discriminatory: the number of individuals who are denied a benefit or advantage enjoyed by others who may use their primary or preferred language; the territorial concentration of the individuals that find themselves disadvantaged or denied the same benefit; whether they are citizens, permanent residents or aliens; individual preferences; the degree of disadvantage or the burden a state’s preference for a particular language causes to those who have a different primary language; the desirability of a common national language in a state; available resources and practicality; the state’s goal(s) in favoring one language over others; whether a particular language has developed a written form; the social, cultural or religious importance of a language; the type of service or state conduct involved; the desirability of not discarding too quickly legal or traditional linguistic concessions; and even the desire to correct past oppressive state practices. All these factors and other relevant considerations must then enter into a balancing formula to determine whether the state’s language distinction is a proportional or reasonable measure.

The third point is that the notion of language rights relies on the state, or at least some institutional structure, for the recognition provision of such right. This is problematic because it creates something of a contradiction, since the reliance is on the very institution typically responsible for rights violations. A particularly clear example emerges when we consider the case of national minorities, whose presumed right of self-government was violated by the colonization of their lands and who now seek from the very same colonizing authority some recognition of their governmental autonomy. It is also problematic because it forces the rights-seeking group to coalesce its diffuse demands, distilling these into very specific foci (i.e., the objects of rights). In contrast, the deliberative approach outlined here need not be aimed at the state: it can achieve a more ‘inclusionary politics’ by working ‘through the whole of civil society in a more open and fluid search for alternatives that would look to the specific needs of the different social groups and allow them to improve their lot’ (Harvey 2005: 199). The effect, as Harvey (2005: 199–200) puts it, would be

to shift the terrain of political organization . . . into a less focused political dynamic of social action across the whole spectrum of civil society. What such movements lose in focus they gain in terms of direct relevance to particular issues and constituencies. They draw strength from being embedded in the nitty-gritty of daily life and struggle.

Finally, by treating language as an object of rights that can be claimed by or denied to various rights-bearers, the notion of language being evoked here assumes that relations of power exist outside of language rather than, as the earlier discussion of constructions makes clear, seeing language itself as a site of power struggles. McNay (2008: 62) makes a similar point in her critique of the politics of recognition. Discussing specifically the proposals of Charles Taylor and Jurgen Habermas, she points out that such calls for recognition

invoke a purified model of language where relations of power are seen as extrinsic or secondary forms of distortion of a primal dyad of recognition . . . The setting up of language as prior to rather than coeval with power undermines their claims to develop normative proposals that proceed from a sociological sensitivity to the situated and embodied nature of self-other interactions . . . *contra* Taylor and Habermas, language is understood as coeval with power rather than antecedent to it.

Taking these points together, we can agree that a rights-based approach is certainly stronger than a deliberative approach. But the former is actually far too strong, and as we have seen in the preceding chapters, it may even create more problems than it solves, not least because it tends to view language ‘as an essentially unproblematic construct—an identifiable ontological entity’ (Stroud 2001: 348). Instead, given the complexity of factors that are potentially relevant to issues of linguistic discrimination, it may be wiser to adopt an approach that actually allows and encourages such complexity to be opened up for discussion.

Culture without Rights?

Language rights are usually considered by their advocates to be a version of cultural rights, if not the most significant version, since language has been argued to be particularly constitutive of cultural identity (May 2001, 2005; Taylor 1985: 230–34). But given the problems with the notion of language rights demonstrated in the preceding chapters, it is worth asking if the broader notion of cultural rights still has any purchase at all.

Before continuing, we should pause to note that the term ‘cultural rights’ is too vague, since it leaves unspecified the actual cultural practice that is supposed to be the object of such a right. For example, what particular practices can or should fall under the ambit of ‘culture’ is highly contested. In some societies, a distinction may be made between practices that are religious and those that are cultural (Benhabib 2002: 12–13). And even within the ambit of the cultural, individuals may attach different degrees of significance to practices involving clothing, food, marriage, or demonstrations of respect, among many other possibilities.

So it becomes incumbent upon any advocate of cultural rights to clarify what specific cultural practices are being put forward as the object of rights protection. For example, are hunting rights worthy candidates? Even here, greater specificity would be required. The hunting of endangered species—such as whale hunting as opposed to, say, spider hunting—might be considered less worthy of rights protection, and its practitioners might possibly even be urged to abandon such a practice, however established a tradition and central to their collective identity this might be. Or even if the species is not endangered, traditional methods might be considered too brutal to be considered supportable. But what if the practitioners

argue that the methods of hunting are just as crucial to their cultural identity as the animals being hunted? It might be argued that buying whale meat off a supermarket shelf deprives the (male) hunters a traditional avenue for demonstrating their masculinity, thus undermining a broader social network of gendered relations. It should be clear that similar questions can also be raised about any other cultural practice, such as honor killing, child marriage, or body modification.

Answers to these questions require us to abandon the assumption that these practices can be treated as existing in a vacuum, since we have to consider how a given practice intersects with other practices and with wider societal mores. We have already seen that the notion of language rights needed to assume that its object is a specific named variety, because the discourse of rights demands that boundaries be drawn between the languages that different groups can lay claim to, even though this assumption is problematic because it fails to reflect the hybrid and performative nature of actual language practices. It is likewise untenable to impose boundaries around nonlinguistic cultural practices.

Thus, while language differs from other cultural practices in being unavoidable and especially open to hybridization (see chapter 2), there are strong reasons to accept that cultural practices are, in general, becoming more like language—if not unavoidable then certainly more hybridized. I therefore argue that in an increasingly culturally complex world, the broader notion of cultural rights is just as problematic as language rights, for the same sorts of reasons discussed in the preceding chapters. The value of rights can, however, still be reclaimed, and this lies in reducing their scope and returning them to their original and less problematic conceptualization as basic human rights accorded to individuals on the basis of their universal personhood.

RESIGNIFICATION IN LANGUAGE: A RECAP

This book has repeatedly emphasized the nature of language as a semiotic resource, with the consequence that enactments of language practices inevitably lead to their constant resignification. Recall that this resignification is a problem for the notion of language rights, because the fact that language practices are constantly being resignified means that it is not possible to take for granted any consensus, even within groups, regarding the social valuation of these practices.

Here is one more example of such divergent intragroup understandings, which comes from attempts to revitalize Breton. Active members of the revitalization movement are predominantly middle class and educated. The elderly native speakers, in contrast, are largely illiterate and less interested in such language activism, as Ferguson (2006: 104–5) explains:

The social meanings attached to the Breton language by the two groups are, therefore, quite different. For the native speakers, Breton is, as suggested earlier, an expression of a local, parochial identity, one that they are not unhappy to leave behind . . . The *néo-bretonnants*, on the other hand, passionate in their support for Breton-medium

education, see the language as an indispensable constituent of a regional pan-Breton identity.

Reinforcing, and perhaps underpinning, these contrasting outlooks are differences in the kind of Breton use. Native *bretonnants* mainly speak a home-transmitted dialectal Breton, one whose grammar is distinctly Celtic but whose vocabulary, particularly for modern concepts, is heavily infiltrated by French borrowings. *Néo-bretonnants*, by contrast, are predominantly second-language acquirers of a standardized, literary variety of Breton, and consequently their speech is French-influenced in its grammar while ‘pure’ in its lexicon . . . As such, and because it is largely the creation of experts and committees, it has—from the point of view of the native *bretonnants*—a strained, artificial, even alien quality.

We can by now appreciate that even though it is possible to attribute the different understandings of Breton to two different groups—characterized very roughly along multiple dimensions such as age, level of education, and class—it would be wrong to assume that such dimensions exhaustively divide the individual members of the groups into nonoverlapping sets. We have to allow for the fact that there may be some elderly individuals who support Breton-medium education (alongside the *néo-bretonnants*); likewise, there may be younger, middle-class Bretons who oppose Breton-medium education on the grounds that it expresses a more parochial identity (alongside the older native speakers). And of course, individuals may change their understandings of Breton over time as they undergo difference experiences. These challenges for language rights also apply in the case of other cultural rights, since there is absolutely no reason to assume that individual understandings of other cultural practices are necessarily shared or static.

CONFLICTS BETWEEN RIGHTS DISCOURSE AND CULTURAL PRACTICES

One of the biggest problems we saw with language rights is that the very discourse of rights creates conflicts with the complex and often hybrid nature of language practices. This problem also arises in the case of cultural rights. Consider, for example, Gellner’s (2001) discussion of the struggle for cultural rights in Nepal. In tracing the political and cultural struggles in Nepal over the last 150 years, Gellner (2001: 190) makes the following observation:

What all Nepali political parties, pressure groups and revolutionaries seem to agree on is an essentialist view of the cultural divisions they argue over. All seem to agree that everyone in the country

1. belongs to one and only one ethnic or caste group;
2. is born into that group;
3. cannot change their group.

There are two further universal assumptions, one procedural and one normative:

4. though some groups are big and other small, they can, for practical purposes, be treated as groups of the same logical order;
5. all groups should be treated equally.

These essentialist assumptions conflict with at least some understandings and experiences of actual Nepali life (Gellner 2001: 190–91). With regard to (3), for example, some members of the Chetri group have in fact taken (forcible) steps to change their group membership to that of the royal Thakuri caste in order to enjoy upward social mobility. And, while (5) is a value that seems to enjoy public support, it is in fact at odds with the deeply entrenched caste system that continues to privilege the Brahmins, and there is no clarity on how such conflicts can be easily resolved (Gellner 2001: 190–91).

While these cultural conflicts do not necessarily indicate the employment of a rights discourse, in recent times, the discourse of cultural rights has become unmistakably prominent in Nepal. Thus Gellner (2001) also discusses the initiatives of a specific opposition party, the Nepal Federation of Nationalities (NEFEN), formed in the early 1990s as an umbrella organization to represent a number of supposedly indigenous groups, each known as a *janajati* ('hill tribe' or 'noncaste people'). Among the issues taken up by the NEFEN and framed as rights were (Gellner 2001: 187–88)

- end to linguistic discrimination;
- teaching in the mother-tongue;
- protection and development of the places and items of cultural, archaeological, historical, and religious importance to indigenous/*janajati* people;
- giving national recognition of the culture and social values of indigenous/*janajati* people.

Gellner (2001: 188) also observes that

It is no coincidence that these questions are in line with global discourse on cultural rights: they are derived and translated directly from them. Many of the activists working with or in NEFEN have studied and worked abroad and even those who have not are well attuned to international human rights issues.

However, despite these good intentions, there are serious conflicts between how the rights activists themselves understand of the status of *janajati* and how members of these groups see themselves (Gellner 2001: 189):

The awkward way in which the term *adivasi* ('indigenous', literally 'original dweller') has been incorporated into the ethnic activists' discourse is witness to the dependence of that discourse on international initiatives. The term *janajati* is also a neologism, unused and largely unknown even in activist circles before 1990. It has been adopted,

by NEFEN and others, to pick out just those groups that are not part of the dominant 'Hindu' social order. The stress on indigeneness came later, with the UN's declaration of a Year of Indigenous Peoples in 1993. NEFEN argues that the two terms, 'indigenous' and *janajati*, refer in the Nepali context to the same people, but this overlooks the awkward fact that many *janajati* groups, or sections of them, have well-known myths locating their origin outside Nepal.

The use of *janajati* therefore amounts to a case of reinvention (chapter 2), motivated in this case by the desire of rights activists to align their claims with similar claims outside Nepal at the international level. Not surprisingly, Gellner (2001: 194) is skeptical about the feasibility of cultural rights, noting that 'any attempt to grant serious recognition to cultural rights requires hard choices about which cultural units to accept and which to overlook; whatever choices are made, someone is bound to be offended.' Gellner (2001: 192) himself goes on to suggest that 'hybridity is a more appropriate concept for understanding the history and development of Nepal, that ethnic or caste purity are ideological figments which hide a history of intercaste mixing'.

Hybridity is of course a phenomenon that is very much on display in the case of language. And throughout this book we have seen the severe problems involved in trying to reconcile hybridity with the discourse of language/cultural rights, since the latter necessarily demands the fixing of boundaries around a particular linguistic/cultural practice, whereas the former—by definition—involves the crossing and even transgressing of boundaries.

CULTURAL DIFFERENCES AND COMMUNITY MEMBERSHIP

The previous section showed that the hybrid nature of cultural practices makes it difficult to isolate a distinctive practice as the object of a right. But even if this were achievable, hybridity is still a problem because there is no neat necessary correspondence between the boundaries that demarcate cultural differences and those that delimit community membership.

We have noted that language rights advocates mistakenly assume that speakers will necessarily rally around an identified denotational code, thus confusing language community with speech community. Similarly the identification of cultural differences may lead to the selection of a specific cultural practice as the object of a right; but this does not necessarily address the question of whether there is in fact a distinct community that can plausibly serve as bearers of the associated right in the sense that the selected practice is a significant form of identification for the community. In other words, while it may be possible to hold up a selected cultural practice as a marker of a community's identity, the individual members of that community are also simultaneously members of many other communities. Therefore the imposition of boundaries between different practices does not necessarily correspond to the

communities in which members participate (McNay 2008: 65). Thus Benhabib (2002: 32–33) observes:

The lines between us and them do not necessarily correspond to the lines between members of our culture and those of another. The community with which one solidarizes is not ethnically or ethnocentrically defined; communities of solidarity may or may not be ethically established. There is no necessary overlap between solidarity and ethnocentrism, only a contingent one.

Membership in this community is defined through the topic of the conversation, the task at hand, or the problem being debated . . . We are all participants in different communities of conversation, as constituted by the intersecting axes of our different interests, projects, and life situations . . . Millions of people the world over engage in economic, political, or artistic migrations. More than ever before, ‘true nations’, ‘pure’ linguistic groups, and unsullied ethnic identities are truly ‘imagined’ communities.

The notion of ‘distinct cultures’ therefore gains plausibility only if we insist on pushing aside the reality of ‘cross-over, intermingling and borrowing’ (Cowan et al. 2001: 18), or hybridity. As a response to this overly neat conception of cultural, Cowan et al. (2001: 18, citing Appiah 1994, italics in original) go on to underscore that

the important point about cultures is not that they are *distinct*, but rather that they are *related*. ‘Black culture’, for instance, is in no way simply an expression of the African roots of former slaves, but something that emerges out of certain politically asymmetrical historical relationships between social groups. It is, in addition, a response to a *contemporary* politics of culture, in which, as Appiah has ruefully noted, the more culturally similar Americans become, the more loudly they proclaim their cultural differences. Culture neither is, nor should be, the sole basis of identity, political or otherwise, according to Appiah. Indeed, he equates the politics of recognition with the politics of compulsion, where difference is tightly scripted and forced upon the bearer of an identity.

Once we appreciate the problems that come with the notion of a ‘distinct culture’, we have to ask what would be the purpose of a cultural right, since the latter is dependent on the former. Consequently, rather than reifying cultural differences, a more appropriate response would be to help individuals cultivate the conceptual and discursive tools necessary for navigating the increasingly culturally complex world in which we live (chapter 8).

CULTURE AND GLOBALIZATION

The hybridity in both cultural practices and community memberships is exacerbated by globalization, where otherwise separable and isolatable communities and their values are being brought into greater relationships of interdependence.

This inevitably leads to the proliferation of hybrid values and identities (Latour 1993: 134), as cultural practices get resignified and community affiliations reevaluated.

A useful illustration can be found in Benhabib's (2002) discussion of the different contested interpretations attached to the practice of veiling among Muslim women, triggered in 1989 when three Muslim schoolgirls in France decided to attend classes with their heads covered. This act was intended as 'a conscious political gesture': 'on the one hand [the girls] claimed to exercise their freedom of religion as French citizens; on the other hand they exhibited their Muslim and North African origins in a context that sought to envelop them, as students of the nation, within an egalitarian, secularist ideal of republican citizenship' (Benhabib 2002: 96). Commenting on the changing symbolic values of what it means to wear a veil in this context, Benhabib (2002: 97) observes:

They used the symbol of the home in the public sphere, retaining the modesty required of them by Islam in covering their heads; yet at the same time, they left the home to become public actors in a civil public space, in which they defied the state. Those who saw in the girls' actions simply an indication of their oppression were just as blind to the symbolic meaning of their deeds as were those who defended their rights simply on the basis of freedom of religion . . . these young girls used the symbols of the private realm to challenge the ordinances of the public sphere.

Benhabib goes on to quote (providing her own translation) the observations of two French sociologists, Gaspard and Khosrokhavar (1995), on the matter (adapted from Benhabib 2002: 97):

[The veil] creates the sentiment of identity with the society of origin, whereas its meaning is inscribed within the dynamic of relations with the receiving society . . . it is the vehicle of the passage to modernity within a promiscuity which confounds traditional distinctions, of an access to the public sphere which was forbidden to traditional women as a space of action and the constitution of individual autonomy.

In Bourdieu's (1977, 1990) terms, there is a degree of misrecognition involved: to invoke veiling as a way of displaying one's identity in the public sphere is to already have changed the signification of the practice itself. Furthermore, there is arguably a degree of bad faith involved, since such a political gesture was made possible in the first place because of the intended neutrality of the public sphere in France (Benhabib 2002: 96–97). Needless to say, it would have been much more difficult for a similar political gesture to have been enacted given the social, political, and cultural affordances of the public sphere in the North African society from which the girls originally came.

What this example demonstrates is that, quite outside the control of any individual actor's intent, the practice of veiling can undergo multiple resignifications 'with social and cultural interactions, across time and within shared space' (Benhabib

2002: 13). Thus, just as in the case of language resources, the meanings allocated to specific (nonlinguistic) cultural practices are also very much dependent on the semiotics of the particular location into which these practices have shifted (see chapter 6).

Responding to these problems requires a willingness to forego the easy and often dangerous temptations of essentialist thinking, including the appeal to cultural rights, which treats culture itself as ‘yet another “thing” that an already formed actor is entitled to “have” and “enjoy”’ (Cowan et al. 2001: 8). Instead, there must be greater emphasis on culture ‘as a field of creative interchange and contestation, often around certain shared symbols, propositions or practices, and continuous transformation’ (Cowan et al. 2001: 5). The need for such an emphasis is all the more critical, given that the global economy tends to accelerate the resignification of cultural practices while concomitantly causing ‘collective cultural identities [to] grow increasingly volatile and fragmented’ (Benhabib 2002: 180).

IS THERE A PLACE FOR GROUP RIGHTS AT ALL?

Given the multiple difficulties with language and cultural rights, we might ask if there is a place at all for group rights. I would suggest, following Barry (2001), that group rights are reasonable, provided they are not culturalized. That is, groups can be identified on the basis of social criteria that acknowledge their specific disadvantages. And, similarly, specific rights can be allocated to such groups in order to ensure that their members are given equality of opportunity. Examples of such groups might include children born with a chemical dependency because of their mothers’ drug addiction, war veterans, or the disabled.¹ Notice that these are not culturally defined groups. Rather, these groups are defined in terms of social categories that are society-specific. Each individual member is recognized and admitted to the group on the basis of his or her individual circumstances; the group is not defined in terms of an attribute or practice that requires collective action. In short, these groups are not being recognized and allocated certain rights on the basis that certain cultural attributes or practices are deserving of valorization or preservation.

Because the groups are identified as being disadvantaged by using relatively objective criteria, the kind of right that members of each group can lay claim to is also relatively specific, that is, rights to specific remedial measures. For example, war veterans may claim medical benefits or some other form of compensation for their service to the country. The disabled may claim right of access to public transportation or institutional facilities, which would in turn obligate the relevant modifications to public infrastructure.

1. The kind of group rights I am willing to recognize is therefore quite similar to Kymlicka’s (1995) notion of special representation rights (chapter 2).

Even restricting group rights in this manner is not without its difficulties. Some of the problems already noted with language and cultural rights might still arise. For example, members may be reluctant to surrender the benefits of their rights even if they should subsequently no longer qualify. Or members may increase their rights claims so that the set of remedial measures being allocated is argued to be insufficient and in need of buttressing. By and large, however, the more severe problems involving language and cultural rights are mitigated because the object of the right is itself clearly defined (e.g., medical benefits or infrastructural changes) and the bearer of the right is also clearly defined (e.g., criteria for who counts as disabled or a war veteran are relatively easy to establish).² Consequently, unlike language and cultural rights, boundary marking is less of a problem.

In fact, it would not be inaccurate to say that boundary marking is a precondition for the recognition of these group rights. That is, the recognition of such rights can only take place after the criteria for deciding how to identify group members and an agreement on what exactly these members can lay claim to have been arrived at. Notice that this is a reversal of the discursive trajectory that we find with the more problematic notions of language and cultural rights. In these other cases, there is first an assumption of ontological stability and clarity of boundaries delimiting a language variety/cultural ethos and the associated speakers/practitioners—and then, on the basis of this assumption, it is argued that specific rights must be allocated to the language variety/culture and the speakers/practitioners.

RIGHTS AS INDIVIDUAL RIGHTS

The less problematic notion of group rights discussed in the preceding section notwithstanding, it seems clear that the best way forward is to focus on the rights of individuals. The fact that cultural practices are becomingly increasingly resignified and hybridized as the lived experiences of individuals become more complex is a key reason to shy away from the notion of cultural rights because it simply does not represent an approach that is flexible enough to cope with such complexity. Dallmayr (1996: 284, quoting Young 1990) points out that too rigid a conceptualization of group difference and identity can actually do more harm than good:

Difference as exclusion ‘actually denies difference’. In contrast to this outcome, radical democratic pluralism adopts a flexible, open-ended stance; its understanding of group difference see the latter as ‘indeed ambiguous, relational, shifting, without clear borders that keep people straight,’ as ‘entailing neither amorphous unity nor pure individuality. Most important, differential politics does not conceive difference in terms of timeless categories or attributes; instead, it focuses on the porous character of

2. This is not to say that the criteria themselves cannot be contested and changed, precisely the point behind the deliberative democratic approach discussed in the previous chapter.

cultural traditions and on the ‘relations between groups’ and between groups and public institutions. As Young comments, ably summarizing this part of her study, ‘Difference now comes to mean not otherness, exclusive opposition, but specificity, variation, heterogeneity. Difference names relations of similarity and dissimilarity that can be reduced to neither coextensive identity nor nonoverlapping otherness’.

Instead, individuals need to be given the space to negotiate their own cultural realities, while recognizing that such realities are potentially changeable and not necessarily apprehended in the same manner by others who are ostensibly members of the ‘same’ group. This requirement still holds even if we wish to recognize that nonlinguistic cultural practices may be more amenable to conscious deliberation and control than linguistic ones (chapter 2). This is the point that Honig (1996: 259, italics in original) makes when she observes that the agency of each subject is constituted in multiple ‘dilemmatic spaces’:

I argue that the circumstances of their subject constitution position all moral subjects in what I call *dilemmatic spaces*. Indeed, we might think of the subject as positioned on multiple, conflictual axes of identity/difference such that her agency itself is constituted, even enabled—and not simply paralysed—by daily dilemmatic choices and negotiations. The perspectives of this subject suggest that we ought not to think only in terms of dilemmas as discrete events onto which unitary agents with diverse commitments stumble occasionally . . . but perhaps also in terms of a dilemmatic space or spaces that both constitute us and form the terrain of our existences. These dilemmatic spaces vary in intensity and gravity but none is untouched by conflict and incommensurability.

The focus on individual rights, then, has the advantage of underscoring the particularities of each person’s experiences and cultural understandings. To say this is not to endorse a kind of solipsism or radical relativism where each person’s point of view is fundamentally incommensurable with every other. Rather, it acknowledges that individuals may and should have the ability to question, challenge, and renegotiate the norms of their own or others’ culture (Benhabib 2002: 32), and that such renegotiations in fact contribute to ongoing cultural evolution and development.

So even as we ‘allow democratic dissent, debate and contestation, and challenge to be at the center of practices through which cultures are appropriated’ (Benhabib 2002: 71), we also need to ensure that the voices of individual participants are properly heard and appreciated. The value of individual rights in dealing with culturally and linguistically complex matters is that—especially when placed in the context of a deliberative democratic approach—it maintains a steady emphasis on the importance of according mutual respect and impartiality to each other in public discourse.

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