

## **The Impact of Language Policy on Endangered Languages**

by

**Suzanne Romaine**

Merton College, University of Oxford

Oxford OX1 4JD

UNITED KINGDOM

### **Abstract**

Evaluation of the potential and actual impact of language policy on endangered languages is complicated by lack of straightforward causal connections between types of policy and language maintenance and shift, as well as by confusion of policy and planning. Language policy is not an autonomous factor and what appears to be ostensibly the “same” policy may lead to different outcomes, depending on the situation in which it operates. Weak linkages between policy and planning render many policies ineffective. Conventions and treaties adopted by international organisations and agencies recommending the use of minority languages in education usually lack power to reinforce them. Furthermore, policies have negligible impact on home use, which is essential for continued natural transmission of endangered languages. Although survival cannot depend on legislation as its main support, legal provisions may allow speakers of endangered languages to claim some public space for their languages and cultures.

### **0. Introduction**

0.1. Fewer than 4 per cent of the world’s languages have any kind of official status in the countries where they are spoken. The fact that most languages are unwritten, not recognised officially, restricted to local community and home functions, and spoken by very small groups of people reflects the balance of power in the global linguistic market place. Campaigns for official status and other forms of legislation supporting minority languages often figure prominently in

language revitalisation efforts, despite the generally negative advice offered by experts on their efficacy. As Fishman (1997, 194) has pointed out, endangered languages become such because they lack informal intergenerational transmission and informal daily life support, not because they are not being taught in schools or lack official status. Nevertheless, because official policies banning or restricting the use of certain languages have been seen as agents of assimilation, if not also by some such as Skutnabb-Kangas (2000) as tantamount to acts of genocide, it is no wonder that hopes of reversing language shift have so regularly been pinned on them. Skutnabb-Kangas (2000, 312), for example, maintains that “unsupported coexistence mostly ... leads to minority languages dying”.

0.2. Nevertheless, we have here a good example of unwarranted and simplistic conclusions being drawn about causal relationships between language and policy, if not outright confusion of policy and planning. As Benton (1999, 23) so aptly puts it, “there is a difference between permission to speak, and actually speaking”. Basque speakers in Spain’s Basque Autonomous Community (BAC) have been hesitant to use their language in relations with the administration not because they are not allowed to, but because they have difficulty in doing so. A long history of dealing with officialdom in Spanish and lack of education in Basque leaves most ordinary people unfamiliar with the newly coined terminology used in this domain (Gardner 1999).

0.3. Likewise, McCarty and Watahomigie (1998, 321) observe that “in practice, language rights have not guaranteed language maintenance, which ultimately depends on the home language choices of native speakers. Such decisions are notoriously difficult for extra-familial institutions to control, even when those institutions are community controlled”. Nettle and Romaine (2000, 39–40) warn in a similar vein that “conferring status on the language of a group relatively lacking in power doesn’t necessarily ensure the reproduction of a language unless other measures are in place to ensure intergenerational transmission at home. ... conferring power on the people would be much more likely to do the trick”.

0.4. Looking to schools and declarations of official status to assist endangered languages is much like looking for one’s lost keys under the lamp-post because that is where the most light appears to shine rather than because that is where they have been lost. Just as it is easier to see under the lamp-

post, it is far easier to establish schools and declare a language official than to get families to speak a threatened language to their children. Yet only the latter will guarantee transmission. This points to the negligible impact of official language policies on home use. Strubell (2001, 268) notes that “the way people bring up their families – including the language they choose – is not for the authorities to decide”. In any case, these acts fall short of what is required in practical terms if the language is to survive in spoken everyday use.

0.5. Many language-policy statements are reactive ad hoc declarations lacking a planning element. The Native American Languages Act (NALA) of 1990 is one of the most explicit statements on language ever issued by the United States Congress, yet it is a classic example of a policy with no planning dimension. Among other things, NALA states that “the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages” and “to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages”. As Schiffman (1996, 246) observes, now that the languages are practically extinct and pose no threat to anyone, we can grant them special status. Those who think that NALA is a pro-active policy rather than a recommendation lacking means of enforcement just because it is written and carries the grand name of “act” deceive themselves. However, this does not mean that policy is totally useless. As Lucas (2000) points out in a quite different context (that of assessing the legal status of Hawaiian), the 1978 state constitutional amendments declaring Hawaiian and English as the state’s official languages may provide language advocates with the tools to compel the state to take various measures to support Hawaiian, but they must be tested in court. No state courts have yet interpreted the legal implications of these provisions.

0.6. In this article I examine some of the obstacles faced in evaluating language policies and some examples of weak linkages between policy and planning which render ineffective most policies aimed at assisting endangered languages.

## 1. Evaluating Policies and the Fallacy of Autonomy

1.1. The ideal way to evaluate language policies in a systematic fashion would be to control all the independent variables but one, and examine the consequences. Needless to say, in practice, things are otherwise. Evaluation of the efficacy of policies is made difficult, if not impossible, by the existence of almost as many variables as there are polities and policies as well as the lack of congruence between the sociolinguistic condition of the group in question and the language policy (see Schiffman 1996, 26). A plethora of interlocking factors make it difficult to discern any direct relationship. Bourhis (2001, 114), for example, says that “cause and effect relationships are difficult to establish when evaluating the impact of language policies on language behaviour and language shift”.

1.2. At first glance, a number of typologies of language policies appear to offer some guidance through the entangled thicket (see e.g. Cobarrubias 1983, Skutnabb-Kangas 2000), but upon closer examination we are forced to conclude that language policy is not an autonomous factor. As Conversi (1997, 1) puts it in a different context, “no country’s politics exists independently of its culture”. What is ostensibly the “same” policy may lead to different outcomes, depending on the situation in which it operates. Strubell’s (1999, 27–8) comparison of the status of Catalan in Catalonia and Valencia is an insightful case in point. He concludes that “the same degree of devolution granted to Catalans and Valencians ... has not led to the same increase – or rather recovery – in the use of the (same) language” (1999, 26).

1.3. Carrington (1997, 88) furthermore notes how change of status can be used as a political instrument to neutralise those pressing for recognition of their language by reducing the rallying power of their cause. Amery (2000, 231) suggests that Australia’s adoption of a “softer approach to language and culture by the federal government may be a trade-off for their hardline stance on land matters – a partial compromise which directs some additional resources to those areas which do not pose a direct threat to the economic interests of the rich and powerful”. After years of suppressing the indigenous languages of New Caledonia, France provided financial support to encourage their use in education. This was clearly part of an attempt to promote peace with militant Kanaks who

have long struggled against French control, and to mitigate anti-French sentiment in advance of a referendum on independence.

1.4. Elevation in status of a previously unrecognised or unsupported minority language or efforts to extend its use to new domains may also trigger backlash from speakers of the dominant language, as in Spain where Spanish nationalists have protested against legislation in Catalonia requiring knowledge of Catalan for certain jobs. In the Basque Autonomous Community, similar efforts to “normalise” the use of Basque in education and government through legal measures prompted battles over the rights of individuals. The 1982 Basic Law for Normalising Basque Language Use made the right to use Basque an individual rather than a territorial right. The declaration of officiality, however, was challenged by the Spanish Constitutional Court, which declared that it could not affect bodies of the Spanish Government operating in the BAC. More recently in December 2000, the Navarre Government passed an Autonomous Decree regulating the use of Basque in public administrative bodies. One result is that knowledge of Basque has ceased to be a requirement for many public-service positions. The government has justified the decree as a corrective measure in face of discrimination suffered by Spanish speakers. Meanwhile, bilingual road signs, advertisements and other public notices are being replaced with Spanish monolingual ones (Peña 2001, 9). Yet another example comes from Peru, where Quechua was made co-official with Spanish in 1975, with provision made for Quechua to be taught at all levels from 1976, and from 1977 for it to be used in court actions involving Quechua speakers. Again, resistance from the Spanish-speaking majority made implementation difficult, and it has fallen far short of its ambitions.

1.5. Magga and Skutnabb-Kangas (2001, 26) underline similar difficulties in implementing the provisions of the Saami Language Act passed in 1992 in Norway, which designated certain areas as Saami administrative districts. Many of the municipalities outside these districts withdrew services in Saami, claiming that the law did not require them. Even in traditional Saami areas, where there may be one Norwegian speaker in a class, it is assumed that all teaching must be done in Norwegian. When teachers have used Saami in such contexts, allegations of discrimination against Norwegians ensued. Magga and Skutnabb-Kangas attribute such actions to a culture clash between the Saami community’s collective right to develop their language and the right of individual Norwegian

speakers. The choice to use Saami is thus politicised and restricted territorially.

1.6. Fishman (1991, 84) writes of the damage, both locally and beyond, done by previously disadvantaged language activists who become “cultural imperialists” themselves within their newly dominated networks. When Quebec francophones adopted various legislative measures designed to protect French, in particular a requirement for newcomers to learn it and direct financial incentives to increase the birth rate, anglophones felt threatened. Bill 101 mobilised anglophones to mount legal challenges and to boycott Montreal stores with French monolingual signs; by 1988 the Canadian Supreme Court ruled that the legal requirement for French-only signs contravened both the Quebec and Canadian Charter of Rights and Freedoms. Quebec’s linguistic laws also stirred up much negative feeling among anglophones outside the province as well as outside Canada. Bourhis (2001, 133) observes how the English Only movement in the US regularly uses controversial features of Quebec language laws to justify its campaigns against minority language maintenance. Nevertheless, he sees democratically adopted language laws as necessary tools allowing modern states to harmonise class and ethnic conflicts (see also Kymlicka 1995, 2000).

1.7. In proposing such measures, Quebec’s francophones sought no more than to guarantee for themselves similar “rights” to control their own reproduction that anglophone Canadians have felt unnecessary to state as policy because they were implicit in practice anyway. Quebec anglophones, in particular, benefited from the provision of a state-financed English-medium education system ranging from pre-kindergarten through university, to an extent rarely granted a linguistic minority elsewhere (except perhaps to the Swedish-speaking minority in Finland). What amounted to an affirmative action plan for Quebec anglophones passes unnoticed because it is regarded as “normal”. In this way, all nations unavoidably promote and support the languages sanctioned for use in education, at the same time as they marginalise other languages denied the same public space.

1.8. This reminds us not to overlook the fact that policy is implicit even if no specific mention is made of language. Probably most majority languages dominate in many domains where they have only de facto and no legal status. As Fishman (2001*a*, 454) comments, “even the much vaunted ‘no language policy’ of many democracies is, in reality, an anti-minority-languages policy, because it

delegitimizes such languages by studiously ignoring them, and thereby, not allowing them to be placed on the agenda of supportable general values”. Proponents of what is sometimes called “benign neglect” ignore the fact that minorities experience disadvantage that majority members do not face.

1.9. Advocates of minority languages have repeatedly stressed that demographically weak languages need firm pro-active policies in order to survive and thrive (see e.g. Strubell 1999, Skutnabb-Kangas 2000). Yet the legal approach to reconciling status differences in languages with equality in a world where majority rights are implicit, and minority rights are seen as “special” and in need of justification, is fraught with difficulty. Magga and Skutnabb-Kangas (2001, 31) emphasise that “equality is misunderstood if it leads to an equal division of time and resources between a minority and a majority language”. As Hickey (2001, 466–7) has observed in connection with Irish immersion pre-schools, “equal treatment of different children does not necessarily mean the same treatment is given to each child”. Thus, there is an important distinction between legislating equal use of languages and guaranteeing equitable treatment of their speakers, a point to which I return below in my discussion of South Africa’s post-apartheid language policy.

1.10. In assessing the impact of Quebec’s protective legislation, Bourhis (2001, 115) says that the 1996 census suggests increasing intergenerational shift towards French since 1971, although the change can be largely attributed to allophones (i.e. those whose native language is neither French or English) adopting French as their home language. In addition, unfavourable reaction to Bill 101 led to anglophone out-migration.

1.11. Schiffman (1996) says that we cannot assess the chances of success of policies without reference to culture, belief systems, and attitudes about language. The idea that linguistic rights need protection has never been part of American culture, and so they have not been seen as central to American courts unless allied with more fundamental rights such as educational equity, etc. (Schiffman 1996, 216, 246). Elsewhere, however, even international courts have opined that there is no basic human right to education in one’s own language. UNESCO’s (1953, 6) much-cited axiom “that the best medium for teaching is the mother tongue of the pupil ...” did not lead to any

widespread adoption and development of vernacular languages as media of education. In most parts of the world schooling is still virtually synonymous with learning a second language.

1.12. Although a basic right to education cannot function equitably unless the child understands the language of instruction, this is of little use to groups whose nationalities and languages do not “officially” exist (as is the case with the Kurds and Kurdish in Turkey) or to groups whose language has been so eroded by shift that their children do not speak it. A case in point is that of Hawaiian, where the Board of Education’s official position is that Hawaiian immersion schools constitute a programme of choice and not of right within the public school system. Hence it has refused to recognise an affirmative duty to provide adequate funding for Hawaiian-medium schools for children desiring education through the medium of Hawaiian.

## **2. Weak Linkages**

2.1. Although Fishman (2001*a*, 478) admits that conclusive evidence is lacking at both the state and international level to evaluate the efficacy of policies, he believes that “there is no reason to be overly optimistic in either case, because a lack of priorities and linkages seems to characterise the entire legalistic approach”. He does, however, advocate monitoring certain “litigious climates” surrounding languages such as Maori and Frisian in order to gauge the likelihood and the circumstances needed for legislation, and various other legal measures to be able to make a practical difference in language revitalisation efforts. Even if such actions do make a difference, Fishman warns that they must still be distinguished from the possible effects of the conventions and treaties adopted by international agencies and organisations lacking the power to enforce their resolutions.

2.2. A good example of weak linkages is the European Charter for Regional or Minority Languages, created to provide a legal instrument for the protection of languages. Although it specifies no list of actual languages, the languages concerned must belong to the European cultural tradition (which excludes “migrant” languages), have a territorial base, and be separate languages identifiable as such. The terms of reference are deliberately vague in order to leave open to each



member state how to define cultural heritage and territory. Thus, each state is free to name the languages which it accepts as being within the scope of the charter (see the issue of *MOST Journal on Multicultural Societies* on “Lesser Used Languages and the Law in Europe” 2001a; and Ó Riagáin 1998, 2001, for information in the status of languages in the European Union and a summary of legislation relating to minority languages). The UK, for example, which ratified the treaty in March 2001, does not include Manx and Cornish. The effectiveness of any initiatives on the supranational level can always be undermined by individual states unless there is some way of guaranteeing the implementation of language-related measures on a supranational level. The only institutions with authority to regulate language policies exist within the political bodies of individual states, and the European Union has generally avoided taking any action that would interfere with national laws or policies concerning linguistic minorities, or for that matter with laws concerning its national languages. Moreover, the charter does not grant rights to speakers or minority language groups, but to languages.

2.3. Despite the fact that Greece is signatory to many international covenants and treaties on human rights, as well as a member of the European Union, it voted against the European Charter for Regional or Minority Languages in 1992. In July 1995 Sotiris Bletsas, a member of the minority Aroumanian (Vlach) community, was arrested after he distributed publications of the European Bureau for Lesser Used Languages which mentioned the existence of the Aroumanian language and four other minority languages in Greece (Arvanitika, Macedonian, Turkish and Pomak). The police obliged him to make a statement saying that he was Greek. As a result of charges brought by Mr Haitidis, a right-wing Member of Parliament of the New Democracy party, Bletsas was convicted under Article 191 of the Greek Penal Code which states that dissemination of false information could create fear and unrest among Greek citizens and damage the country’s international relations. The European Court of Human Rights had already ruled that this article was in violation of the European Convention on Human Rights, but an Athens court gave Bletsas a 15-month sentence (suspended) and a fine. After several postponements of his appeal, much international pressure, and concern expressed to the Greek Government by the EU Commissioner for education and culture, among many others, Bletsas was finally acquitted in December 2001 by unanimous decision of the Athens Three-Member Appeal Court (see <http://www.eurolang.net> for coverage of this case).

Meanwhile, Turkey, an aspiring member of the European Union, still maintains that it has no minorities.

2.4. Most European nation-states still apply one set of rules to the national language and another to minority languages within their boundaries, and often in addition apply differing standards to indigenous and non-indigenous minorities (see Romaine 1998). Similarly, New Zealand has progressed in its treatment of Maori language issues, while it has lagged behind in recognition of the rights of migrant Pacific-islander communities.

2.5. Differing practices within different regions of the same country, and with respect to different minority groups, add a further dimension to the vexed problems of evaluation and implementation. The effects of policy proposed at the national level can be complex, depending on political structures. In Australia, for example, the 1990 National Language Policy did not really challenge the dominance of white anglophone society after centuries of assimilation and restrictive immigration practices (see Romaine 1991, 1994). Fishman (2001*a*, 479) offers a more recent, but equally pessimistic assessment, and Lo Bianco and Rhydwen (2001, 417) say that community language maintenance has been relegated to a subordinate status with insufficient resources to sustain the few token acclamations remaining in the policy.

2.6. Clyne (2001, 386) points out how individual states subsequently developed vastly different policies, and chose different priority languages. Lo Bianco and Rhydwen (2001, 404) explain how the “second languages policy” of the Northern Territory Government’s Department of Education serves only as a recommendation to schools and does not cover the specific needs of Aboriginal communities. Neither do its Social and Cultural Education guidelines cover the kinds of programmes that Aboriginal people want to implement. The lack of strong policy support has meant that Aboriginal language and culture programmes have not achieved a secure place in the schools. In 1998 the Northern Territory abandoned public funding for indigenous bilingual education, which had originally been established by the Commonwealth Government when education in the Northern Territory was under its jurisdiction.

2.7. Lo Bianco and Rhydwen (2001, 418–19) conclude that policy can lead to change in the ongoing trend of attrition and extinction if control of resources and the means for decision-making, as well as the institutional domains where language socialisation occurs, are in the hands of those affected. They doubt whether Aboriginal Australians will be given the space for self-determination and regulation to a sufficient degree.

2.8. Benton and Benton (2001) contrast the Kura Kaupapa Maori (a special category of New Zealand state schools with a Maori language and culture orientation) with the Ataarangi movement aimed at the Maori language needs of whole families, which works through homes rather than schools. Because the latter receives no government support, it is not subject to government controls. Attempts to manage the Kura Kaupapa Maori at government level have been divisive. The Council governing these schools lobbied the House of Representatives in 1998 for a bill to require schools seeking designation as Kura Kaupapa Maori to subscribe to a particular set of philosophical principles. Not all communities favoured this move, prompting Benton and Benton (2001, 436) to comment that it remains to be seen whether what were originally independent schools will come under the ideological control of a group selected by the state to enforce a “legislatively defined” Maori world view.

2.9. Returning to NALA as an instance of weak linkage between policy and implementation, we can see that it also illustrates how lack of federally mandated language planning has led to a hodgepodge of policies potentially in conflict with state, local or other federal rules. Legislation in Arizona and Hawaii provides at least two examples.

2.10. Hawaii is the only state with an official language in addition to English. Article XV, Section 4, states that “English and Hawaiian shall be the official languages of Hawaii”. A second amendment (Article X, Section 4) contains a provision “to revive the Hawaiian language, which is essential to preservation and perpetuation of Hawaiian culture”. Lucas (2000, 13) mentions two cases involving legal claims brought under the auspices of NALA, both initiated by native Hawaiians. In *Tagupa v. Odo* (1994), attorney William Tagupa refused to give his deposition in English, despite his fluency in the language, on the grounds that Article XV, Section 4, of the state

Constitution and NALA prohibit federal courts from mandating that deposition testimony be made in English.

2.11. In rejecting Tagupa's claim, the federal district judge argued that the intention of NALA was directed at increasing the use of Native American languages in education and not at judicial proceedings in federal courts. He also quoted President Bush's remarks on signing NALA into law to the effect that it was construed as a "statement of general policy" and should not be understood as conferring "a private right of action on any individual or group" (Lucas 2000, 26fn.76). Moreover, the judge opined that allowing deposition in Hawaiian would be contrary to the Federal Rules of Civil Procedure, which mandate the "just, speedy and inexpensive determination of every action", because additional costs and delays would be needed to appoint an interpreter.

2.12. In 1996 the Office of Hawaiian Affairs (OHA) brought a case against the Department of Education claiming that the department's failure to provide sufficient financial and technical support for the Hawaiian immersion programme was a violation of both state law and NALA. The state removed the suit from state court to federal court, where the same federal district judge who ruled against Tagupa also ruled against OHA. He said that NALA does not create affirmative duties on the states but merely evinced a federal policy to encourage states to support Native American languages. In 2000 the Department of Education and OHA reached an out-of-court settlement which provided an additional US\$7.5 million to the immersion programmes under a 2:1 funding partnership, with the state to spend up to a million dollars a year for the next five years.

2.13. In November 2000, 63 per cent of Arizona voters passed Proposition 203 to end bilingual education and replace it with one year of untested English immersion marketed with the slogan "English for the children". The proposition was spearheaded by Ron Unz, who portrays himself as a strong believer in assimilation, and backed a similar successful initiative in California in 1998 (Proposition 227). Seeing Proposition 203 as an attack on the languages spoken by Arizona's Indian tribes, Arizona State Senator Jack Jackson, a member of the Navajo nation, requested an Attorney General's opinion about whether the proposition applied to the Navajo. In February 2001, Janet Napolitano gave her opinion that it did not apply to any Arizona Indians living on or off

reservations. She invoked “principles of tribal sovereignty” and NALA’s provision that “the right of Native Americans to express themselves through the use of Native American languages shall not be restricted in any public proceeding, including publicly-supported education programs” (Reyhner 2001, 23).

2.14. In Nigeria, also, weak linkages prevent most schools from implementing the National Policy on Education, which stipulates that pupils’ mother tongues be used in the lower levels of public education. More importantly, no government sanctions are applied to schools that do not follow the policy. Indeed, 80 per cent of African languages lack orthographies (Adegbija 2001) making it difficult to contemplate their effective use in schools. In Senegal, six African languages (Mandingo, Diola, Peul/Poullar, Serer, Soninke and Wolof) have been declared official, but little effort has been made to use them in education. Various factors inhibit implementation, such as lack of funding for materials development, teacher training, parental anxiety about their children’s acquisition of the dominant language, along with fear among the elite of losing their status gained through education in the colonial language. Brenzinger (1998, 95) estimates that fewer than 10 per cent of African languages are included in bilingual education programmes, with the result that more than 1,000 African languages receive no consideration in the education sector.

2.15. As Bamgbose notes (1991, 100–1) “the paradox of mother tongue education in many African countries is that while it is negligible at the primary level, it seems to flourish at university level”. It is possible in Nigeria, for example, to take a degree in Hausa, Yoruba and Igbo. International aid agencies, colonial regimes, former and current, often tie aid packages to economic, social and educational policies that support and maintain the colonial language. One result is that many minority languages have more status outside their territories than within them, as is evidenced in the fact that Quechua is taught in universities in the United States and elsewhere.

2.16. The new democratic regime in South Africa has recognised the linguistic reality of multilingualism that had been ignored under apartheid. Henrard (2001) points to a difference between the 1993 Interim Constitution containing a proclamation promoting the state’s “equal use” of eleven official languages (among them nine indigenous languages plus the colonial languages

Afrikaans and English) and the 1996 Constitution aiming at “equitable treatment” and “parity of esteem” of the official languages. The need for differential and preferential treatment of the indigenous languages, given the past history of denigration and discrimination, was recognised in the stipulation that the state must take practical and positive measures to elevate their status and advance their use. More specifically, the national government and provincial governments must use at least two official languages. Nevertheless, this case also shows the difficulty in attempting to enforce equality of use and status legislatively among a number of languages unequal in social practice. Despite the Constitutional Court’s proclamation to the contrary, the elevation in status of nine previously unrecognised indigenous languages has had the practical effect of diminishing the status of Afrikaans, just as the National Party feared. In practice, the public life of the country has actually become more monolingual (Webb 1998). Afrikaans, which no longer enjoys legal and political protection as a language co-official with English, has experienced dramatic losses, one of the most visible in the area of television, where it formerly shared equal time with English. The new broadcasting time is now more than 50 per cent for English, while Afrikaans, Zulu and Xhosa get just over 5 per cent each. Although greater emphasis is to be given to languages heretofore marginalised and more than 20 per cent of broadcasting time is supposed to be multilingual, in practice this time has been taken up mostly by English. Similarly, the South African National Defence Force, which formerly used Afrikaans, declared in 1996 that English would be the only official language for all training and daily communication. The demand for English among pupils and parents also works against implementing multilingualism in education (Kamwangamalu 1998).

2.17. These examples show that without additional measures to support teacher training, materials development, and a variety of other enabling factors, policy statements which merely permit, encourage, or recommend the use of a language in education or in other domains of public life cannot be very effective. Political ideology drives policy in particular directions, creating various divergences between stated policy and actual practice. Lo Bianco and Rhydwen (2001, 416–17) point out how in Australia the low achievement of Aboriginal children in English literacy is used to justify eliminating bilingual education, just as it is in the United States.

2.18. Gardner-Chloros (1997, 217) writes that lawyers agree that “the only way to guarantee

fundamental rights effectively is to restrict declarations as to what these rights consist in to the most basic and incontrovertible one”. In other words, it is pointless to think that “grand declarations of policy ... would be effective if they are not tied to a – preferably existing – legal instrument with an effective machinery for reinforcement”. An interesting case of a grand declaration with no such ties is Eritrea’s 1995 declaration *not* to recognise an official language. Thus, President Isayas Afewerki (Brenzinger 1998, 94):

“When we come to the question of language as a means of instruction in schools, our principle is that the child should use its mother tongue or a language chosen by its parents in the early years of its education, irrespective of the level of development of the language. Our policy is clear and we cannot enter into bargaining. Everyone is free to learn in the language he or she prefers, and no one is going to be coerced into using this or that ‘official’ language.”

2.19. In the case of Hawaiian, however, Lucas (2000, 17–19) suggests that a strategic opportunity lies in Article XII, Section 7, of the state Constitution, which enjoins the state to “protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes”. The Hawaii State Supreme Court has already held that this imposes an affirmative duty to protect and perpetuate traditional and customary practices. Although Lucas is doubtful whether this article would create a means of forcing increased funding of immersion schools, language activists might get the court to recognise the speaking of Hawaiian as a traditional and customary practice.

2.20. The case made for Maori under the provisions of the Treaty of Waitangi is instructive. In 1974 a largely decorative amendment to the Maori Affairs Act “officially” recognised the Maori language as “the ancestral language of the population of Maori descent”. While it allowed the Minister of Maori Affairs to take such steps as were considered appropriate to the encouragement of the learning of the language, it had no practical effect until five years later, when it became clear that this statement meant nothing in the courts when an appellant claimed the right to address the District Court in Maori and was refused. The High Court upheld the ruling on the basis of the Pleadings in English Act of 1362, which became part of New Zealand law by virtue of the English Laws Act of 1858 when the New Zealand legislature adopted all the laws of England in force on 14 January

1840. Ironically, the 1362 statute was passed at a time when the official language of court proceedings in England was French. The High Court's decision came as a disappointment to those activists who had seen legislation as a way of strengthening the position of Maori. It was not until 1987 that an act made Maori an official language of New Zealand and established Te Taura Whiri i Te Reo Maori (the Maori Language Commission).

2.21. Maori activists have seen the efficacy of linking the struggle for language rights with natural resource management and preservation provisions guaranteed to them in the Treaty of Waitangi of 1840 signed by Maori chiefs and the British. In 1975 the Waitangi Tribunal was created to consider Maori grievances over breaches of the treaty. Although the British regard Maori assent to the treaty as the basis for their sovereignty over New Zealand, there are numerous complicating factors surrounding the treaty and its language which make its interpretation and legal status fraught with difficulties. The terms of the Maori version of the treaty guaranteed to the Maori *te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa*, which could be translated as "the full authority of chiefs over their lands, villages, and all their treasures". Maori activists interpret this as a guarantee rather than cession of Maori sovereignty and have pressed land claims as well as support for the Maori language. The Crown acknowledged Maori claims that the treaty obliged it not only to recognise the Maori language as a part of the country's national heritage and a treasured resource on a par with lands but to actively protect it. We have here another instance in which legislation and practices at one level (the English Laws Act) are in conflict with those at another (the Treaty of Waitangi). Recognition that the Crown had broken its promise required affirmative action rather than passive tolerance. As Benton (1985) said in testimony before the tribunal, "rights which cannot be enforced are illusory, and protection which cannot sustain life is no protection". This points to the need for strong linkages between language policy and economic planning, which have generally been lacking. Benton (1999, 7), for example, recognises that the revitalisation of the Maori language is primarily a matter of sustainable cultural and economic development.

2.22. Unfortunately, potential sources of support for Maori language activities have felt that tribal resources should not be used to subsidise what is regarded as state responsibility under the terms of



the treaty. Benton and Benton (2001, 439) write that if it could be shown that supporting Maori increased tribal monetary wealth, Maori Trust Boards and land corporations might feel more inclined to give it priority.

### **3. Timing: Too Little Too Late?**

3.1. Much probably depends on the timing of policies and legislation. Planning in many domains, linguistic or otherwise, faces inevitable charges of “too little too late”. Few communities are concerned about language transmission when all is proceeding normally, and even when it is not, various factors impede recognition of the impending loss and its consequences. In Quebec, however, Bourhis (2001, 105, 111) says that language planners were well placed to intervene in the 1970s in favour of French with strong intergenerational transmission on their side, even though a sociolinguistic analysis would have led to the conclusion that such planning was unnecessary. More than 80 per cent of the population had French as a mother tongue and more than three-quarters were monolingual French speakers. Moreover, francophones controlled most of the provincial administration, even though they lacked control of the major business and financial institutions. It was the threat to French survival in the long term in the face of declining birth rate and increased immigration of anglophones and others likely to assimilate to the anglophone population that provided the ideological impetus to mobilise. In many other cases, however, where erosion is painfully evident, communities may not recognise or wish to confront the impending loss, or feel that other concerns are more pressing.

3.2. One can contrast the case of Quebec with that of Irish, with its far weaker demographic base for reproduction of the language, where similarly aggressive legislative policies in favour of Irish have not significantly reversed language shift. Only 18 per cent (actually an overestimate) of the population was reported to be Irish-speaking in the 1926 census, just after the foundation of the Irish state. The newly independent government in 1922 promoted policies directed at altering the linguistic market, to enhance the social and legal status of Irish by declaring it the national language, to maintain it where it was spoken, and to extend its use elsewhere. Irish was required in public

administration, law and media, domains in which it had not been used for centuries. Ó Riagáin (1997, viii), however, says that the problem was not the small demographic base, but rather the social distribution of Irish, confined as it was to peripheral rural communities. The state had hoped, not unreasonably, that by supporting the agricultural sector, it would support Irish, whose speakers were primarily engaged in farming.

3.3. Meanwhile, schools were supposed to replace English with Irish as a medium of education. The policy of Gaelicising the schools was increasingly effective from the 1920s up to the 1950s, at which point just over half the state primary schools were offering an immersion programme of a full or partial type (i.e. teaching all or part of the curriculum through Irish to children whose mother tongue was English). Subsequently, the amount of bilingual or all-Irish education declined. Public opinion polls conducted in the 1960s indicated that compulsory Irish instruction was not popular. Even in the 1930s many teachers were opposed to teaching English-speaking children through the medium of Irish (Ó Riagáin 1997, 19, 31).

3.4. By the early 1960s, when it was clear that supporting agriculture was not working to stem out-migration and the viability of farming, economic policy shifted to encourage small industry and the export market. By the 1970s, however, when more young people began to look towards education for upward mobility, state language policies had shifted so that Irish ceased to be a compulsory subject in public examinations at the end of secondary schooling. Hence, incentives for achieving Irish competence were weakened at a time when they were needed. In the earlier period, relatively few young people were affected by the incentives for Irish built into the education and civil service sectors. Ó Riagáin's analysis underlines a disjunction between economic policy and language policy before the 1960s and after the 1970s.

3.5. Over the past few decades the thrust of policy, in so far as there is any explicit statement of it, has been towards maintenance rather than restoration. Official rhetoric has shifted meanwhile to talking of survival rather than revival. Today the largest proportion of Irish speakers is to be found among those between 10 and 20 years old. Ó Riagáin's (1997, 283) sobering assessment, based on his examination of a century of language policy in Ireland, reveals how timing enters into the

equation in another sense too:

“Language patterns are but aspects of highly complex social systems. They are the outcome of slow, long-term processes. If language policies are to have any significant impact, they will require resources on a scale which has not been hitherto realised. Effective language policies will and must affect all aspects of national life and will have to be sustained for decades, if not forever.”

#### **4. Factors other than Legal Status**

4.1. The deficiencies in the formulation and implementation of policy examined by Ó Riagáin are by no means unique to Ireland, but are typical of language-planning experiences more generally. They point back again to the autonomy fallacy. Skutnabb-Kangas (2000, 303) concludes that there is an urgent need for more research before we can start understanding the importance of various factors in supporting or not supporting the world’s languages.

4.2. Factors other than legal status are often more important. Again, Ó Riagáin (1997, 170–1):

“... the power of state language policies to produce intended outcomes is severely constrained by a variety of social, political and economic structures which sociolinguists have typically not addressed, even though their consequences are profound and of far more importance than language policies themselves.”

4.3. Carrington (1997, 88) comments that “real status is achieved when official action confirms an already existing situation in which significant objectives of official recognition are already operationally in place”. As an example, he cites the granting of official status to Papiamentu in 1985 in the Netherlands Antilles, which came long after the language was used in newspapers, signs, etc. Likewise, Gardner (1999, 86) comments that laws regulating language matters are often limited “to sanctioning what has already become reality or enabling what sociological dynamics could potentially make reality. What it cannot do in a reasonably democratic society is fulfil a coercitive

[sic SR] function in any major way”. Any policy for language, especially in the system of education, has to take account of the attitude of those likely to be affected.

4.4. Ó Riagáin (1997, 174, 279) notes that while the compulsory element in pre-1973 policies enhanced the practical or economic value of Irish, many people opposed them. Although support for Irish was ostensibly high, the public was not prepared to back policies that would discriminate strongly in favour of Irish and could potentially alter the linguistic landscape. In his view, the major constraint on policy development was the absence of sustained public support and not state action *per se* (Ó Riagáin 1997, 23).

4.5. Strubell (2001) suggests a similar lack of support in Catalonia, while as far as Basque is concerned, Gardner (1999, 85–7) argues that the need for a monolingual heartland is paramount, but legally unobtainable. At the same time, he stresses that “granting monolingual official status to a minority language ultimately affects prestigious but relatively marginal uses of the language. Declaration by decree of a monolingual enclave cannot ensure its existence in practice”. He concludes that the problem is not the limits imposed by present laws, but lack of proper awareness of priorities by language planners and Basques more generally (Gardner 1999, 88). As recent legislation in Navarre illustrates, language rights are not timeless declarations, but are time-limited, subject to shifting political regimes.

4.6. Evidence from various quarters indicates that grass-roots initiatives are often more effective than top-down directives. A case in point is the PROPELCA (Projet de Recherche Opérationnelle pour l’Enseignement des Langues Camerounaises) project in Cameroon, one of the best-documented and most complete examples of a literacy programme which includes materials development, a teacher-training programme, and evaluation (Gerbault 1997). The project’s working principle was to use local languages as instruments for scientific and technical training, rather than to maintain languages *per se*. Teacher training began in 1981 as an experimental programme in two Roman Catholic schools; by 1986 there were eleven experimental schools in four different provinces teaching in four of Cameroon’s 236 languages. Although the pedagogical approach and its development by local specialists has been exemplary in sub-Saharan Africa, Gerbault (1997, 182)

says that it has met with lack of involvement of official institutions typical of this part of the world. Only private institutions and local communities have supported the programme, even though the project workers have recommended that existing practices of using Cameroonian languages for the first three years of primary school should be made official.

4.7. Meanwhile, there had been a remarkable recent rise in entirely voluntary Irish-medium schooling in Ireland with over 150 all-Irish primary and secondary schools, and more than twice that number of all-Irish pre-schools. In Northern Ireland, a deliberately created community in Shaw's Road in urban Belfast, where parents who were not native speakers of Irish, has succeeded in raising children who are (Maguire 1991).

## **5. Conclusion: The Proof is in the Pudding**

5.1. My assessment of the efficacy of policy in assisting endangered languages has perhaps been unduly pessimistic in an effort not to minimise the complexity and enormity of the task. In his reappraisal of the scene ten years after his 1991 book, Fishman (2001*a*, 478–9) observes that none of the dozen individual cases studied in the late 1980s and early 1990s has experienced “dramatic successes”. Naturally, there are many reasons why that is the case, as the individual chapters show, so it would be hard to pinpoint policy as the unique cause or source of either success or failure. Indeed, Fishman's (2001*a*, 480) overall conclusion is an ambiguous one: although the general climate of opinion on threatened languages has improved “in an amorphous and largely still ineffectual sense”, the prospects for reversing language shift have not improved much and have even deteriorated.

5.2. This does not mean that advocates of linguistic diversity should abandon the struggle to obtain legal measures at all levels supporting languages. On the contrary, we must redouble our efforts. However, we must do so in the knowledge that without well-focused action on a variety of other fronts, these will not guarantee maintenance. It is political, geographical and economic factors that support the maintenance of linguistic and cultural diversity. Holistic ecological planning of the

kind advocated by Nettle and Romaine (2000) works towards international, regional and national policies that empower indigenous peoples and promote sustainable development. This is the key to preserving local ecosystems essential to language maintenance. Because the preservation of a language in its fullest sense ultimately entails the maintenance of the group that speaks it, the arguments in favour of doing something to reverse language death are ultimately about preserving cultures and habitats.

5.3. Finally, however, the proof is always in the pudding. In the interests of justice, it is incumbent on liberal democracies to accommodate cultural and linguistic diversity to the fullest extent possible. Kymlicka (1995) argues that respecting minority rights is essential for enlarging the freedom of individuals, a cornerstone of liberal democracy. The issue of language rights has begun to receive serious international discussion within the last decade (see, for example, Skutnabb-Kangas et al. 1994; Benson et al. 1998; Skutnabb-Kangas 2000; *MOST Journal on Multicultural Societies* 2001*a*, 2001*b*). Although survival cannot depend on legislation as its main support, legal provisions may allow speakers of endangered languages to claim some public space for their languages and cultures from which we can all benefit.

## References

- ADEGBIJA, Efurosibina. 2001. "Saving threatened languages in Africa: A case study of Oko". In: J. A. Fishman, ed., op. cit., 284–308.
- AMERY, Rob. 2000. *Warrabarna Kaurna! Reclaiming an Australian Language*. Lisse: Swets and Zeitlinger.
- BAMGBOSE, Ayo. 1991. *Language and the Nation: The Language Question in Sub-Saharan Africa*. Edinburgh: Edinburgh University Press for the International African Institute.
- BENSON, P., GRUNDY, P. and SKUTNABB-KANGAS, T. eds. 1998 Special issue on Language Rights. *Language Sciences* 20: 1.
- BENTON, Richard. 1985. Testimony. Waitangi Tribunal, Department of Justice, Wellington, New Zealand.
- BENTON, Richard. 1999. *Maori Language Revitalization*. Final Report, Wellington, New Zealand.
- BENTON, Richard and BENTON, Nena. 2001. "RLS in Aotearoa/New Zealand 1989–1999". In: J. A. Fishman, ed. op. cit., 423–51.
- BOURHIS, Richard Y. 2001. "Reversing language shift in Quebec". In: J. A. Fishman, ed., op. cit., 101–42.
- BRENZINGER, Matthias. 1998. "Various ways of dying and different kinds of death: Scholarly approaches to language endangerment on the African continent". In: Kazuto Matsumura, ed., *Studies in Endangered Languages. Papers from the International Symposium on Endangered Languages Tokyo November 18-29, 1995*, 85-100. Tokyo: Hituzi Syobo.

CARRINGTON, Lawrence D. 1997. "Creoles and other tongues in Caribbean development". *Journal of Pidgin and Creole Languages* 8: 125–35.

CLYNE, Michael. 2001. "Can the shift from immigrant languages be reversed in Australia?" In: J. A. Fishman, ed., op. cit., 364–91.

COBARRUBIAS, Juan. 1983. "Ethical issues in status planning". In: Juan Cobarrubias and Joshua A. Fishman, eds., *Progress in Language Planning: International Perspectives*, 41–85. Berlin: Mouton.

CONVERSI, Daniele. 1997. *The Basques, the Catalans and Spain*. London: Hurst.

FISHMAN, Joshua A. 1991. *Reversing Language Shift. Theoretical and Empirical Foundations of Assistance to Threatened Languages*. Clevedon, UK: Multilingual Matters.

FISHMAN, Joshua A. 1997. "Maintaining languages. What works and what doesn't". In: Gina Cantoni, ed., *Stabilizing Indigenous Languages*, 186–98. Flagstaff, Ariz.: Northern Arizona University.

FISHMAN, Joshua A. 2001a. "From theory to practice (and vice versa): Review, Reconsideration and Reiteration". In: J. A. Fishman, ed., op. cit., 451–83.

FISHMAN, Joshua A. ed. 2001b. *Can Threatened Languages Be Saved? Reversing Language Shift, Revisited: A 21st Century Perspective*. Clevedon, UK: Multilingual Matters.

GARDNER, Nick. 1999. *Basque in Education in the Basque Autonomous Community*. Vitoria-Gasteiz: Eusko Jaurlaritzaren Argitalpen Zerbitzu Nagusia.

GARDNER-CHLOROS, Penelope. 1997. "Vernacular literacy in new minority settings in Europe". In: Tabouret-Keller et al., eds., op. cit., 189–221.



GERBAULT, Jeannine. 1997. "Pedagogical aspects of vernacular literacy". In: Tabouret-Keller et al., eds., op. cit., 142–85.

HENRARD, Kristin. 2001. "Language rights and minorities in South Africa". *MOST Journal on Multicultural Societies* 3 (2).

HICKEY, Tina. 2001. "Mixing beginners and native speakers in minority language immersion; Who is immersing whom?" *Canadian Modern Language Review* 57 (3): 443–74.

KAMWANGAMALU, Nkonko M. 1998. "Preface: Multilingualism in South Africa". *Multilingua* 17 (2/3): 119–25. Special issue on Aspects of Multilingualism in Post-Apartheid South Africa.

KYMLICKA, Will. 1995. *Multicultural Citizenship*. Oxford: Oxford University Press.

KYMLICKA, Will. 2000. *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford: Oxford University Press.

LO BIANCO, Joseph and RHYDWEN, Mari. 2001. "Is the extinction of Australia's indigenous languages inevitable?" In: J. A. Fishman, ed., op. cit., 391–423.

LUCAS, Paul F. Naho. 2000. "E ola mau kākou i ka 'ōlelo makuahine: Hawaiian language policy and the courts". *Hawaiian Journal of History* 32: 1–28.

MAGGA, Ole Henrik and SKUTNABB-KANGAS, Tove. 2001. "The Saami languages. The present and the future". *Cultural Survival Quarterly* 25 (2): 26–31, 51.

MAGUIRE, Gabrielle. 1991. *Our Own Language: An Irish Initiative*. Clevedon, UK: Multilingual Matters.

McCARTY, Teresa and WATAHOMIGIE, Lucille. 1998. "Indigenous community-based language education in the USA". *Language, Culture and Curriculum* 11 (3): 309–25. Special issue on Indigenous Community-Based Education, edited by Stephen May.

*MOST Journal on Multicultural Societies*. 2001a. Lesser Used Languages and the Law in Europe. 3 (1).

*MOST Journal on Multicultural Societies*. 2001b. The Human Rights of Linguistic Minorities and Language Policies. 3 (2).

Native American Languages Act. 1990. P.L. 101–407. Washington, D.C., United States Congress.

NETTLE, Daniel and ROMAINE, Suzanne. 2000. *Vanishing Voices. The Extinction of the World's Languages*. New York: Oxford University Press.

Ó RIAGÁIN, Dónall. ed. 1998. *Vade-Mecum. A guide to legal, political and other official international documents pertaining to the lesser used languages of Europe*. Brussels: European Bureau for Lesser Used Languages.

Ó RIAGÁIN, Dónall. 2001. "The European Union and lesser used languages". *MOST Journal on Multicultural Societies* 3 (1).

Ó RIAGÁIN, Pádraig. 1997. *Language Policy and Social Reproduction. Ireland 1893–1993*. Oxford: Oxford University Press.

PEÑA, Jose Luis Mendoza. 2001. "Bilingualism under threat in Navarre. Navarre government language policy". *Contact Bulletin* 17 (2): 8–9. Brussels, European Bureau for Lesser Used Languages.

REYHNER, Jon. 2001. "Cultural survival vs. forced assimilation: the renewed war on diversity".

*Cultural Survival Quarterly* 25 (2): 22–5.

ROMAINE, Suzanne. 1991. “Introduction”. *Language in Australia*, 1–24. Cambridge: Cambridge University Press.

ROMAINE, Suzanne. 1994. “From the fish’s point of view”. *International Journal of the Sociology of Language* 110: 177–85.

ROMAINE, Suzanne. 1998. “Language contact in relation to multilingualism, norms, status and standardization”. In: Unn Royneland, ed., *Language Contact and Language Conflict*, 9-25. Volda, Norway: Volda College.

SCHIFFMAN, Harold. 1996. *Linguistic Culture and Language Policy*. London: Routledge.

SKUTNABB-KANGAS, Tove. 2000. *Linguistic Genocide in Education – or Worldwide Diversity and Human Rights?* Mahwah, N.J.: Lawrence Erlbaum Associates.

SKUTNABB-KANGAS, Tove and PHILLIPSON, Robert in collaboration with Mart Rannut. eds. 1994. *Linguistic Human Rights. Overcoming Linguistic Discrimination*. Berlin/New York: Mouton de Gruyter.

STRUBELL, Miquel. 1999. Language, democracy & devolution in Catalonia. In: Sue Wright, ed., *Language, Democracy and Devolution in Catalonia*, 4–39. Clevedon, UK: Multilingual Matters..

STRUBELL, Miquel. 2001. “Catalan a decade later”. In: J. A. Fishman, ed., op. cit., 260–84.

TABOURET-KELLER, Andrée, LE PAGE, Robert B., GARDNER-CHLOROS, Penelope and VARRO, Gabrielle. eds. 1997. *Vernacular Literacy. A Re-Evaluation*. Oxford: Oxford University Press.

UNESCO. 1953. *The Use of Vernacular Languages in Education*. Monograph on Fundamental Education VIII. Paris, United Nations Educational, Scientific and Cultural Organization.

WEBB, Vic. 1998. "Multilingualism as a developmental resource: Framework for a research program". *Multilingua* 17-2/3:125-154. Special issue on Aspects of Multilingualism in Post-Apartheid South Africa.

### **About the Author**

Suzanne Romaine has been Merton Professor of English Language at the University of Oxford since 1984 (e-mail: [suzanne.romaine@ling-phil.ox.ac.uk](mailto:suzanne.romaine@ling-phil.ox.ac.uk)). Her research interests lie primarily in historical linguistics and sociolinguistics, especially in problems of societal multilingualism, linguistic diversity, language change, language acquisition, and language contact in the broadest sense. She has conducted extensive fieldwork in Europe as well as in Papua New Guinea and Hawaii. She is the author of numerous articles and books, the most recent of which is *Vanishing Voices. The Extinction of the World's Languages* (jointly with Daniel Nettle, Oxford University Press 2000). Further information at <http://users.ox.ac.uk/~romaine>.

---

**Romaine, Suzanne (2002) The Impact of Language Policy on Endangered Languages, [International Journal on Multicultural Societies](http://www.unesco.org/most/v14n2romaine.pdf), Vol. 4, No. 2, <<http://www.unesco.org/most/v14n2romaine.pdf>>**

**ISSN 1564-4901  
© UNESCO, 2002**

---

**The opinions expressed in this publication are those of the authors and do not necessarily reflect the views of UNESCO.**