

2. *Provision shall be made for a **progressive transition** from the mother tongue or the vernacular language to the national language or to one of the official languages of the country. (Article 23: International Labour Organization. Geneva Convention, 1957).*

Introduction:

At the 1957 Geneva Convention, the efforts undertaken by the editors of the International Labour Organization to address the protection and integration of indigenous, and tribal populations in independent countries were perhaps done with what was then believed to be the most just and humane path for indigenous languages to follow. However, the actual “language” of this selected section of Article 23 seems to echo a narrow and ethnocentric interpretation of what language rights comprises.

The wording “*progressive transition*” indicates that the editors held the view that indigenous groups had the right to use their native language only as a means to lead them to acquiring the dominant language of the society in which they resided. This viewpoint is what will be looked at and challenged within this paper in order to recommend a more just and viable approach to defining linguistic human rights of all people, especially the rights that should be afforded to school children of language minority groups.

Ideology reflected in the 2nd segment of Article 23:

Within the 2nd segment of Article 23, the language ideology that is being espoused is that of a **transition vs. maintenance** approach. According to **Judith Lessow-Hurley (1990, p. 15)**, the transition approach is exemplified in transitional bilingual programs whose primary goal is to develop a student’s English proficiency. In a transitional program, the primary language is used for instructional support until a student has attained a “satisfactory level” of English proficiency. One of the prime shortcomings of

transitional programs is that instructional support given to the English learner in his/her primary language is often times terminated within a three-year period, which Lessow-Hurley cites as an unrealistic expanse of time for children to master a second language.

In contrast to transitional programs, language maintenance programs are pluralistic and promote bilingualism and biliteracy for language minority students. Lessow-Hurley further cites that maintenance programs may be the most effective means of promoting English proficiency for limited English proficient students (1990, p. 16).

Returning to the phrase in Article 23, “*progressive transition from the mother tongue....to the national language*”, clearly implies the transitional approach. Given the fact that this article was drafted in the decade of the 50’s, it is not surprising that a transitional language approach was being recommended since the overall sociopolitical awareness of linguistic rights from a global perspective was in its infancy. Yet it is very disheartening to acknowledge that the premise for a “progressive transition”, which in my opinion is actually a “non-progressive” approach, spells out the policy that guides still today (almost 50 years later) the majority of bilingual programs that are implemented in California schools.

What is even more disheartening is that bilingual programs are barely in existence throughout California. At the **2006 Latino Education Summit** that took place in **UCLA (University of California Los Angeles)** on March 24th, Patricia Gándara emphasized that in 2005, only 8% of ELs were enrolled in bilingual programs, which is in stark contrast to the 29% estimate of ELs enrolled in bilingual programs in 1996. That meant that following the passage of **Proposition 227 (“English for the Children/Unz Initiative”)**, which outlawed the use of languages other than English to instruct

students in California public schools, except under limited circumstances) in 1998, the vast majority of Californian English learners are increasingly being taught in English immersion or mainstreamed English classrooms.

According to the **2004 Educational Achievement Report, compiled by the San Diego County Office of Education and prepared for the 2004 Latino Summit in San Diego**, the 2004 R-30 Language Census cites that Spanish was the language spoken by 86.9% of English Learners in California. Since the vast majority of English learners in California are Spanish speakers and overwhelmingly Latino, the succeeding arguments will be made primarily with this ethnic group in mind. These arguments are as follows:

- Maintenance bilingual programs are severely needed as an educational program option for English learners.
- Maintenance bilingual education leads to academic success and also facilitates second language acquisition of English skills more effectively (**Lessow-Hurley, 1990 p. 16**).
- Support for home language and culture builds self-esteem and enhances achievement (**Hakuta & Gould, 1987**). It also helps minimize the loss of the English learner's primary language.

Resulting language policies and linguistic outcomes that have impacted language minority children in California schools:

Kenji Hakuta (1986) cites a preliminary report of a federal study, conducted in 1983, which found that “in most cases the goal of the special services was to enable LEP (Limited English Proficiency) students to function in an “all-English classroom”. Only a small proportion of the schools attempted to maintain and enhance the students’ proficiency in the native language” (**National Clearinghouse for Bilingual Education. 1985. p. 3**).

In essence, having a transitional language shift as the goal for language minority students to attain translates into the formation of subtractive (assimilatory) vs. additive (pluralistic) bilingual programs and ultimately assimilation language policies. Subtractive bilingual programs in essence are transitional or assimilation programs for their emphasis is on hurrying children into mainstream classrooms often times prematurely (**Cummins, J. 1981**). According to **Rolf Kjolseth (1973)**, the (subtractive) assimilation program promotes ethnic language shift and that most bilingual programs in the United States – contrary to their usual statements of program goals - are assimilatory and contribute to the loss of the ethnic mother tongue.

Unfortunately, the subtractive approach has been the hallmark of the vast majority of schools that have sponsored bilingual programs within large school districts such as the San Diego Unified School District (SDUSD) of San Diego, California. Even if the majority of primary schools promoted a more additive (pluralistic) approach, which lies at the heart of maintenance biliteracy programs, the gains of such programs would most likely not be tapped into by middle school or high school.

Interestingly enough, **O'Malley (1982)** reported a sharp drop in the percentage of LEP children receiving bilingual instruction from elementary school (54%) to middle school (17%), which is attributable mostly to mainstreaming (**Hakuta, 1986**). Taking into consideration that this data was acquired prior to the Prop 227 era of California, current data on bilingual-maintenance programs in school districts such as SDUSD must be far bleaker. Within the SDUSD, the few schools that do continue to sponsor a “biliteracy program” curtail bilingual instruction by the end of first or second grade at best.

No matter how enriched bilingual programs claim to be, if they are not maintained throughout and beyond the primary grades, they can only equate to a subtractive formula. Linguist, **Jim Cummins**, asserts that it takes a minimum of about 5 years, and often longer for immigrant children to catch up to native-speakers in academic aspects of the second language (1998). Thus “early-exit” bilingual programs cannot effectively sustain the maintenance of students’ primary-language, especially if the bilingual primary instruction ends by 1st or 2nd grade.

Aside from the subtractive format that weakens bilingual program effectiveness, mainstreaming or submersing ELs prematurely sets up the language minority students to assured native language lost. In submersion programs, which are typically Sheltered English programs, in which teachers often receive little or no 2nd language-instruction training, instruction in English gradually undermines proficiency in the native language of the students. Sociolinguist, **Suzanne Romaine (2000)**, refers to submersion programs as “disruptive bilingualism” because the development of the child’s first language has been disrupted and is incomplete. This consequence is probably one of the most overlooked and unappreciated consequence language minority children have to bear.

A common myth that circulates among the general public, (including many school administrators and educators within my district) is that Latino children, for example, who converse at home in Spanish will never lose the ability to speak it and should therefore be immersed (submerged) in MORE ENGLISH!!! This myth is compounded even more so when one tags on to it the low social status that Spanish carries within U.S. mainstream society. **Lessow-Hurley (1990, p.133)**, argues that current language restrictionists focus primarily on Spanish, which they find particularly threatening.

According to **Carter (1970)**, there have been rigorous, ongoing attempts to suppress the use of Spanish at schools, including punishing children for speaking it, even at play. Although Carter's study was published more than 30 years ago, remnants of such negative reaction towards the use of Spanish still persist to the present, especially in workplaces where employers have imposed "speak English only" rules.

In 1987, the **ACLU (American Civil Liberties Union)** adopted a national policy opposing "English Only" or laws that would encourage the erosion of the rights of immigrants and language minority groups. Last year, the ACLU in its **Briefing Paper Number 6, titled, "English Only"**, warned that an English Language Amendment to the Constitution had been proposed (**ACLU, 2005**). It is disturbing events like this along with the recent news coverage of the House Immigration Bill, tailored by the Republican Congressman (Denver, CO), Tom Tancredo, that would make all illegal aliens within the U.S. felons that are exasperating the stigma that Latino immigrants and the Spanish language carries within the U. S. (**Holly Bailey, Newsweek: April 3, 2006, p. 22**).

In addition, **Saville-Troike (1976)** cites that even bilingual children develop a keen sense of the relative prestige of their two languages. According to **Cummins**, the lower the status of a "dominated group", the lower the academic achievement. He argues that schooling must "counteract the power relations that exist within the broader society," by removing the racial and linguistic stigmas of being a minority child (**1986**).

What is even more alarming is when language minority children view their own native language with shame and negativity. Linguist, **David Crystal (2000)**, notes that, among the Quechua and Aymará indigenous groups in South America, often times the

native speakers view their indigenous languages as a sign of backwardness or as a hindrance to making improvements in social standing.

Unfortunately, as a teacher, I have experienced numerous times Latino children express their discomfort about speaking Spanish much like what Crystal reported about the Quechua and Aymará. This negativity towards their own native language must stem from the impact of living in a dominant society that affords them a position of low social status.

In addition, when Latino children acquire this “unspoken” message from their school environment and curriculum policies that do not value their primary language, this negativity towards their own primary language and ethnicity gets cemented even further. According to **Cummins (1986)**, schools tend to perpetuate messages about minority children’s social position. In reaction, these students frequently exhibit what he calls “**bicultural ambivalence**”, or shame of their heritage culture and hostility towards the second (dominant culture).

Proposed Educational Interventions:

Perhaps, the stance that the editors of Article 23 took in 1957 was considered to be quite liberal for their times. Hopefully, the current international perspective on the subject of linguistic rights continues to evolve into one of more tolerance, acceptance and respect towards all ethnic and linguistic groups. The evolution of international linguistic tolerance will hopefully someday filter down to the language of instruction policies that affect schools of language minority children.

As far as current attitudes towards language minority groups and language rights that persist in this country, (especially, within the state of California), are concerned

conscientious advocates for linguistic rights have to work more diligently in order to help raise social awareness around the topic of linguistic rights for language minorities.

Where this social awareness can begin to evolve is in the terrain of school sites that service significant percentages of language minority groups, such as is the case in San Diego. The following points are proposed as an attempt to address the need for improving and rectifying the dismal design that many school districts implement in servicing their 2nd language learners:

- 1.) Implementing dual immersion programs that are researched based and emphasize language pluralism via a language maintenance approach vs. an assimilation approach.
- 2.) Designing schools that empower minority students by encouraging them to take pride in their culture and native language. Celebration and on-going acknowledgement of minority students' native language and culture should be central to schools of empowerment.
- 3.) Promoting on-going professional development in the area of 2nd language acquisition for administrators, teachers, and parents of English learners.

Final thoughts:

Advocating for the linguistic rights of language minority children in California is a sociopolitical “tug-a-war” between the ever-increasing urgency to address the educational needs of language minority children and the mainstream’s push to assimilate them as fast as possible within the school system, regardless of the language minority children’s loss of their native language and culture in doing so. That is why one cannot remain silent as to what needs to be heard, and to be written regarding the linguistic and educational rights of language minority children. Latino children in particular like the

indigenous groups that were considered in the write-up of Article 23, have much at stake with regards to the preservation of their primary language, ethnic identity and the mastering of English. They deserve to be celebrated every day for their linguistic abilities and the valuable diversity that they bring to their school site and to their community.

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