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## EDUCATIONAL FREEDOM IN THE CONTEXT OF CULTURE by Charles L. Glenn

Glenn, C. L. (2012). Educational freedom in the context of culture. In C. L. Glenn & J. De Groof (Eds.), *Balancing freedom, autonomy and accountability in education: Volume 1* (85-99). Tilburg, NL: Wolf Legal Publishers.

The extent to which a state respects the rights of its vulnerable or subordinated minority groups provides a good indication of whether it can be considered free, just, and democratic. Protection of the rights of minorities in the educational system, and conflict over the exercise of these rights, is a fundamental challenge for state policies and for the process of decision-making in a society.

In the past, as we have seen, such conflict has chiefly centered on the right to operate, to choose, and to receive public support for schools with a religious character. This right has, to a greater or lesser extent, now been achieved in the Western democracies. Current conflicts are much more likely to center around similar demands on the part of cultural minorities; for example, France has experienced conflict over mother-tongue instruction in Corsican and in Breton.

The 1970s and 1980s in Western Europe were a period of intense concern about minority cultures, stimulated above all by the family re-unification following the end of labor recruitment from Turkey and North Africa. While the “guest workers” were in a sense invisible, the arrival of their wives and children seemed to transform many urban neighborhoods in a highly visible (and audible) way. Many in elite circles welcomed what

they called the new multi-cultural society; Paul Scheffer comments sardonically that “those who didn’t live in the neighbourhoods where migrants settled were the warmest advocates of the multicultural society, while those who did live in them steadily moved out.”<sup>1</sup> By the 1990s, however, there were increasing concerns about whether these “new Europeans” could ever fit in . . . ironically, just as the generation strongly marked by the cultures of their homelands was passing from the scene.

The political changes in Eastern Europe since 1989 have allowed cultural conflicts to emerge which were largely – though not entirely – suppressed under the former communist regimes. Minority rights have been at issue in many of the political debates and (unfortunately) even in armed conflict and ethnic cleansing in the Balkans. Freedom of education proved to be an essential element in the resolution of ethnic conflicts in the former Yugoslavia, though not always with happy results, as described in the chapter on Bosnia and Herzegovina in volume 4.

Policies for education have inevitably been among the issues requiring resolution within a framework of international law and – as European institutions develop– within that of common European law. Crucial to the resolution of the issues in the Balkans, for example, was reliance on to “the right to establish private institutions” (*Document of The Copenhagen Meeting of The Conference on The Human Dimension of The CSCE*, Copenhagen, 29 June 1990). In particular, to become a member of the European Union a country was required to demonstrate that it had stable institutions which guaranteed democracy, the rule of law and human rights. Protection of the rights of minorities is an essential aspect of the definition of a democratic regime.<sup>2</sup>

The minimum standard of protection for the rights of minorities are those rights recognized by the various international covenants and United Nations resolutions as well as, for Europe, the instruments by the Organisation for Security and Cooperation in Europe, the Council of Europe, and the European Union. In the United States, where issues of minority rights have been contested for far longer, they rest upon the Fourteenth Amendment, added to the Federal Constitution in 1868 and providing (*inter alia*) that “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Although long and shamefully neglected, a series of court decisions and new state and federal laws since the 1950s have provided very extensive protections, with education one of the primary spheres in which issues arise and are adjudicated.

It is against this background that governments and educational institutions must make the appropriate efforts to guarantee the right to education of minorities. When assessing whether the protection of minorities in a particular country meets legal standards, one cannot escape the need to investigate the position of minorities in the education system. Not only are education rights the touchstone par excellence, the statutory situation and the situation on the ground reflect possible ethnic and cultural tensions within a country. Refinement of education law, on the other hand, can prevent or resolve tensions that arise

around schools.

There can be no sustainable peace without just treatment of the educational concerns of cultural minorities. Comparative constitutional law and political science have taught us that, at vital moments in their national history, many countries have had to put energy into regulations to resolve education conflicts. This is no less true for the new democracies within and outside Europe.<sup>3</sup>

In a world of overlapping ethnic/cultural loyalties, it is not generally possible for any group or individual to seek to be isolated from encounter with and influence by other groups. As the distinguished sociologist Nathan Glazer concluded, “we are all multiculturalists now.” Our educational systems have been obliged to take the pluralistic nature of contemporary societies into account. On the other hand, England’s Commission for Racial Equality published an article in 2001 arguing that “multiculturalism has helped to segregate communities far more effectively than racism.”<sup>4</sup> One of the most thoughtful critics of the use of culture as a primary source of identity is intellectual historian David Hollinger, who calls for a “postethnic perspective [which] recognizes that most individuals live in many circles simultaneously and that the actual living of any individual life entails a shifting division of labor between the several ‘we’s’ of which the individual is part.” Hollinger is concerned to be clear that he “reacts not against commitment but against prescribed affiliations on the basis of descent.” He points out that an “individual who has every right to protection against discrimination on the basis of his or her involuntary classification as a member of a historically disadvantaged color group may have no interest whatsoever in the culture popularly associated with that group,” and that public policies (as in school curriculum) presuming that a particular culture defines an individual fail to recognize the freedom which we all have to incorporate or reject that potential identity and the life-orientations associated with it.

The multiculturalism of the 1990s carried the deeply anti-individualistic expectation that individuals would naturally accept the cultural, social, and political habits popularly ascribed to their communities of descent, rather than form their own associations to the extent that their life-circumstances permitted choices.<sup>5</sup>

José Casanova has urged that there are advantages to conceiving identity in terms of religion rather than race or ethnicity.<sup>6</sup> Religious identity can be abandoned or given a variety of meanings and applications based on the individual’s choice, while minority racial/ethnic identity carries meanings that to a large extent are imposed upon it by the majority; it is commonly used as a basis for discrimination, even if in fact, as Hollinger points out, the individual discriminated against may attach very little significance to her racial/ethnic identity.

Ethnic diversity—and conflicts related to it—is of course no new phenomenon in the United States, Canada, and Australia, nations built up largely by immigration over the course of the nineteenth and early twentieth centuries, nor in India, Indonesia, South Africa, and other multi-ethnic countries. While immigration is a highly relevant factor in Western European societies at present, the reaction to that immigration is shaped in part by pre-existing assumptions about the significance of language and cultural diversity, and public policies shaped by those assumptions. These assumptions are based in large part upon how the society has dealt with the presence, in its midst, of language minority groups who are *not*

immigrants but have a claim to belonging which is equal to that of the majority. The situation of Moroccan immigrants to Belgium, for example, cannot be understood apart from the history of conflict and precarious settlements over the use of French and Dutch and the cultural demands of the Flemish and Walloon communities.

The right of “indigenous” cultural minority groups to maintain elements of distinctiveness has generally been recognized in national and international law. The situation of immigrants, by contrast, is governed by the terms under which they are admitted to a country, and by international standards for the treatment of refugees and asylum-seekers. It is also affected, of course, by the extent to which the majority population of a society perceive the immigrants as culturally distinct and even unassimilable. That this is a growing problem in Western Europe with respect to its Muslim minority is evidenced by recent elections in several countries and by the strong sales of Oriana Fallaci’s alarmist polemic and a host of similar books. In the United States, by contrast, it is not generally permitted to speak in such terms, and neither political party has made opposition to immigration one of its causes (indeed, both are competing vigorously for the Latino vote), though concerns about illegal immigrants are common.

One of the most striking changes of the recent past has been the increasing acceptance of pluralism as a central American value . . . Even the changes in immigration policy debated and instituted in 1996 did not raise overtly the issue of changing the ethnic and racial composition of immigrants, a striking fact in view of the sharp divergence between the ethnic and racial composition of immigrants today and the ethnic and racial composition of the American population.<sup>7</sup>

Immigrants present a pressing challenge to educational systems in most Western nations, but it is a different sort of challenge than that presented by indigenous groups which wish to have their distinctiveness taken into account. If there is more than one historical community occupying a given territory and sharing a distinct language and culture in a given state, a country is considered a ‘multinational’ state. Of 132 sovereign states worldwide with a population exceeding one million, it is reported, only twelve can be considered ethnically homogeneous.

A ‘multinational’ state may be created by the involuntary incorporation of different national groups into a single state, as in the case of Great Britain, or it may arise voluntarily, as in the case of the Swiss Confederation. The citizens of a multinational state view themselves for some purposes as a single people but often retained or establish their own regional governments and have rights regarding language use. Multinational states survive because the various national groups have an allegiance to the larger political community that they cohabit.

While indigenous minority groups often enjoy cultural and linguistic rights today, these differences have in the past been the target of policies seeking to create national unity on the basis of cultural homogeneity. Substituting a national language for the local dialects of indigenous regional groups was a major motivation in the development of state-sponsored schooling over the course of the late eighteenth and nineteenth centuries in

France and elsewhere in Europe.<sup>8</sup>

Indigenous minority groups are found in most of the Western democracies— with rare exceptions like Iceland. Even though the distribution of speakers of a common language has frequently been the basis for defining the territorial extent of a nation-in-the-making, there are few nations of any size that do not include indigenous language minority groups concentrated (though not always representing the majority of inhabitants) in areas with which their language has traditionally been associated. In some cases they are the remnants of indigenous conquered peoples, like the Welsh, Bretons, and Basques in Western Europe. In other cases, they are groups whose minority status is the result of the untidy process of nation-building and frontier-drawing, like French-speakers in Switzerland, German-speakers in France, Italy, and Denmark, Danish-speakers in Germany, Finnish-speakers in Sweden, and Swedish-speakers in Finland. The European Union recognizes 34 “minority languages” that are spoken by about 40 million of its inhabitants.

A special case is represented by those indigenous groups that are not only linguistically and culturally distinct but also socially marginalized by their relatively brief contact with modernity as well as by the actions and attitudes of the majority, such as native North Americans (Indians, Inuit, Hawaiians), Maori in New Zealand, Australian native peoples, Saami in Scandinavia, and, in a rather different sense, Roma (Gypsy) peoples in much of Europe. The situations of these peoples present complex issues that go well beyond the scope of this study.<sup>9</sup>

Speakers of indigenous minority languages are almost invariably able to speak and understand the “national” language, but choose to be bilingual, maintaining as best they can the language of their group as well. The prognosis for the survival of the languages of American Indians into the next generation is not favorable, despite extensive efforts and federal government funding.<sup>10</sup> Continuing to use Frisian in the province of Friesland is essentially a free choice, supported by public recognition and schooling, but everyone can also speak Dutch.<sup>11</sup> Exceptional are those cases – Belgium, Canada and Switzerland are the most notable examples— in which bilingualism is not necessary and may even be discouraged to some extent out of a concern that it will lead to language shift; different languages have official status in distinct sections of the country.

In the emergence of nation-states in Central Europe and the Balkans, and more recently in the former Soviet Union, language has frequently served as the basis for defining who is and who is not a member of the nation. Throughout the nineteenth century, the gradual unification of Germany and the struggle for independence by Greeks and Czechs, by Irishmen and Poles, by Hungarians and Finns, from the multi-national empires which ruled them were accompanied in every case by a strong emphasis upon a distinctive language. Frequently this entailed transforming a language which had been used primarily by peasants into a vehicle for literature and for political discussion.<sup>12</sup>

The administrative separation of Norway from Denmark in 1807 was followed by the definition of a distinctive Norwegian language; more recently, Greenlandish has replaced

Danish as the official language of Greenland.

Other nations have set out to revive, for all purposes of civic and economic life, languages that were approaching extinction or were used only for religious purposes and to make them symbols and unifying vehicles of national life. The most successful examples of such policies are the revival of Hebrew in Israel and the standardization of Bahasa Indonesia as a common language for a nation of more than five hundred ethnic groups and languages. Ireland's efforts, though persistent, have not been able to achieve widespread use of Irish in the face of a general preference for the use of English. Its popularity for political reasons did not outlive the independence struggle, and

the meanings assigned to the language in the nationalist rhetoric, before and after the establishment of the state, no longer carry the same power to mobilize public action. . . . [There is] a widening gap between the symbolic significance attached to Irish as an official emblem of national identity, and its use as a richly expressive vernacular in everyday life. Many people have learnt to associate Irish with feelings of guilt that they do not speak what national elites told them was their own mother tongue. . . . Irish today, as one hundred years ago, appears to be in serious danger of disappearing as a community language.<sup>13</sup>

The European Parliament approved, in October 1987, a resolution to promote the "lesser-used languages" of its member states through allowing their use for education.<sup>14</sup>

This is not the place to review all of the controversial situations in the European Union, much less worldwide, with respect to indigenous minority languages and cultures. Readers of the country profiles will find frequent references to such accommodations. Experience has shown that the solution to such open or smouldering conflicts has been found in the combination of the following principles, given explicit expression in the framework of constitutional and educational law:

- a) implementation of the *equality principle*, especially in relation to educational opportunities;
- b) understanding cultural diversity as a positive *opportunity*, not as a threat to national unity;
- c) understanding that belonging to the *international community* involves an obligation, when conflict over the rights of minorities arises, to address on the basis of international standards.

Education laws should create a balance between the cultural and educational rights of minorities and the duty of the state to work out standards that apply to state and private schools. There is a corresponding duty of loyalty toward the country on the part of minority groups.<sup>15</sup>

If the linguistic – and related cultural – situation is complex in Western Europe and North

America, it is even more so in Russia, South Africa, and the Balkans. There are more than one hundred national and ethnic groups in Russia, for example, and Russian legislation has attempted to reach a balance between the “unity of the federal, cultural and educational area” according to article 2 of the *Basic Law on Education* and the principles of pluralism, decentralisation, cooperative government.” To this end, forty percent of the school curriculum may be dedicated to subjects that are specific to the various regions. The law of 23 October 1991 On the Languages of the Peoples of the Russian Federation stipulates that, “with its multinational population, the traditional norm of language coexistence is the official use of two or several languages.”

Similar complexity exists in South Africa; indeed, the last deadlock in the discussions preparing the new Constitution were linked to education. There are 11 official languages, though not all of them can be employed as a medium of instruction throughout the country. The drafters of the Constitution were strongly influenced by a minority group rights report concluding that segregated education along lines of mother tongues led mostly to bad results, whereas some use of the mother tongue as part of a goal of bi- or multi-lingualism and integration, can lead to good educational results.<sup>16</sup>

Why should politics respect the demand of minorities for protection of their culture and promote the diversity of cultures in education?

Respecting minority cultural rights enlarges the freedom of individuals, because freedom is intimately linked with and dependent on culture. Through access to a heritage culture, which may include understanding the history and language associated with that culture, individuals can enjoy a range of meaningful options.<sup>17</sup> Education should therefore give access to information about cultures, and the possibility of exploring a particular culture in depth, but without falling into the trap of assuming that a student with a particular ethnic background necessarily has an affinity for its culture. Olivier Roy argues, for example, that those Muslim youth in Western Europe whom he describes as “neo-fundamentalists” have made a clear break with the cultures of the homelands from which their parents came. “Today’s religious revival – whether under fundamentalist or spiritualistic forms— develops by decoupling itself from any cultural reference. It thrives on the loss of cultural identity: the young radicals are indeed perfectly ‘Westernized.’”<sup>18</sup>

For a minority culture to survive and develop in the modern world, given the pressures towards the creation of a single common culture in each country, the public institutions of the dominant culture must be reformed so as to provide some recognition or accommodation of the heritage of different ethnic groups as well as to make it possible for them, to the extent that they so choose, to maintain their cultural heritage, including the use of a minority language.

It is important to note, of course, that it is a characteristic of liberal democracies that individuals are not compelled to maintain a cultural heritage, a minority language, or their links with an ethnic group. Ethnic identity is – or should be— a matter of individual choice in a free society. For many members of minority groups, whether indigenous or immigrant, it is true, the effort to maintain the use of a second language besides that

necessary for participation in the wider society is too great. In general, “stable societal bilingualism (diglossia) depends on institutionally protected functional sociolinguistic compartmentalization, so no ethnocultural collectivity can maintain two cultures on a stable basis past three generations if they are implemented in the same social functions (family, friendship, work, education, religion, etc.).”<sup>19</sup> In other words, most people maintain that language in at least one essential dimension of their lives; if both languages are used in the home, for example, the minority language will gradually be used less and less, over several generations. Immigrant families characteristically find – often to their dismay – that their children are unwilling to make the effort to use the language of their parents, though they continue to understand it, and that the third generation seldom even understand the language of their grandparents.

For some or many members of minority groups, the ties to a heritage culture are too strong to give up and a free society does not require that they make such a sacrifice. Access to one’s culture should be treated as something that many individuals will want and that public policy will facilitate. Leaving one’s culture should be seen as renouncing a right to which one is entitled.

The evidence is clear that many individuals do value their cultural membership. Far from displacing national identities, globalisation has for many gone hand in hand with an increased sense of nationhood. The creation of European institutions has strengthened national and sub-national identities in many countries. The fact that Europe has become more pluralistic has not diminished the intensity of people’s desire to live and work in their own culture. Europe has experienced, in some quarters, a sharp rise in nationalist sentiment as well as demands for regional autonomy, most notably but not exclusively in Spain, Italy, Belgium, and Great Britain.<sup>20</sup>

Belief in the necessary connection between a language and membership in a national community can lead to intolerance of other languages. To the extent that a common language functions as an expression of a common nationality, the status of minority languages is always liable to be called into question. Conflict over language policy (such as the unsuccessful effort to declare English the “official” language of the United States, as French is the official language of France and Dutch of Flanders) does not reflect xenophobia so much as it does conflicting ideas about what it means to be a full member of the society. Is societal membership appropriately mediated through associations and communities to which a primary loyalty may be felt and which may communicate among themselves in a language incomprehensible to the wider society, or are such mediating structures inimical to national unity and the rights of individuals?

Ethnic groups and their institutions, some argue, are an important aspect of the civil society; they are mediating structures that may reduce the *anomie* attendant upon modernization and a mass society and perform an important function in the relation between individuals and the nation as a whole. To the extent that such groups depend upon the maintenance across generations of a distinctive language, compulsory schooling can be either a fundamental threat or a valuable support to their continuing existence, depending upon the policy that the school adopts toward the use of that language.



The bonds of language and culture are strong for most people because of the importance of cultural membership for their identity. Cultural membership has a 'high social profile,' in the sense that it affects how others perceive and respond to us. If a culture is not generally respected, then the dignity and self-respect of its members will also be threatened.

Liberal democracies, precisely because they allow individuals great freedom to choose their identity and 'life-style,' are profoundly corrosive of cultural distinctiveness; they have, in French debates, been described as *ethnophage* or *ethnocidaire*.<sup>21</sup> For a minority culture to survive and develop in the modern world, given the pressures towards the creation of a single common culture in each country, requires "institutional pluralism" which provides recognition and accommodation of the heritage of different groups. Minority languages are especially threatened, in some countries, because the children of immigrant parents have overwhelming incentives to learn English as their second language in place of the language of their ancestors, though they may feel a fair amount of guilt associated with the failure to become proficient in a language that they perceive emotionally as an important aspect of identity. They or their parents may conclude (or be persuaded) that their efforts would be better spent on other aspects of the curriculum than maintenance of their heritage language. It was reported, for example, that although Turkish pupils in Berlin could opt to substitute their language for English as the first "foreign" language studied, very few did so because English is required for secondary education and for much employment.<sup>22</sup>

Language transition is even more rapid in the United States, despite the lack of national policy to promote English; it is reported that "approximately 70 percent of the youngest immigrants and 40 percent of those aged 10-14 at time of arrival will make English their usual, personal language. As a result, they will give birth to children of English, not Spanish, mother tongue."<sup>23</sup> Research on ethnicity within American society has stressed repeatedly the almost complete abandonment, by second-generation Americans, of the languages spoken by their immigrant ancestors.<sup>24</sup>

School policies to promote understanding of and respect for the diverse cultures represented within a society are subject to the same cautions that apply to similar efforts in relation to religious diversity. Use of artifacts and customs from the ancestral homeland, for example, may be confusing and even embarrassing for pupils who experience their culture as something dynamic and constantly evolving in the host society. Contrary to the common practice of encouraging children to celebrate their ethnic distinctiveness, an exhaustive review of thirty years of research on the education of language minority pupils concludes that "to increase positive intergroup contact, the salience of group characteristics should be minimized, and a superordinate group with which students from different cultural and language groups can become identified should be constructed."<sup>25</sup> In other words, well-meaning efforts to persuade the children in a class to identify how they differ "culturally" because of their differing ancestry are likely to be counter-productive.

On the other hand, minorities have successfully challenged the model which assumed that they should abandon all aspects of their heritage, and educators should be responsive to their concerns, while placing the primary emphasis upon teaching the skills and knowledge necessary for successful participation in the larger society. As an influential African-American educator has pointed out, “success in institutions – schools, work-places, and so on – is predicated upon acquisition of the culture of those who are in power.... Children from other kinds of families operate within perfectly wonderful and viable cultures but not cultures that carry the codes or rules of power.... Schools must provide these children the content that other families from a different cultural orientation provide at home.”<sup>26</sup>

Similarly, West Indian sociologist Maureen Stone, working with Afro-Caribbean families in England, concluded that, rather than seeking to promote minority cultures, schools should concentrate on providing minority children with access to successful participation in the mainstream of society. She insists that “the community, parents and children are sufficient guardians of the black cultural inheritance. Schools have to be about something else.” After all, “if you really want to reduce educational and racial inequality, the best way is by providing your pupils with the skills and knowledge they need to make their own way in the society in which they live.”<sup>27</sup>

The purpose of ensuring that the curriculum reflects cultural pluralism, then, is not somehow to make minority pupils feel good about themselves—that is best achieved by making them fully competent in the academic material—but to strengthen the instructional program so that it does justice to social realities and provides an adequate education to all pupils, those of the majority as well as those of various minority groups. Whatever makes the curriculum richer, and schools more effective, will be of special value to pupils who do not come to school already possessing a foundation in the common knowledge, the “cultural capital,” essential to success in a particular society’s schools.<sup>28</sup> That this can also have the effect of showing respect for pupils (and their families) with other traditions is consistent with what we should expect from an educational system in the twenty-first century.

Perhaps the most controversial demand of some minority groups is to be provided the resources to support their own separate institutions, to ensure the full and free development of their cultures as the best response to some disadvantage or barrier in the decision making process which makes it impossible for the group’s views and interests to be effectively represented. In the United States, for example, there have been occasional proposals to carve out distinct political enclaves in which black voters would be self-governing. Unfortunately, such demands play into the hands of those members of the majority who would be delighted to isolate the minority.

A variation on this theme is the argument that only minority-run schools can educate minority children adequately. Those who support ethnically-separate schooling do so in general on the basis of the contention that this is the most – perhaps the only – effective and principled way to educate minority pupils.<sup>29</sup>

Much the most widespread form of schooling organized by minority communities is supplemental schools serving the children and grandchildren of immigrants. There were 4,893 part-time “ethnic schools” identified in an American survey in the late 1970s, “maintained, by and large, by ethnic communities that are competently English-speaking” but for whom “language maintenance is viewed as a moral necessity.” Fishman pointed out that the primary focus of these schools was not upon foreign-born children who did not speak English, but upon children born in this country whose first language was English but whose parents— themselves well-aculturated – wished to maintain their ethnic connections. “The entry of Chicano, Puerto Rican and Native American children into such schools is a sign of their ‘Americanization’,”<sup>30</sup> not of resistance to the host society.

Supplemental schooling has been organized by ethnic communities of immigrant origin in Western Europe, Canada and Australia, seeking to maintain a connection with the homeland and its language among pupils who are unlikely to return. In England, “a survey of three local authorities in 1981 suggested that between 26 percent and 41 percent of linguistic minority pupils were attending supplementary schools and that most schools were established after 1975.”<sup>31</sup> More recently, however, the publicly-funded programs, common in most Western nations in the 1980s,<sup>32</sup> to maintain the heritage languages and cultures of immigrant children have largely been eliminated, and leaders of several European nations have announced that ‘multiculturalism’ has been a failure.

## Endnotes

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<sup>1</sup> Scheffer, 29.

<sup>2</sup> Capotorti; Rodley, 48; McKean.

<sup>3</sup> De Groof and Bray, 371; see also De Groof (1994), 166.

<sup>4</sup> Modood, 10-11.

<sup>5</sup> Hollinger, 106, 117, 180, 220.

<sup>6</sup> Casanova, 72.

<sup>7</sup> Glazer, 79.

<sup>8</sup> Weber.

<sup>9</sup> Chapter 3, “Indigenous Language Minority Groups,” in Glenn (1996) provides an extensive discussion and references on this issue, as does Glenn (2011a) for the United States and Canada.

<sup>10</sup> See Glenn (2011a), chapter 13: “Continued Decline of Indian Languages.”

<sup>11</sup> Jonkman.

<sup>12</sup> Kohn.

<sup>13</sup> An Coiste Comhairleach Pleanála 1988, xvi-xviii.

<sup>14</sup> Gorter 1991, 57.

<sup>15</sup> Hillgruber and Jestaedt, 95; Brett (1991); Brett (1993), 159.

<sup>16</sup> See De Groof, Malherbe and Sachs.

<sup>17</sup> Kymlicka, 75-106.

<sup>18</sup> Roy (2007), xi.

<sup>19</sup> Fishman, 193.

<sup>20</sup> Schade.

<sup>21</sup> Schnapper, 18.

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<sup>22</sup> Fase, 113.

<sup>23</sup> Veltman, 45.

<sup>24</sup> Waters, 116.

<sup>25</sup> August and Hakuta, 94.

<sup>26</sup> Delpit, 25, 30.

<sup>27</sup> Stone 1985, 6.

<sup>28</sup> Hirsch.

<sup>29</sup> See Glenn (1995b).

<sup>30</sup> Fishman, 454, 458.

<sup>31</sup> McLean, 327.

<sup>32</sup> See Glenn (1996).

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