

THE SIGN LANGUAGES OF THE DEAF AS MINORITY LANGUAGES¹

1. INTRODUCTION

The deaf and hard-of-hearing in each state around the world use signs to communicate with each other and to convey ideas. This has been the case for several centuries, if not even millennia, as can e.g. be seen from a compilation of Jewish oral laws called the Mishnah, dating from the second century, which mentions the deaf and their sign language². For the deaf, these sign languages generally take the place that the oral or aural language takes in the life of the hearing part of the population, although many deaf and hard-of-hearing also are able to speak, read and write the spoken language of the hearing part of the population around them as a second language. This paper will present the current situation of the sign languages of the deaf within the Member States of the Council of Europe, firstly by giving some general information on sign languages, secondly by illustrating the current status quo through case studies on different Member States of the Council of Europe and thirdly by giving an overview over the state of legal recognition of sign languages in the current and future EU-Member States. It will furthermore contain a discussion of whether to view the users of sign language as a linguistic minority, but also an outlook over the consequences of conferring more (linguistic) rights to these users.

2. THE SIGN LANGUAGES OF THE DEAF

Despite of a widely spread view, the sign language of the deaf is not a single, universal language³. Even though an international sign language exists ("Gestuno"), this was artificially created in 1975 and can best be compared with the situation of Esperanto with regard to spoken languages today⁴. Rather than being a universally understood and used sign language, a wide variety of national sign languages exists, even including dialects – thus, there is an Argentine Sign Language just as there is a Polish Sign Language or a Zimbabwe Sign Language⁵. All of these are distinct and only to a certain extent mutually intelligible. Thus, e.g. the Portuguese Sign Language has been influenced by Swedish Sign Language, which

¹ This paper was written by Magdalena Wessel and is a summary of her master thesis "The Idea of Linguistic Human Rights and Sign Languages as Minority Languages" for the M.A. in European Studies at the Katholieke Universiteit Leuven in Belgium, submitted in May 2003.

² Woll, 1990, p. 742

³ cf. e.g. the introduction and pp. 77-79, 88-91 in Bloem et al., 1998

⁴ Crystal, 1988, p. 220

⁵ <http://www.ethnologue.com>, accessed on 20.03.2003

results in some signs being similar and mutually intelligible⁶. The mutual intelligibility, however, also depends on the signers communicating – signers with more international experience and some knowledge of other sign languages find it easier to find a common level of communication via signs when encountering foreign deaf persons than signers who have had less interaction on an international level.

Furthermore, one has to distinguish the naturally developed sign languages of the deaf from artificially created sign languages⁷ such as e.g. Signed Exact English (SEE) in Great Britain or Lautsprachbegleitende Gebärden (LBG) in Germany. The latter orientate themselves on the grammar used by the spoken language they portray and reproduce, whereas the naturally evolved sign languages of the deaf have a grammar and vocabulary which is distinct from the spoken language used in the same country or region⁸. Thus, e.g. the word order in a sentence in Dutch Sign Language is generally completely different from the word order in a sentence in spoken or written Dutch⁹. This difference can also be observed in other parts of the language: poetry, witticisms, jokes and sayings are completely different from each other in sign languages and in spoken languages¹⁰. This paper will solely concentrate on the naturally evolved sign languages of the deaf.

The difference from spoken languages is one of the main arguments used to show that the sign languages are fully fledged languages. The status of a "real" language has over a long period of time been denied to sign languages, also, but not solely, due to the prevailing oralist approach in the education of the deaf since the World Conference for the Deaf held in Milan in 1880, which stressed the importance of deaf children learning the spoken language of their country and led to the natural sign languages of the deaf being neglected, ignored or even forbidden¹¹. Only in the second half of the 20th century have linguists started to study the linguistic features of sign languages and to acknowledge their status as fully fledged languages. Researchers such as Bernard T. Tervoort¹², William C. Stokoe¹³, Edward S. Klima and Ursula Bellugi¹⁴ have since the 1950s been able to prove that sign languages have a grammar and vocabulary of their own, that they are apt to convey simple and context-

⁶ <http://www.ethnologue.com>, accessed on 20.03.2003

⁷ Crystal, 1997, pp. 226/227

⁸ Sallop, 1980, p. 217 and Stokoe, 1980, pp. 18, 20, 30, 46

⁹ Bloem et al., 1998, p. 138

¹⁰ Klima & Bellugi, 1980, pp. 106 ff. and Bloem et al., 1998, pp. 174 ff.

¹¹ Lloyd McBurney, 2001, pp. 147/148

¹² e.g. "Structurele Analyze van Visueel Taalgebruik binnen een Groep Dove Kinderen" (Structural analysis of visual language use within a group of deaf children), 1953

¹³ e.g. "Sign Language Structure: An Outline of the Visual Communication Systems of the American Deaf", 1960 and "The Study and Use of Sign Language", 1980

¹⁴ e.g. "Aspects of sign Language and its Structure", 1975, in: Kavanagh and Cutting, eds., "The Role of Speech in Language" and "What the Hands Reveal About the Brain", 1987

embedded as well as complex and abstract ideas, that they have run through similar stages of development as spoken languages, that their acquisition by children is very much comparable to that of spoken languages and that regional, ethnic and social variants also exist in sign languages. It has even been proved that although sign languages depend on manual-visual abilities, which are normally controlled by the right hemisphere of the brain, the linguistic aspect of sign languages dominates so much as to be controlled by the left cerebral hemisphere, where also spoken languages are controlled¹⁵. All this evidence proves that sign languages are fully fledged languages which are by no means inferior to spoken languages. The existence of poetry and witticisms or "plays on signs" in different sign languages supports this view even further.

3. THE CURRENT STATUS QUO

Some case studies or examples will serve best to illustrate the current status quo concerning the status of sign languages in the Member States of the Council of Europe as these vary widely from Member State to Member State.

In some states, the sign languages of the deaf are recognised and education and other information are offered both in and on sign languages, whereas in other states, the situation is the complete opposite. Thus, e.g. Austria has not legally recognised Austrian Sign Language yet and Austrian Sign Language is only used in a temporal experimental bilingual project in a school in Vienna, whereas the remaining schools for the deaf hardly use Austrian Sign Language¹⁶. It is also in Austria that a recent case of a young deaf woman who wanted to become a teacher for deaf children but was refused access to the necessary education and training on legal grounds has caused much public debate¹⁷.

In Luxembourg, the formerly prevailing oralist method of education has been abandoned in favour of using more sign language, however not with all deaf children, but only with deaf students who have learning difficulties. Deaf children who do not have learning difficulties continue to receive oral education.¹⁸

¹⁵ Klima & Bellugi, 1987, pp. 189-191, 211/212 and more recently, e.g. MacSweeney et al., 2002, pp. 1583-1593, Hickok & Love-Geffen & Klima, 2002, pp. 167-178 and Levänen et al., 2001, pp. 506-512

¹⁶ <http://www.oeglb.at> (reported in newsletter of 24.05.2000 and of 11.06.2001), accessed on 13.04.2003

¹⁷ <http://www.oeglb.at/?id=LH2003-03-11-5521>, accessed on 13.04.2003

¹⁸ EUD Update, Vol. 4, Nr. 10, March 2001, p.17

In countries such as Hungary and Malta, the oralist approach to educating deaf children has remained strong. Consequently, the sign languages of these states have not been officially recognised, nor are they used to teach deaf and other hearing impaired persons.¹⁹

In Poland, Polish Sign Language is used in some special schools for the deaf and the Criminal and Civil Codes contain procedural norms which provide for the presence of sign language interpreters in court proceedings, but Polish Sign Language is not recognised as a (minority) language.²⁰

It is only in the Scandinavian countries such as Sweden and Finland that deaf children are entitled to receive a bilingual education which includes being taught both the signed and the spoken language of the country and also being taught other school subjects through the national sign language²¹. Furthermore, in Sweden, parents of deaf or hearing impaired children have the right to learn Swedish Sign Language and are supported in this by the state which provides 240 hours of Swedish Sign Language tuition free of charge over a period of four years. Courses for siblings or children of deaf persons are also offered²². It is also in Sweden that a manual on the rights and obligations of the Swedish citizens and on the Swedish legal system ("Samhällsguiden") has been translated into Swedish sign language and published on the Internet²³.

In Great Britain, the lack of doctors and other medical staff with knowledge of British Sign Language (even in areas considered to be centres of the Deaf community) has been pointed out only recently²⁴. Medical staff not being able to communicate with deaf persons often leads to deaf persons either putting off their visits to the doctor's or being obliged to communicate through an interpreter, who, in the case of Great Britain, apparently often comes from the close social environment of the deaf person in question, thus leading to embarrassing and privacy-infringing situations.

This is directly linked to the issue of providing interpreting services to deaf persons which is another question which has been resolved differently by different Member States. In Germany, e.g., deaf persons were up until May 2002 not legally entitled to have Sign Language interpreters, let alone to be compensated for the expenses for such interpreting services. Consequently, in 2001, only approximately 50 fulltime sign language interpreters existed in Germany which meant that every deaf person could only book an interpreter for

¹⁹ <http://www.wycliffe.org/training/signlang.htm>, accessed on 04.04.2003, and personal e-mail from the Maltese Gozo Association of the Deaf.

²⁰ http://www.pzg.org.pl/zgpzg/zgpzg_about.htm, accessed on 04.04.2003

²¹ EUD Update, Vol. 4, Nr. 10, March 2001, p.2

²² EUD Update, Vol. 4, Nr. 10, March 2001, p. 22

²³ http://www.samhallsguiden.riksdagen.se/index_tecken.asp, accessed on 04.04.2003

²⁴ Bowman, 2001, pp. 10/11

two hours a year on average – an average which is clearly well below the actual demand and need for interpreting services²⁵. Since May 2002, German Sign Language is legally recognised on a federal level and deaf persons are entitled to free of charge interpreting services when communicating with federal authorities²⁶. Considering the few fulltime interpreters available in 2001, however, the situation concerning interpreting services in Germany will still remain the same for some years to come.

The situation concerning interpreting services is only slightly better in Estonia, where interpreting services are only carried out into Signed Exact Estonian, not into the natural sign language of the Estonian deaf, and where an average of 36 hours of free of charge interpreting services per deaf person are offered. Also in Estonia, a lack of educated sign language interpreters, especially for deaf students at universities, exists.²⁷

Similar problems can be noticed in Belgium, where the average hours for interpreting services per deaf person lie between a minimum of 18 hours in Flanders and 30 hours in Brussels²⁸.

The recognition of the profession "sign language interpreter" also varies from state to state: in Denmark, a three-and-a-half year long training programme exists, and in Portugal, the status and profile of the profession of "Interpreter of Sign Language" was recognized and defined in 1999, whereas in Greece and Italy, the national federations of the deaf are still aiming at the establishment of courses for Hellenic Sign Language/Greek interpreters and at the recognition of the profession of Italian Sign Language/Italian Interpreter.²⁹

Another important issue is the deaf people's access to the media, especially to television. In this respect, German television only offers very few programmes in German Sign Language (only the news and a news round-up programme are interpreted into German Sign Language) and it also only has a limited availability of subtitled programmes, mostly shown on the state-run broadcasting stations, whereas in Finland, several children's TV-programmes and an educational programme have been developed and broadcast in Finnish Sign Language, and in Greece, some deaf broadcasters work for local TV channels³⁰.

These are only a few examples for the different status quo of sign languages in the Member States of the Council of Europe, but they clearly show the divergence of the status, prestige, importance and image of sign languages in the different Member States. It can by no means be said that all Member States have adopted an overall positive, highly informed and

²⁵ EUD Update, Vol. 4, Nr. 10, March 2001, p.12

²⁶ <http://www.gehoerlosenbund.de>, accessed on 20.03.2003

²⁷ EUD Update, Vol. 4, Nr. 10, March 2001, p.27

²⁸ EUD Update, Vol. 4, Nr. 10, March 2001, pp. 5/6

²⁹ EUD Update, Vol. 4, Nr. 10, March 2001, pp. 8, 13, 16 and 19

³⁰ EUD Update, Vol. 4, Nr. 10, March 2001, pp. 9, 12/13

supportive attitude towards sign languages, even though there seems to be a trend in most countries that e.g. hearing persons are more and more interested in getting to know and even learn sign languages and that the oralist method of education is gradually being abandoned in favour of bilingual education³¹.

4. THE STATE OF LEGAL RECOGNITION OF SIGN LANGUAGES³²

A similar divergence can be observed when it comes to the legal or official recognition of sign languages in the Member States. Some States have included their national sign language in the State's constitution, whereas others have chosen to recognise it by including it in laws of a lower hierarchical rank such as educational laws, whereas a third group of Member States have not yet legally recognised their national sign languages at all. The following lists give an overview over the countries which have recognised their national sign languages either on a constitutional or other legal level.

Member States which have recognised their national sign language on a constitutional level:

Czech Republic (1988)

Finland (1995)

Portugal (1997)

Slovak Republic (1995)

Member States which have recognised their national sign language by other legal measures:

Czech Republic Czech Sign Language is recognised in a law dating from 1998

Germany German Sign Language is recognised in a disability act of May 2002

Greece Hellenic Sign Language is recognised in an educational law dating from 2000

Iceland Icelandic Sign Language is mentioned in the Icelandic basic curriculum for schools as the first language of the deaf people since 1999

Ireland Irish Sign Language is mentioned as one of the languages through which deaf children should be taught in the Education Act of 1998

³¹ EUD Update, Vol. 4, Nr. 10, March 2001, pp. 2/3

³² The information in this chapter has been obtained from the EUD Update, Vol. 4, Nr. 10, March 2001 and from several of the national associations' of the deaf websites (Denmark, Germany, the Netherlands, Spain). For a list of some of the national associations' of the deaf websites, please confer the list "Literature & Websites" in the appendix.

Latvia	sign language is recognised since September 2000 by a Law of the Languages
Sweden	Swedish Sign Language is recognised as an educational language for the deaf since 1981
Norway	Norwegian Sign Language is referred to in the Education Act of 1997/1998 as the deaf people's first language
Slovenia	Slovenian Sign Language is recognised by a law dating from November 2002
United Kingdom	British Sign Language is recognised by the British government as a language in its own right since March 2003

In a number of other countries, legal proposals and campaigns have been presented and exist, calling for the legal recognition of the national sign language in question. This is e.g. the case in Belgium, Estonia, Denmark, Italy, Spain and the Netherlands. Again, it differs from state to state whether recognition on a constitutional level is wished for (e.g. in Estonia) or a more general call for the legal recognition of the national sign language has been launched (e.g. in the Netherlands).

5. SIGN LANGUAGES AS MINORITY LANGUAGES AND LINGUISTIC HUMAN RIGHTS

The Council of Europe's European Charter for Regional or Minority Languages of 1992 contains in its art. 1 § a and § c a definition of a non-territorial minority language which from its wording can be applied to most, if not even all sign languages of the deaf. In fact, several Member States have to some extent considered including their national sign language in the system offered by the Charter when ratifying it (e.g. Denmark, Sweden and the United Kingdom), but none have done so thus far. The reasons for the exclusion of sign languages from the protection offered by those drafting and implementing the European Charter for Regional or Minority Languages vary from the view that sign languages should be protected by different legal measures to sign languages simply having been forgotten when drafting the Charter, it thus not being applicable to them.

Moreover, not only can sign language users be considered as users of a minority language if one applies the criteria put forward in the European Charter for Regional or Minority Languages, but a large number of deaf people who use sign language(s) also consider themselves to be a linguistic minority. To disregard this self-definition in favour of an exo-

definition would go against a nowadays apparently widely shared view concerning minority rights, which was also expressed by the Council of Europe's European Commission for Democracy through Law in its "Proposal for a European Convention for the Protection of Minorities" of 1991. In art. 2 § 3 of its proposal, this Commission states: "To belong to a national minority shall be a matter of individual choice and no disadvantage may arise from the exercise of such choice."

The conferral of more linguistic human rights to the users of sign language in general and to deaf persons in particular by including sign languages in the scope of applicability of the European Charter for Regional or Minority Languages would draw more of the Member States' attention to the problems deaf persons face because of the lack of recognition of sign languages- This would consequently hopefully also lead to more actions being taken to avoid and to solve these problems.

It is important to stress that deaf persons cannot master spoken languages as easily and comprehensively as sign languages – for deaf persons, the spoken language of their country or region will always remain a foreign or second language. It has been shown that deaf children benefit from the use of sign language at an early age and that it helps them in forming their linguistic, perceptive, educational and social skills³³. It has also been shown that the Deaf communities have a wide range of cultural activities and skills at their disposal, such as sign language poetry, signing songs and pantomime theatre, and that many (deaf and hearing) persons consider this to be an enrichment for their society. To a large extent, the Deaf communities revolve around sign languages as they are their natural means of communication. Should all of this be disregarded only because sign languages were perhaps not included in the minds of the drafters of the European Charter for Regional or Minority Languages?

It is true that deafness is an impairment, but it is equally true that the medical model of disability has long been discarded in favour of the social model of disability, which considers disabilities to be created by the society and the environment impaired people find themselves in. Instead of solely viewing deafness as a deficit or medical condition in need of repair, more attention should be paid to improving e.g. educational and information services for the deaf. In this context, the sign languages of the deaf play a crucial role.

As for the argument that sign languages should be protected by other legal measures, particularly by disability laws, this is a valid argument as far as sign languages are considered to be comparable to technical aids used by deaf and other hearing impaired persons, such as

³³ This has been observed in e.g. Sweden (Heiling 1999, p. 363) and in the United Kingdom (British Deaf News, February 2002).

the Cochlear Implant, a hearing aid or the "Minitel". However, this argument does not consider enough what has already been disregarded for so many years: the fact that sign languages are fully fledged languages and that they therefore should be recognised as such. The fact that sign languages can be counted to belong to two "legal spheres", i.e. to the disability and to the linguistic sphere, merely reflects the situation of the deaf who are caught between these two worlds.

Thus, the legal recognition of sign languages would signify a heightened and deserved degree of attention and promotion for languages which for a long time have been looked down upon and which are still struggling for recognition. In this respect, sign languages share the situation with a number of other minority languages, the only difference being that sign languages are minority languages which their speakers depend on for communication as they have no other equally efficient means of communication. The European Charter for Regional or Minority Languages was created not only to ameliorate the legal and social status of minority languages, but also as a step towards the solution of problems which users of minority languages face today. Therefore, the European Charter for Regional or Minority Languages should also apply to sign languages and their users. Preferably, this applicability should be direct in order to avoid further proliferation of international legal instruments in this field and consequent confusion, which could be the case if a protocol were to be added to this Charter.

All in all, a heightened degree of efficient legal recognition for sign languages and the conferral of linguistic rights to sign language users should be the first and foremost aim of all those who work with this issue in the field of linguistic (human) rights. In the end, it should never be forgotten that sign languages are minority languages which their speakers depend on for communication as they have no other equally efficient means of communication – this makes a heightened degree of attention and recognition crucial and lets this issue become a true question of human rights.

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- <http://www.ethnologue.com> An overview over the languages in the world, including sign languages.
- <http://www.samhallsguiden.riksdagen.se> Information for deaf Swedish citizens about the Swedish state.
- <http://www.wycliffe.org/training/signlang.htm> Website with some information regarding the legal recognition of Hungarian Sign Language
- http://www.pzg.org.pl/zgpzg/zgpzg_about.htm Website of the Polish National Association of the Deaf

http://www.oeglb.at	Website of the Austrian National Association of the Deaf
http://www.fevlado.be and http://www.ffsb.be	Websites of the Belgian associations of the deaf
http://www.deaf.dk	Website of the Danish National Association of the Deaf
http://www.ehi.ee	Website of the Estonian National Association of the Deaf
http://www.kl-deaf.fi	Website of the Finnish National Association of the Deaf
http://www.deafrench.org/fnsf	Website of the French National Association of the Deaf
http://www.gehoerlosen-bund.de	Website of the German National Association of the Deaf
http://www.otenet.gr/omkedeaf	Website of the Hellenic National Association of the Deaf
http://www.ens.it	Website of the Italian National Association of the Deaf
http://www.lns.lv	Website of the Latvian National Association of the Deaf
http://www.dovenschap.nl	Website of the Dutch National Association of the Deaf
http://www.pzg.org.pl	Website of the Polish National Association of the Deaf
http://www.fpasurdos.org	Website of the Portuguese National Association of the Deaf
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