

Rights, Policies and Languages: divergences and convergences in/ from/for deaf education

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ABSTRACT – Rights, Policies and Languages: divergences and convergences in/from/for deaf education. In this article, while considering education as a complex and diverse phenomenon, we reflect on the fields of human rights and linguistic human rights regarding deaf education. We have noticed certain convergences and divergences arising from the encounter of rights, policies and languages in both proposal and construction of an educational process that recognizes and values linguistic and cultural characteristics of individuals involved. We also take a critical view towards the Manichaeian perspectives that have created illusions involving deaf education, making its complexity invisible, generalizing its peculiarities and reducing its range. Linguistic aspects are central when considering the deaf, since all human rights are linked to language itself. Therefore, linguistic human rights are fundamental to the enjoyment of civil, social, political, economic and cultural rights. Finally, deaf education exists in the midst of the differences that feature it, of the languages that specify it, and the convergences and divergences that (trans) form it.

Keywords: Human Rights. Linguistic Rights. Deaf. Sign Language. Brazilian Sign Language.

RESUMO – Direitos, Políticas e Línguas: divergências e convergências na/da/para educação de surdos. Neste artigo, tomando como base o fato de a educação ser um fenômeno complexo e diverso, refletimos sobre o campo dos direitos humanos e dos direitos humanos linguísticos em relação à educação de surdos. Observamos certas convergências e divergências decorrentes do encontro dos direitos, das políticas e das línguas na proposição e construção de um processo educacional que reconheça e valorize a singularidade linguística e cultural de seu público. E, também, assumimos uma visão crítica em relação às perspectivas maniqueístas que têm gerado ilusões no campo da educação de surdos, as quais têm invisibilizado sua complexidade, generalizado suas particularidades e reduzido sua amplitude. Vimos a centralidade da questão linguística para os surdos, já que todos os direitos humanos estão, sem dúvidas, atrelados à língua e, portanto, os direitos humanos linguísticos constituem-se como basilares ao gozo dos direitos civis, sociais, políticos, econômicos e culturais. Enfim, a educação de surdos existe em meio às diferenças que a caracterizam, às línguas que a especificam e às convergências e divergências que a (trans)formam.

Palavras-chave: Direitos Humanos. Direitos Linguísticos. Surdos. Língua de Sinais. Libras.

Introduction

The field of education is marked and pervaded by the diversity of its audience, of its professionals and of the concepts that are the basis of its everyday existence. A brief and superficial glance at the world of education already shows how heterogeneous and assorted it is. As a social, historical, political and cultural construction, education may be defined based on the systematization that it seeks to establish, on the transformations that it generates, on the standardization that it tries to impose, on the invisibility that it produces, or even on the inequality and injustice that it can generate, reduce, eliminate or maintain.

There are numerous ways of looking at, addressing or dealing with the field of education. And each of these possibilities offers a huge range of alternatives that bring out certain aspects and overwhelm others. Nevertheless, what we see will always be a part of the bigger picture; our look will always have a limited range and a maximum capacity of extension and focus. Therefore, trying to go beyond the limits imposed upon our look, going beyond our capacity, poses both a challenge and a risk. In fact, we could even say it is a yearning for the impossible.

In this article, our aim is to look at the reality imposed upon Deaf Education in Brazil. Aware of our possibilities and risks, we propose a reflection on how rights, policies and languages intersect, deviate and mix up in Deaf Education. Also, how the convergences and divergences in/from/for Deaf Education must be seen and dealt with in its complexity, by means of a critical, conscious and reflective perspective. Thus, the centrality of sign language in Deaf Education must be recognized as a right, since it is a core element in the establishment of citizenship and in the enjoyment of civil, social, political, economic and cultural rights.

Presenting the Topic

Several researches and reflections on deaf education center on the classic approach that illustrates some of the different views that have marked this area of education (Lacerda, 1998). Such approach can be called *philosophies on deaf education*. However, different authors look at these *philosophies* and define them in different ways. There are those who defend the basic existence of only two major branches of philosophy, which ramify into the others; and those who make a distinction between these and other separate approaches, as if they were completely independent (Rodrigues, 2008).

Thus, it would be possible to talk about *oralisms* and *bilingualisms*, as pointed out by Brito (1993), as opposed to the more common approach that distinguishes, for example: oralism, total communication and bilingualism. Rodrigues (2008, p. 63) states that these words could be used in the plural form “[...] to mark the variety of methodologies, interpretations and uses of oralism and bilingualism in Deaf Educa-

tion". Regardless of the perspective that we take up, our understanding of Deaf Education cannot be reduced to models, philosophies or types of analysis that might prevent us from seeing both the minor details and the whole picture.

In fact, the ways in which Deaf Education has been approached reveals certain Manichaeian and polarization tendencies that contrast various binary oppositions in order to encourage integration, understanding and explanation of the reality of education (Skliar, 1997, 1999). Such thought tends to simplify the relationships established between rights, policies and languages, as it reduces human complexity into simple antagonistic relationships often expressed as right and wrong, good and bad, positive and negative, standard and deviation. When presenting this complex thinking, Morin (2006, p. 13) states:

[...] unfortunately, because of the mutilating and one-dimensional vision, an expensive price is paid in human phenomena: mutilation cuts in the flesh, sheds blood, expands suffering. The inability to conceive the complexity of the anthroposocial reality in its micro dimension (individual being) and its macro dimension (mankind as a whole), leads to endless tragedies and leads us to the supreme tragedy [...].

Even though quoting Morin, we do not intend to adopt complex thinking, or its paradigms, conceptual tools or principles; we just want to reflect on the complexity related to convergences and to social, political, cultural, theoretical, linguistic and ideological divergences in/from/of deaf education. Hence, we hope to bring out contemporary issues which are often hidden or unseen, even though they are in front of our own eyes.

In other words, we intend to go beyond a simple reflection on the struggles among inclusive discourse (taken up by the Brazilian government and a number of education professionals); the proposals in special education, which are still present in the educational process; and the new directions for bilingual deaf education, based on the current conception of differences and of linguistic rights.

Therefore, we strive to consciously reflect on human and linguistic rights as feasible guidelines for deaf education. Even though there is the risk of oversimplifying, reducing, standardizing, unifying or even generalizing and misrepresenting reality, we want to analyze the field of rights regarding languages and policies, the two key dimensions of deaf education.

It is known that the topics of inclusive education, special education and others related to bilingual education do not come up in deaf education in a clear or separate way. Rather, these topics cross each other over and are often (con)fused. We can say that such topics move closer and converge in their objective, which is the education of the deaf

and their integration into society. However, they differ in their fundamentals, concepts and in the way they occur. In the late 1990s, Carlos Skliar (1997, p. 32) stated:

[...] you can define a movement of tension and rupture between deaf education and special education; on the other hand, but not always, and because of this movement, one can also speak of an approach of deaf education to the discussions, discourses and educational practices taken by other lines of study in the field of education.

At the same time as the current inclusive discourse seems to deviate from special education while pointing at an education of *all and for all*, it promotes an excluding inclusion of the deaf, as it does not properly deal with the language issue. According to Veiga-Neto and Lopes (2007, p. 949), “[...] upon treating difference as diversity, the inclusion policies (as created and partly enforced in Brazil) seem to ignore the difference”.

In the inclusive discourse, the most important thing is *everyone together, normal and abnormal occupying the same space*, regardless of them sharing the same language, of being able to dialogue with each other or of having the same conditions as the other students. Therefore, we must understand that “[...] equal access does not guarantee inclusion, just as it does not remove the shadow of exclusion” (Veiga-Neto; Lopes, 2007, p. 959). Moving away from the notion that inclusion is simply occupying the same space, the educational proposals that consider the deaf as a linguistic and cultural minority are based on central aspects such as language and respect for others in education. Even though these educational proposals might be nurtured by certain discourses of special and inclusive education, they tend to modify them in order to give *opportunity and voice* to the deaf, without the need to be mainstreamed. This more current perspective defends human and linguistic rights, as opposed to standardizing and excluding practices.

It is important to understand that these inclusive discourses are produced and disseminated in a way that reduces the notion of difference, making one perceive it as mere diversity or simply as the opposite of equality. In reaction to this, we assume that human and language rights are linked to differences, which

[...] are not a cultural truism or a brand of ‘plurality’; differences are historically, socially and politically built; they cannot be characterized as definite, essential and unchangeable wholes; differences are always differences; they should not be understood as something undesirable, inappropriate, that sooner or later will return to normality. Differences within a culture should be defined as political differences – and not just formal, textual and linguistic differences; differences, although seen as wholes or placed in contrast to other differences, are not easily permeable nor lose sight in their own borders; the

existence of differences exists regardless of authorization, acceptance, respect or permission given by normality (Skliar, 1999, p. 22-23).

Therefore, it is clear that deaf education is marked by the presence, coexistence and confrontation of different anthropological and clinical views of deafness, which, at times, lead to an intense approach to special education; at times, to a full identification of inclusive proposals, or to a distancing from them and to a consequent approach of views related to the differences and the rights of linguistic and cultural minorities. According to Quadros (2006, p. 155)

[...] deaf movements cry out for inclusion from another perspective. We notice that they understand inclusion as a guarantee to the rights of access to real education itself, based on teaching principles that are suitable for the deaf. The propositions surpass linguistic issues and include social, cultural, political and educational aspects.

Anyhow, our starting point is the fact that there is an intense longing of the deaf community¹ for, for example, political, academic, linguistic and cultural assertion, which is intercepted and crossed over by a great number of paradoxes, discrepancies and inconsistencies related to differences, languages and rights. The backbone of this longing has been intensely (trans)formed in the past years, by both endogenous and exogenous factors. As an example, we can mention the deaf community's own view of itself, which is not unanimous, since human diversity, as well as differences, mark those who defend sign language and deaf culture. It could not be otherwise, since the deaf and their community do not form a parallel reality oblivious to others. Therefore, it is not the socially produced generalizations or reductionisms, including those found at educational institutions, which define what the deaf community should or should not be or even who may or may not be considered or call himself/herself a deaf person or a member of the deaf community.

The binary relations and oppositions used to make the deaf and sign language fields more academically *palatable* have often nourished attitudes filled with intolerance and prejudice, as the semantic and ideological burden of some of its classic words may be too harmful. Analyzing the complexity of this field, without the desire to omit or delete, might contribute significantly to understand the importance of human and linguistic rights in education. We must also understand that speaking about the rights of the deaf means giving them voice, since

[...] on one end there is how hearing people describe deaf people; the invention of deafness by the hearing. On the other end, there is how deaf people describe themselves. Giving room for them to talk about deafness is, thus, an 'empowerment' of the deaf community. The mentioned

'empowerment' process is, among other things, a complaint about the colonialistic practices of hearing people in regarding the deaf people, as well as a demystification of hegemonic hearing descriptions of sign language, the deaf community and their the cultural productions (Skliar, 1999, p. 24).

Another important aspect is the common binaries in the field of deafness (Skliar, 1997), which are linked to the creation of an opposition between hearing and sight: hearing/deaf; majority/minority; oralism/bilingualism; audism/gesturalism; oral language/sign language; hearing culture/deaf culture; or even the opposition between difference/disability, for example.

We believe that in several occasions these binaries have created illusions in the field of deaf education, which have made its complexity invisible, generalized its peculiarities and reduced its scope. According to Skliar (1999, p. 22)

[...] the binary oppositions assume that the first term defines the norm and the second does not exist beyond of the firsts domain. However, being deaf, for example, does not imply the opposite - and negative - of being hearing, nor being blind, the opposite of seeing; they are unique experiences that constitute a specific difference. In this same perspective, it is possible to think of what Sandoval (1996) termed as oppositional consciousness, that is, a sense of self-identity of those who tell about themselves and oppose and/or resist ethnocentric pressures of standardization and equality. The concept of difference does not simply replace the concept of diversity or plurality, much less the concept of disability or special needs; also, it does not occupy the same discursive space.

Currently, there are supporters of the respect for linguistic and cultural differences of the deaf by using enforcing and punitive mechanisms, which exclude more than embrace; which separate more than unite; which induce isolation rather than coexistence; which standardize more than recognize the differences. Such mechanisms follow a perspective of exclusion that often goes as far as prohibiting that the deaf themselves (speakers of sign language) choose to use oral language in a particular interaction or to use prostheses or cochlear implants. Therefore, the notion of *rights* is reduced to the forced use of sign language at the expense of any other possibilities or individual differences, also restricting the choices that the person could have.

These simplifications of reality might have a negative effect on the very groups that are in it, since the survival and maintenance of the minority group might be linked to certain internal standardization. Those who are part of the group are even forced to have common interests. Moreover, any outstanding sign of individuality is seen as divergence,

forcing the unruly individual to adjust himself/herself to the standards established by the group or to leave the group itself.

Aware of this complexity, we will continue our reflection on three specific biases, in an attempt to offer an unrelated view to the above-mentioned binary oppositions, to inclusive discourses or to the fight on behalf of a group, at the expense of others. The first bias involves analyzing the human condition and the differences viewed from a human rights field point of view; the second bias involves linguistic rights and language policies and, finally, the third one deals with the differences in education as one of the *sine qua non* of its achievements.

The Human Rights Field

Human rights are rights inherent to all human beings, regardless of gender, nationality, place of residency, sex, ethnicity, religion, color or and other categorization (ONU, 2015).

We can say that discussions on human rights started to grow strong in the eighteenth century, when the Age of Enlightenment started. During that period, natural rights were shaped and registered by means of Declarations and were somewhat guaranteed. At that time, some documents which focused on ensuring rights to individuals were signed, such as, for instance, the Virginia Declaration of Rights (1776) and the Declaration of the Rights of Man and of the Citizen (1789).

However, these first measures tended “[...] to restrict the power of the state and grant an area of freedom from the state to the individual or particular groups” (Bobbio, 2004, p. 32). That is, there was a greater concern towards protecting individuals and the individual freedom from repressive government actions than ensuring the equality of individual civil, social, political, economic or cultural rights. As time went by and social-historical changes occurred, this incipient design gained new contours, broadening the notion of human rights.

Norberto Bobbio (2004), a philosopher and a historian of political thought, showed the development of the field of rights in different moments or generations. Starting from the consolidation of the rights to freedom, moving on to political rights, by conceiving freedom not only as a deterrent, but also as autonomous, and, finally, arriving at social rights promoted by freedom granted by the government, Bobbio demonstrated how new demands and contemporary values mature.

Other historical factors also contributed to the definition of human rights as we know today. Among these factors, it is worth mentioning the establishment of the United Nations in the 1940s, after the war, having as one of its core objectives the promotion and the encouragement of the universal recognition and respect of human rights (UDHR, 1948).

It was only in the 1940s that the well-known Universal Declaration of Human Rights was adopted. Although it originally reflects Western ideas, it proposes to reach different nations, peoples and cultures around the world. In addition to the initial individual rights to freedom that it establishes, its notion of human rights has the “purpose of physically and totally reducing social and economic inequalities” that somehow affect the human dignity (Cunha Jr., 2012, p. 623). Thus, those who adopt the Declaration need to ensure and guarantee, for example, conditions for equality to exist among individuals.

Besides the Universal Declaration of Human Rights, several other agreements, pacts and conventions were signed during the second half of the twentieth century and in the early twenty-first century in order to expand the scope of rights considered fundamental. Here are some of which Brazil is a signatory: Convention against Discrimination in Education (1960); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); International Convention on the Elimination of All Forms of Racial Discrimination (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); Convention for the Protection and Promotion of the Diversity of Cultural Expressions (2005); Convention on the Rights of Persons with Disabilities (2006).

In Brazil, the reality involving the field of rights and its enforcement has changed considerably since the end of the military regime, which began in 1964. The country’s well-known new democratization process led to the enactment of the Constitution in 1988. In addition to offering the possibility of a democratic rule-of-law state, the Constitution provided the possibility of a certain institutionalization and reassurance of fundamental human rights in the country. Its content defends citizenship, human dignity, equality before the law, the common good and other important principles, which should be undertaken and promoted without discrimination of origin, race, sex, color, age or any other forms of discrimination.

These perspectives, which are so dear to human rights, also need to impact not only the foundations of education, but also its goals: education on/with/for human rights. The right to education for all is foreseen in the Universal Declaration of Human Rights, as well as in the Brazilian Constitution, which advocates, for example, equal access and permanence in education, as well as quality.

In order for human rights to have a global perspective, its trans/inter/multicultural character should be addressed, even in the educational process. We cannot approach human rights as if they were above and beyond history or as if they were not originated from concepts placed in time and space. This becomes evident when, for instance, we consider the Western origin and character of the mentioned human rights, when

opposed to other international perspectives on human rights, such as the inter-American, the African and the Asian systems (Santos, 2010).

Nowadays, embracing and defending human rights is an acclaimed and desirable action. However, we must be careful that such assumption and defense does not exclude, for example, developing countries or minority groups. If differences are ever denied, for example, in their various linguistic, cultural, social and political aspects, the universal nature of human rights will end and will lose what was its original meaning and drive: the promotion of human dignity, equality, freedom, reciprocity, cooperation, fraternity and the common good. As Santos (2010, p. 87-88) points out

[...] a new policy of rights is needed, with an updated approach to the task of granting power to working classes and coalitions in their struggles to obtain emancipatory solutions beyond Western modernity and global capitalism. A new model of human rights is needed, based on a new foundation and with a new justification. [...] The new model of human rights should go into the roots of modernity, both the roots recognized as their own, as well as the roots rejected for their colonial externality. Hence, going to the roots implies in going beyond the roots.

Human rights should be universal because they fulfill the desires and demands of different groups and cultures that form the global society, and because they encourage dialogue and mutual respect, broaden horizons regarding other individuals; and not for their imposition based upon the idea that the definition of *human* and *human dignity* are not historical and cultural and, therefore, can be *imposed upon any and all groups* regardless of the circumstances.

Finally, the debate on human rights cannot be generalist, reductionist or surrender to the wiles of oversimplification. Human rights must involve the multiple aspects of our local society without ignoring the global society, and of the global society without suppressing the local one. They must encourage mutual respect and dialogue based on: (i) the openness to other individuals and to how they see reality; (ii) reciprocity and recognition of the uniqueness of another individual who is similar or different; (iii) the effort to refrain from unilateral imposition, but to listen to others and to understand them; (iv) the search for debates and discussions that do not deprive the other individual of his/her characteristics nor degrade him/her, and, finally, (v) the promotion of the common good.

These issues restate that human rights cannot be for just a few, but they need to be extended to all, including minority groups. Having this in mind, the World Federation of the Deaf (WFD) has as one of its main priorities to guarantee human rights for deaf people around the world. The Federation website states:

One of the most important priorities in the work of the World Federation of the Deaf (WFD) is to ensure human rights for Deaf people all over the world, in every aspect of life. Human rights are universal and they belong to everyone regardless of sex, national or ethnic origin, colour, religion, language, or any other status such as disability or deafness. Thus, Deaf people are entitled to exercise civil, political, social, economic and cultural rights on an equal basis with everyone else (HUMAN RIGHTS, <http://wfdeaf.org/human-rights>).

This disposition of the WFD is based on the fact that deaf people are often stripped of their rights, including human rights. In most cases, social barriers and linguistic prejudice prevent deaf people from accessing and enjoying their rights. Undoubtedly, all human rights are linked to language and, therefore, linguistic human rights are fundamental to the enjoyment of civil, social, political, economic and cultural human rights.

Thus, the WFD lists four factors which amount to the promotion and protection of human rights for deaf people: (1) respect and acceptance of sign language; (2) the establishment of bilingual education; (3) access to socially transmitted information; and (4) the interpretation of/for sign language. These factors are based and focus on the recognition and use of sign language as a first language or in this case, the mother tongue of the deaf. Therefore, dealing with the guarantee of human rights for deaf people means speaking about linguistic human rights.

Linguistic Human Rights²

According to Skutnabb-Kangas; Phillipson and Rannut (1995, p. 1), “linguistic rights should be considered basic human rights”. The outlook these theorists have on presentation, setting and context of linguistic human rights brings human rights and languages inseparably close. This is a central aspect when addressing minority groups, which are often socially excluded because of their linguistic and cultural differences.

Linguistic majorities, speakers of a dominant language, usually enjoy all those linguistic human rights, which can be seen as fundamental, regardless of how they are defined. Most linguistic minorities in the world do not enjoy these rights. It is only a few hundred of the world's 6-7,000 languages that have any kind of official status and it is only speakers of official languages who enjoy all linguistic human rights (Skutnabb-Kangas; Phillipson; Rannut, 1995, p. 1-2).

This perspective, which turns the access and use of language into a fundamental right, is a significant modern-day step forward and

nurtures the importance of language policies in today's society. One of them is the Universal Declaration of Linguistic Rights, also called the Barcelona Declaration, adopted at the World Conference on Linguistic Rights, held on 6-9 June 1996 in Spain. This Declaration was signed by UNESCO and several other non-governmental organizations in order to support and promote linguistic rights.

It is clear that the adoption of a document to ensure linguistic rights, in accordance with the Universal Declaration of Human Rights (1948), creates an understanding that takes into account both the whole and the various individual aspects, as it acknowledges, values and promotes differences related to linguistic diversity and wealth.

It is our understanding that it is inconsistent to defend the universality of human rights if there is no universal access to such rights in regards to freedom of access and to the use of the individual's mother tongue or first language. Therefore, language deprivation, linguistic genocide, discrimination and linguistic prejudice have no place in human rights or, more specifically, in linguistic human rights.

People who are deprived of LHRs [Linguistic Human Rights] may thereby be prevented from enjoying other human rights, including fair political representation, a fair trial, access to education, access to information and freedom of speech, and maintenance of their cultural heritage (Skutnabb-Kangas; Phillipson; Rannut, 1995, p. 2).

There is no doubt that language is a key aspect in the development of an individual. It is clear that language, as a fundamental element of the human condition, allows us to acknowledge ethnicities and groups, and is also an important cognitive component of cultural identification. An individual cannot have access or enjoy his rights without the use of language. Therefore, the person cannot be deprived of language nor prevented from using his first language, which is an essential part of his thought, humanity, cultural identity etc.

Nowadays, it is possible to state that the acknowledgement of linguistic human rights may be considered one of the most important demonstrations of respect for diversity and, therefore, the promotion of equality, since the "lack of linguistic rights often prevents a group from achieving educational, economic and political equality with other groups" (Skutnabb-Kangas; Phillipson; Rannut, 1995, p. 7). Consequently, the promotion of human rights presupposes the guarantee of linguistic human rights. In the afterword of the book *Deaf Gain: Raising the Stakes for Human Diversity*, edited by Dirksen Bauman and Murray and published in 2014, Skutnabb-Kangas (2014, p. 496) states that

Languages are 'killed off'. Most disappearing languages, including sign languages, are victims of linguistic genocide. One reason why we desperately need Linguistic Human Rights (LHRs) in education and elsewhere, and why

maintenance of all the world's languages is so vital [...] is that LHRs can counteract linguistic genocide, especially in education.

The deaf reclaim their linguistic human rights when they profess their acknowledgement and respect for sign language as a core component of their social, cultural, political and academic visibility. Sign language should then obtain legitimacy for social use in all areas, especially within the family and in education. Added to this is the fact that the deaf (meaning those who use sign language and are immersed in the deaf community) have the right to circulate in all other language modalities, vocal-auditory or gestural-visual, according to their own wishes or personal interests. Linguistic human rights do not entail the imposition of a language, but the recognition and appreciation of all languages upon the ensured access to a language that can be fully acquired.

In the text entitled *The Right of the Deaf Child to Grow up Bilingual*, Grosjean (2001) lists some key aspects to the development of deaf children, which are marked by the language issue. In his view, the deaf child should have the right to a bilingual development and this means that he/she has to: (1) communicate with parents and family members as soon as possible; (2) develop cognitive abilities in infancy; (3) acquire world knowledge; (4) communicate fully with the surrounding world and (5) acculturate into two worlds. Therefore,

[...] every deaf child, whatever the level of his/her hearing loss, should have the right to grow up bilingual. By knowing and using both a sign language and an oral language (in its written and, when possible, in its spoken modality), the child will attain his/her full cognitive, linguistic and social capabilities (Grosjean, 2001, p. 110).

The researcher Lucinda Ferreira Brito (1985) lists some linguistic rights of the deaf, based on individual linguistic rights proposed by Professor Gomes de Matos (1984). For her, all deaf people are entitled to: (1) linguistic equality; (2) language acquisition; (3) learning the mother tongue (sign language); (4) using the mother tongue; (5) making a language choice; (6) the preservation and defense of the mother tongue; (7) enrichment and appreciation of the mother tongue; (8) acquiring a second language; (9) full understanding and production; and (10) specialized treatment to learn an oral language.

Thus, as advocated by Brito (1985 p. 390-391), deaf people have linguistic rights that must be respected, because (i) the deaf child has “[...] the right to be ‘understood’ by his or her parents and to receive the linguistic data necessary for his or her early language development (in the period for mother-tongue acquisition). In case of hearing parents, they must provide their deaf children with the possibility of mutual understanding, by learning sign language as soon as they find out their

child is deaf”; (ii) the parents of deaf children have the “[...] right to learn and use sign language (the natural communication channel for the deaf child) without being forced to, so they can communicate with the child in everyday life and during the period in which the interaction between parents and children is necessary for the child”; (iii) deaf apprentices of an oral language have the “right to make” oral or written mistakes without being punished or humiliated because of inadequate language options; the “right to be made aware of linguistic (or sociolinguistics) prejudice and discrimination”; (iv) deaf teachers or teachers of the deaf have “[...] the right to receive training on the nature of sign language, its structure and uses, and to teach in this language, which is the most natural means of communication with and/or among the deaf”; (v) as bilinguals, the deaf have “[...] the right to switch from one language to another according to the situation presented, as long as he/she is sure that the listener understands the message”; (vi) deaf speakers/lecturers have the “right to lecture in sign language, making themselves understood and, therefore, using hearing interpreters who master sign language and the official language of the event”; and (vii) all deaf people have the “[...] right to use sign language for integration with other deaf people, the first step to integration into society as a whole”.

It is clear that all these proposals for the recognition and respect of linguistic human rights of deaf people converge to the development of language policies that have sign language, a language of gesture-visual modality, as their guiding principle. However,

[...] in order to implement an educational policy for the deaf, it is necessary to describe who these individuals are and how they communicate, but when we summarize descriptions only into a language issue, there is the risk of maintaining binarisms and reinforcing the process of in/exclusion between the deaf and the hearing, as well as among deaf people. Therefore, we are led to question the many possible meanings that arise when we define bilingual education as the desirable proposition for the deaf (Thoma; Klein, 2010, p. 127).

Although there innumerable differences regarding how to enforce and ensure bilingual education for the deaf, the current discussions still converge to a single point: “the language issue is central, especially for those who do not hear”. In fact, one can say that they converge in order to diverge, since the government, the educational institutions, the researchers and the deaf people themselves deal with the language issue in deaf education in a manner that fluctuates a lot, and which many times does not take into account the notion of linguistic human rights. Hence, it is important to acknowledge that

[...] these linguistic rights express the bilingual skills of the deaf, emphasizing the centrality of sign language as their mother tongue, as a deaf child’s first language. Also,

they clearly demonstrate the importance of: access to sign language in/by the family, sign language education, and learning oral language as a second language [...] both languages need to be present and active in the educational process, being recognized, used, valued and taught, while respecting the human and linguistic rights of the Brazilian deaf (Rodrigues; Silvério, 2013, p. 90-91).

Language Policies and Deaf Education

Among other factors, the Brazilian scenario is characterized by its varied linguistic and cultural relationships. However, these relationships are not established in a peaceful manner; on the contrary, they are established, for example, through social, political, ethical and ideological confrontations. It is clear that a variety of beliefs, intolerances and hostilities have marked the history of linguistic and cultural diversity in our country and still affect language policies today.

A brief excursion into our country's history allows us to see various actions involving linguistic genocide and domination, as well as attempts to establish and disseminate the respect for our linguistic and cultural diversity (Hamel, 1988). According to Rodrigues (2014, p. 45), "[...] different policies for regulation, homogenization and standardization emerge from such diversity, followed by the maintenance, strengthening and also by the protection and assertion of differences".

Therefore, different ways of devising and dealing with the Brazilian linguistic and cultural scenario can be historically seen in laws, decrees and other legal decisions that both preserve and ruin this multiple, diverse and plural character of our nation. Regardless of these legal decisions having or not a blending character, they interfere with the linguistic scenario of the nation and affect the various groups of speakers of less-valued or less-prestigious languages in Brazil.

There are different and distinct realities concerning Brazilian sign languages³. Until the 1980s, we notice the resistance and struggle of deaf groups for the acceptance and maintenance of sign language. From then on, we can see that these groups have been strengthened and there has been a greater presence of deaf people in education. These factors, bolstered by other social, academic and political elements, have supported the dissemination and visibility of Brazilian sign language in education. During the Pre-Congress of the V Latin American Congress on Bilingual Education for the Deaf, held at the Federal University of Rio Grande do Sul in Porto Alegre/RS, on 20-24 April 1999, the deaf drew up a document called *The Education we deaf people want* (Feneis, 1999), which registers a historic moment of deaf movements fighting for their rights, for the acknowledgement of sign language, for the affirmation of their culture and identity; in sum, for the achievement of their linguistic human rights. According to Quadros (2006, p. 156),

[...] this document was widely disseminated to the deaf and to governmental and non-governmental organizations in the country. The document includes proposals in the area of human rights, details on the school for the deaf, on special classes for the deaf in places where it is not possible to create schools for them, the relationships between deaf and hearing teachers, thoughts on cultural and social issues of the deaf concerning education, including sign language, curricular proposals, family relationships, and deaf arts. It also includes proposals for training deaf teachers, by establishing the difference between teachers, instructors, monitors and deaf researchers.

After the Brazilian Sign Language was recognized and regulated by Law 10436/02 and Decree 5626/05, respectively, a new era for deaf education started in the Brazilian scenario, marked by linguistic, ideological, political, academic and cultural issues. There is some tension between attitudes and the movements that keep the deaf away from exercising their citizenship in the name of a so-called inclusion, and those who want to ensure human rights and linguistic human rights not only for the Brazilian deaf, but also to all those who somehow are unable to enjoy them.

Thus, the linguistic policies and plans involving the Brazilian deaf, which are defined by, for example, Laws and Decrees, attempt to bring together the fields of rights, languages and policies in order to promote human condition and differences.

The Decree, although officially written by the government, states the desires and demands of the deaf community and alters the status of Libras with regard to its recognition and position in relation to other languages, including Portuguese. The empowerment of the Deaf Community by means of, for example, the recognition of Libras, helps take Deaf Education beyond special education, giving it a central character in Bilingual Education of the deaf and in linguistic and cultural training in our country (Rodrigues, 2014, p. 64).

In short, rights, policies and languages in deaf education must contribute to the development of an educational process based on the respect for the other person.

Therefore, deaf education must qualify as an education that considers linguistic and cultural diversity to promote a person's normal development at various levels and consequently, the person's active presence in various social spheres. Hence, deaf education needs to rely on "[...] the participation of deaf people in the formation of their education, not only as a target audience of education, but also as intellectuals, teachers and administrators, in short, as education agents" (Rodrigues; Silvério, 2013, p. 98).

Final Remarks

Deaf education cannot be viewed and understood as something extraneous to the broader context in which it stands. This means that deaf education is imbued with the heterogeneity that characterizes mankind and, in turn, the socio-cultural condition. Besides, *deaf* as an ideal and abstract entity does not exist. Instead, there is *deaf* as a unique individual, with a specific life and identity formation, which single him/her out from other *deaf* or hearing individuals.

Deaf education must be a place where paradigms are shifted; an important place for those who participate, whether deaf or hearing. And in order for this to happen it is necessary to sever the notion that knowledge can be sectioned and fragmented. It is necessary to overcome the idea that there is a hierarchical classification of content, language or knowledge, based on an assumed importance or supremacy of one over the other.

If we understand that the individual is multidimensional, multiple and diverse, we, for example, will understand that education, involving or not the deaf, is a space for reflection, understanding and respect for the other individual and, therefore, for differences. Thus, human rights must be placed as guiding elements, and linguistic human rights should be viewed as principles.

Hence, the development of policies focused on the deaf need to rely on linguistic human rights by recognizing and prioritizing human dignity, which can be grasped as quality of life, social welfare and citizenship. Thus, the language issue, although central, cannot suppress individual freedom or differences, but should recognize, consider and value the access to civil, social and political rights. This perspective allows that, for example, the contradictions, tensions, paradoxes and inconsistencies in deaf education be addressed altogether, without bypassing specific features or differences.

Finally, the rights, policies and languages involved in deaf education all converge to the linguistic issue, even if they diverge: reject or not sign language, disregard or not the uniqueness of the deaf. Either way, human complexity marks education and, therefore, regardless of how languages are dealt with in education, there will always be the convergence and divergence of ideological, legal, political, linguistic, social, cultural and academic conflicts in/from/for deaf education.

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Notes

- 1 We have given a broader meaning to deaf community here, understanding that it involves all those who somehow make it up: the deaf and their families, researchers, teachers of the deaf, translators, sign language interpreters; in sum, each and any individual affected by sign language to a certain extent.
- 2 The first outlook on Linguistic Human Rights was flagged by the Brazilian teacher Francisco Gomes de Matos in the 1980s and published in the *Cultura Vozes Magazine* (Gomes de Matos, 1984a) and in the FIPLV WORLD NEWS bulletin (letter) of the International Federation of Language Teacher Associations, published within the UNESCO-ALSED Program – *Anthropology and Language Science for Educational Development* (Gomes de Matos, 1984b).
- 3 We basically refer to the Brazilian Sign Language (Libras) and its variations, but the plural form (sign languages) was used here in an allusion to the Kaapor Sign language, and the indigenous sign languages, characterized as emerging (Vilhalva, 2009), for example.

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