ABSTRACT Pupavac examines the rise of linguistic human rights advocacy and its approach in a case study of language politics in the post-Yugoslav states. A core concern of contemporary linguistic rights advocacy has been to tackle ethnically based discrimination and promote ethnic diversity. It does not only seek to prevent states from discriminating against those who speak minority languages. It expects states to take positive steps to preserve their diversity of languages. However, strategies affirming distinct linguistic identities may become complicit in perpetuating ethnic discrimination and ethnic divisions, as is evident in the language politics of the post-Yugoslav states.

KEYWORDS BCS, Bosnian, Croatian, human rights, language rights, linguistic human rights, linguistic minorities, post-Yugoslav states, Serbian, sociolinguistics

Linguistic human rights advocacy and its discontents

There has been a remarkable expansion of international human rights advocacy over the last decade. This expansion has inspired a new movement for linguistic human rights. Not only has more attention been paid to existing language rights in existing international documents, but important new documents and provisions have been codified, such as the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992 or the Council of Europe’s European Charter for Regional or Minority Languages 1992. Linguistic human rights advocacy, as the titles of these documents indicate, has become linked to what is known as the third generation of rights, namely, cultural or identity rights. Linguistic human rights advocacy seeks to prevent language loss and foster minority languages in order to improve inter-ethnic relations and the status of minorities. However, there are certain problems with linguistic rights being understood in this way.

The linguistic human rights literature has predominately been written from an advocacy perspective. Consequently, it has tended to assume that the recognition of rights must advance the rights and well-being of groups. However, if we understand that the development of human rights, like law in general, has had historically both progressive and repressive strands, then we cannot assume that the codification of particular rights necessarily
promotes social justice and political freedoms. But, in making precisely this assumption, most human rights literature has revolved around rights protection, around the codification and implementation of rights. Consequently, much human rights literature has been rather impatient with discussing the nature of rights. Thus, Susan Mendus states: ‘We should begin, not with a theoretical anxiety about the nature and origin of rights, but rather with a political question about what protection rights can afford us.’

Nevertheless, a glance at the history of minority rights, to which linguistic rights have become linked, demonstrates abhorrent past uses under the Nazis and the apartheid regime, undermining social justice and political freedoms. As the philosopher Hannah Arendt reminds us, ‘minority treaties did not necessarily offer protection but could also serve as an instrument to single out certain groups for eventual expulsion’, that is, facilitate their statelessness. These abhorrent uses should at least serve to make us pause and reflect upon the nature of the rights being advocated and whether they do advance justice and freedom. Of relevance to linguistic human rights thinking has been a tendency to assume that the 1990s codification of international human rights expands people’s rights, and that the three successive generations of human rights are compatible with each other. However, tensions exist between language rights as freedom of communication and language rights as identity recognition. Language rights as identity recognition can exacerbate ethnic divisions rather than overcome them. At the same time, the codification of rights as identity recognition can represent a diminished model of justice: bureaucratic administration of justice rather than substantive justice.

This article will explore the problems of discriminating language rights through an analysis of language politics in the post-Yugoslav states. Language has been an important aspect of nationalist politics in the region. Indeed, disputes over language rights prefigured the ethnic divisions of the war. Yet, ironically, the Socialist Federal Republic of Yugoslavia (SFRY) had one of the most extensive provisions for language rights in the world. Indeed, the country had contributed to the drafting of international linguistic rights documents prior to its break-up. Nevertheless, language became a site of political contestation in which disputes were not confined to the position of Slovenian, Macedonian, Albanian, Hungarian or other languages versus the dominant language formerly known as Serbo-Croatian, but involved disputes over the codification of the latter as a single language. The break-up of the SFRY has involved the break-up of Serbo-Croatian as an official language and the designation of distinct Bosnian, Croatian, Montenegrin and Serbian official languages, commonly referred to as BCS among international interpreters, whose usage I will follow here.

1 Susan Mendus, ‘Human right in political theory’, Political Studies, vol. 43, 1995, 17.
2 Hannah Arendt, The Origins of Totalitarianism (London: George Allen and Unwin 1958), 282.
The successor states have signed up to key international human rights documents. The constitution of Bosnia and Herzegovina has incorporated international human rights conventions into Bosnian law, including the European Charter for Regional or Minority Languages 1992 and the Framework Convention for the Protection of National Minorities 1994. Its constitution also contains a non-discrimination clause, which includes the ground of language. Ironically, however, linguistic human rights discourse, despite its conscious goal of preventing discrimination, has actually helped legitimize ethnic divisions in the post-Yugoslav states. Importantly, nationalists in the region have been invoking linguistic rights to assert difference, support negative stereotyping and demarcate ethnic minorities from mainstream society. BCS language politics illustrates how the designation of linguistic minority status can be experienced as exclusionary and the deprivation of full citizenship rights. Equally, the assertion of distinct language claims can be an obstacle to ethnic coexistence. In other words, more can mean less, in which case minority rights can be used to deny rights and deter reconciliation. The case is of relevance not only to the needs of ethnic minorities and refugees in the new expanded Europe but to linguistic policies in other post-conflict areas such as Northern Ireland.

I begin by outlining how the evolving linguistic human rights framework conceptualizes linguistic rights as encompassing positive identity recognition, not simply negative civil freedoms. I then highlight the influence of identity politics and the importance of identity recognition in the contemporary understanding of justice. Finally, I examine the definition of a language in linguistic rights advocacy and its application to BCS language politics.

Recognizing linguistic identity

Language rights have been given a new prominence under international law since the end of the Cold War. Linguistic human rights thinking has basically followed prevailing patterns in the human rights sector and its interest in group, cultural or identity-based rights. Greater emphasis has been put on collective rights in linguistic human rights advocacy. Individual linguistic rights evidently mean little if one cannot exercise them with other people, for

3 Constitution of Bosnia and Herzegovina, Annex I, in the General Framework Agreement, 14 December 1995, Annex 4, available on the website of the Office of the High Representative (OHR) at www.ohr.int/dpa/default.asp?content_id = 372 (viewed 6 February 2006).
4 Constitution of Bosnia and Herzegovina, Article II (4), in the General Framework Agreement, Annex 4.
5 Rainer Enrique Hamel, ‘Language conflict and language shift: a sociolinguistic framework for linguistic human rights’, International Journal of the Sociology of Language, no. 127, 1997, 105–34 (119).
language is fundamentally about communication. However, linguistic human rights advocacy over the last two decades has not concentrated on collective rights to freedom of expression and assembly, but has been ‘committed to the struggle for the promotion, preservation and protection of language minority communities’,6 that is, maintaining language diversity and securing the right to communicate in a specific language.7 The maintenance of specific languages is treated as a fundamental rather than just an enrichment-orientated right.8 Thus, an advocate speaks of how ‘the continued survival of languages must be seen as a fundamental human rights concern that cannot be abrogated without a compelling governmental interest’.9

Earlier international documents, such as the United Nations Charter 1945 or the Universal Declaration of Human Rights 1948, basically provide non-discrimination and freedom of expression clauses. Accordingly, the International Covenant on Civil and Political Rights 1966 provides that persons belonging to ethnic, religious or linguistic minorities ‘shall not be denied the right, in community with other members of their group . . . to use their own language’.10 The actions expected of states are concerned with individuals’ access to general rights, rather than with protecting specific languages. In contrast, the evolving international human rights framework now requires states actively to maintain linguistic identities, not simply refrain from discrimination on the basis of language. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992, for example, requires states to ‘protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity’.11 To realize this objective, the 1992 Declaration requires that states ‘take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs’.12 Likewise, the European Charter for Regional or Minority Languages 1992 requires positive affirmation of linguistic identity in both public and private life. Consider, for example, how the 1966 Covenant refers to the ‘free assistance of an interpreter if [a person charged with a crime] cannot understand or speak the language used in court’.13 In other words, individuals are entitled

6 Sandra Del Valle, Language Rights and the Law in the United States: Finding Our Voices (Clevedon, Somerset: Multilingual Matters 2003), 2 (emphasis added).
7 Hamel, ‘Language conflict and language shift’, 123.
8 Robert Phillipson and Tove Skutnabb-Kangas (eds), Linguistic Human Rights: Overcoming Linguistic Discrimination (Berlin and New York: Mouton de Gruyter 1994).
9 Del Valle, Language Rights and the Law in the United States, 344.
10 International Covenant on Civil and Political Rights, 16 December 1966, Article 27.
11 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, Article 1 (emphasis added).
12 Ibid., Article 4 (emphasis added).
13 International Covenant on Civil and Political Rights, Article 14 (emphasis added).
to an interpreter in court to help their comprehension and ability to represent their case, not to affirm their linguistic identity. However, the 1992 European Charter precisely requires courts to recognize linguistic identity, as its Committee of Experts reiterates in its report to Croatia, which I quote at length:

> It should be underlined that this provision [Article 9], whereby the Parties undertake to guarantee the accused the right to use his/her regional or minority language, goes beyond the right of the accused, as laid down in Article 6 paragraph 3.e of the European Convention on Human Rights, to have the free assistance of an interpreter if he cannot understand or speak the language used in court. This measure goes further in the sense that speakers of a regional or minority language may use that language before a court of law, *even if they are capable of communicating in the official language*, thereby creating or enlarging the space for the use of these languages in the public sphere.¹⁴

In short, fundamental linguistic human rights are deemed, according to the contemporary approach to human rights, to encompass maintenance of linguistic identities. The European Charter has become a catalyst for promoting new language provision for Europe’s linguistic communities in the name of a pluralist Europe.¹⁵

**Justice as identity**

The recognition of linguistic identity in international human rights documents has been propelled both by the influence of identity politics and contemporary international conflict-management policies, which have rejected earlier assimilatory modernization strategies. Assimilatory modernization strategies posited economic development as key to promoting social justice and international peace. Within the modernization model, an inverse link was made between linguistic diversity, and national and social development.¹⁶ Policy discussions considered whether linguistic homogeneity was a consequence of modernization or a prerequisite.¹⁷ Hence, linguistic diversity was not regarded as part of social justice under the modernization model, but even counter to social justice as a possible obstacle to development.

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¹⁴ European Charter for Regional or Minority Languages, Application of the Charter in Croatia, Report of the Committee of Experts on the Charter, Strasbourg, 20 September 2001, paragraph 62.

¹⁵ European Charter for Regional or Minority Languages, Explanatory Report, 1993, paragraph 32.

¹⁶ Stanley Lieberson, *Language Diversity and Language Contact* (Stanford, CA: Stanford University Press 1981), 19.

¹⁷ Ibid.
However, the negative policy view of linguistic diversity changed as modernization strategies came under criticism for undermining the stability of societies and creating frustrated, alienated and rootless individuals. Modernization’s failures generated concern that international policy should tackle anomie, and devise sustainable development policies that would foster stable functional communities. Official policy was reinforced by developments in radical politics away from Marxian-inspired accounts that posited the proletariat as a progressive class ultimately seeking to extinguish itself as a class. The new identity-based politics that developed in the 1960s, disenchanted with both western and Soviet modernization models, instead sought empowerment of group identities as an approach to addressing discrimination and promoting social justice. Against the previous assimilatory modernization models, recognition of identity has become an important strategy to prevent the alienation of marginalized groups and secure their social inclusion. Low self-esteem and lack of identity recognition is regarded as being at the root of many social problems today. Consequently, assimilationist policies are viewed negatively as violating people’s identities, rather than as socially progressive.

These concerns over securing identity are evident in linguistic human rights advocacy, which views linguistic identity as crucial to securing individuals’ psychosocial well-being. Identification with a specific language is treated as essential to a community’s identity and self-esteem, which in turn is seen as crucial to securing a community’s well-being as well as fostering harmonious relations between communities and preventing violent conflict. Thus, linguistic human rights have become part of international governance. Protecting linguistic identities as part of fostering self-esteem is given an important role in addressing the insecurities of people both domestically and globally. Linguistic human rights have, for example, been related by advocates ‘to the solution of some of Africa’s grave social, economic and political problems’. Since language is made a crucial factor for identity, then a language’s demise is seen as annihilating identity. In turn, the linguistic human rights literature conceptualizes the death of languages as lingucide or linguistic genocide. The Genocide Convention’s failure to recognize linguistic genocide is deplored.

18 Peter Berger, Brigitte Berger and Hansfried Kellner, The Homeless Mind: Modernization and Consciousness (Harmondsworth: Penguin 1974); E. F. Schumacher, Small Is Beautiful: A Study of Economics as if People Mattered (London: Blond and Briggs 1973).  
19 Axel Honneth, The Struggle for Recognition: The Moral Grammar of Social Conflicts (Cambridge: Polity Press 1995); Charles Taylor, ‘The politics of recognition’, in Amy Gutmann (ed.), Multiculturalism: Examining the Politics of Recognition (Princeton, NJ: Princeton University Press 1994), 25–73.  
20 Del Valle, Language Rights and the Law in the United States, 82n21.  
21 Phillipson and Skutnabb-Kangas (eds), Linguistic Human Rights, 345.  
22 Del Valle, Language Rights and the Law in the United States, 341.
model of justice therefore encompass specific language recognition. Accordingly, linguistic human rights are being advanced today as rights of difference against assimilation in which language loss is equated with social pathology.\textsuperscript{23}

Since linguistic identification is seen as core to securing identity, there is more sympathy for recognizing subjective linguistic identifications, that is, claims for language recognition based on a community declaring itself to be a distinct language community. Equally, policies to protect the ‘\textit{social conditions of production}’ of communities have been demanded to facilitate linguistic identity maintenance.\textsuperscript{24} Yet, claim-making by marginalized groups through identity rights may simply represent attempts to gain the rights, freedoms and social goods enjoyed by other citizens, especially when groups astutely anticipate that contemporary policy responses favour identity claims rather than general claim-making.\textsuperscript{25} Furthermore, a linguistic model treating language erosion as fostering social pathology supports linguistic identity rights becoming an obligation over individuals. Accordingly, some identity rights advocates are sympathetic to limiting freedom of choice in order to impede assimilation out of a linguistic minority.\textsuperscript{26}

However, at times the promotion of linguistic identities to provide self-esteem seems to resemble an attempted bureaucratic quick-fix to the problem of securing identity, and a substitute for social justice in circumstances of postmodern malaise. As an Australian civil servant admits, speaking on the lack of social prospects for poor Aboriginal youth: ‘One of the things that will keep them going is to keep them strong in their own culture.’\textsuperscript{27} Moreover, critical voices are being raised over unintended negative consequences of identity recognition.\textsuperscript{28} Concern has been raised that identity-based claim-making risks solidifying differences between people instead of overcoming social inequalities. For justice based on special pleading risks fostering rival victim claim-making led by group

\textsuperscript{23} Hamel, ‘Language conflict and language shift’; Phillipson and Skutnabb-Kangas (eds), \textit{Linguistic Human Rights}.

\textsuperscript{24} Hamel, ‘Language conflict and language shift’, 122 (emphasis added).

\textsuperscript{25} Christina Bratt Paulston, ‘Epilogue: some concluding thoughts on linguistic human rights’, \textit{International Journal of the Sociology of Language}, no. 127, 1997, 187–95.

\textsuperscript{26} Jacques Maurais, ‘Regional majority languages, language planning, and linguistic rights’, \textit{International Journal of the Sociology of Language}, no. 127, 1997, 135–60; Taylor, ‘The politics of recognition’, n48.

\textsuperscript{27} Quoted in Mark Abley, \textit{Spoken Here: Travels among Threatened Languages} (Boston and New York: Houghton Mifflin 2003), 22.

\textsuperscript{28} Brian Barry, \textit{Culture and Equality: An Egalitarian Critique of Multiculturalism} (Cambridge: Cambridge University Press 2001); Wendy Brown, \textit{States of Injury: Power and Freedom in Late Modernity} (Princeton, NJ: Princeton University Press 1995); Todd Gitlin, \textit{The Twilight of Common Dreams: Why America Is Wracked by Culture Wars} (New York: Owl Books 1995); Kenan Malik, \textit{The Meaning of Race} (Basingstoke: Macmillan 1995); Slavoj Žižek, \textit{The Ticklish Subject: The Absent Centre of Political Ontology} (London and New York: Verso 1999).
representatives whose social position within and outside their community relies upon their community’s marginalized condition. Consequently, identity-based claim-making may encourage social problems being conceptualized as competing identities and exacerbate inter-ethnic tensions. Again, identity rights may be invoked against communities, or within communities, reinforcing undemocratic power relations and group conformity. These criticisms are relevant to the experience of the new states of former Yugoslavia.

**Discriminating language divisions**

Before I examine BCS language politics, I need first to return to the question of when is a language, because this is fundamental to proper anti-discriminatory language-planning and is at issue in the BCS language disputes. What is a language under international human rights instruments remains muddled despite its obvious importance. Human rights advocates, in their haste to establish a human rights framework, have overlooked the problem of determining when a language exists, and concentrated on codifying rights and monitoring procedures. The European Charter exceptionally provides a definition and explanatory notes. However, its practice contradicts its own definition of a language, which ‘does not include dialects of the official language of the state’.

What criteria can be used to determine when a distinct language as opposed to a dialect exists? Essentially, the criteria fall into two sorts: comparative linguistic criteria or subjective criteria involving the speakers’ identification of themselves as having a distinct linguistic identity. Differences between external and internal definitions of a language’s existence commonly relate to the dialect/language distinction. Under external linguistic categorization, American and British English are varieties of the same language, as are Dutch and Flemish, although they may have different titles. The Explanatory Report to the European Charter expressly states that the Charter does not recognize a language on the basis of personal claims:

29 Heather Brookes and Shirley Brice Heath, ‘Book review: Overcoming Linguistic Discrimination, edited by T. Stutnabb-Kangas and R. Phillipson’, *International Journal of the Sociology of Language*, no. 127, 1997, 199.

30 Nancy Fraser, ‘Social justice in the age of identity politics: redistribution, recognition, and participation’, in Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London and New York: Verso 2003), 76.

31 European Charter for Regional or Minority Languages, Strasbourg, 5 November 1992, Article 1.

32 Tove Skutnabb-Kangas and Sertaç Bucak, ‘Killing a mother tongue: how the Kurds are deprived of linguistic human rights’, in Skutnabb-Kangas and Phillipson (eds), *Linguistic Human Rights*, 347–70 (364n51).
The concept of language as used in the charter focuses primarily on the cultural function of language. That is why it is not defined subjectively in such a way as to consecrate an individual right, that is the right to speak ‘one’s own language’, it being left to each individual to define that language.33

The Explanatory Report further outlines that the Charter does not recognize a language on the basis of ethnic minority claims:

Nor is reliance placed on a politico-social or ethnic definition by describing a language as the vehicle of a particular social or ethnic group. Consequently, the charter is able to refrain from defining the concept of linguistic minorities, since its aim is not to stipulate the rights of ethnic and/or cultural minority groups, but to protect and promote regional or minority languages as such.34

Again, the Explanatory Report reiterates how the Charter is not designed to protect regional dialects: ‘These languages must clearly differ from the other language or languages spoken by the remainder of the population of the state. The charter does not concern local variants or different dialects of one and the same language.’35

Nevertheless, in recent years, both minority rights advocacy and socio-linguistics have become more sympathetic towards subjective identification, along with endorsing ‘a maximalist position for minorities’.36 So, subjective identifications have been given more weight, although linguist advocates would not necessarily support certain claims to language status that comparative linguistic criteria would challenge. Indeed, subjective language identifications have been recognized under human rights regimes, including the European Charter, despite its provisions to the contrary. For the European Charter allows subjective criteria to be used by the signatory state in determining whether a language exists. As the Explanatory Report goes on to outline, the Charter does not pronounce on the often disputed question of the point at which different forms of expression constitute separate languages. This question depends not only on strictly linguistic considerations, but also on psycho-sociological and political phenomena which may produce a different answer in each case. Accordingly, it will be left to the authorities concerned within each state, in

33 European Charter for Regional or Minority Languages, Explanatory Report, paragraph 17.
34 Ibid.
35 Ibid., paragraph 32.
36 Tove Skutnabb-Kangas and Robert Phillipson, ‘Linguistic human rights, past and present’, in Skutnabb-Kangas and Phillipson (eds), Linguistic Human Rights, 71–110 (103n15).
accordance with its own democratic processes, to determine at what point a form of expression constitutes a separate language.\(^{37}\)

Overlooked in the position outlined by the Explanatory Report is how policies maximizing identity distinctions can demarcate exclusion rather than inclusion. Human rights advocates expect states to recognize minority rights and that minority language rights help minorities resist negative stereotyping and overcome discrimination and marginalization. The identity politics informing human rights thinking leads declarations of distinct identities to be associated positively with social inclusion and pluralism. Human rights regimes are not, however, sensitive to how the very recognition of identity rights can be discriminatory and legitimize ethnic divisions.

**Discriminating BCS language politics**

I now turn to BCS language politics and how language as a symbol of identity rather than a means of communication has triumphed in official pronouncements on the language.\(^{38}\) In looking at BCS language politics, it is useful to compare the language question in relation to American and British English because it indicates for the non-speaker problems with existing language recognition policies and the nature of linguistic discrimination experienced.

Subjective identification and its recognition are at the crux of the BCS language question but, to demonstrate this, and before discussing the appropriateness of international responses, I need to highlight what comparative linguistic criteria lead most foreign linguistic experts to define a common language.\(^{39}\) As the Slavonic and East European Resource Center declares, it is the academic norm ‘to treat BCS as one language’ because, although the ‘language formerly known as Serbo-Croatian has split into three separate standard languages: Bosnian, Croatian, and Serbian (BCS) … all of these standards continue to be based on the same basic dialect type’.\(^{40}\)

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37 European Charter for Regional or Minority Languages, Explanatory Report, paragraph 32.
38 For informative analyses of the course of BCS language politics, see, for example, the work of Ranko Bugarski and Dubravko Škiljan.
39 See, for example, Robert Greenberg, ‘The politics of dialects among Serbs, Croats, and Muslims in the Former Yugoslavia’, *East European Politics and Society*, vol. 10, 1996, 393–415; Kenneth E. Naylor, ‘The sociolinguistic situation in Yugoslavia with special emphasis on Serbo-Croatian’, in Ranko Bugarski and Celia Hawkesworth (eds), *Language Planning in Yugoslavia* (Columbus, OH: Slavica 1992), 82–90. See also the Slavic and East European Language Resource Center website, at [http://seelrc.org/webliography/bcs.ptml](http://seelrc.org/webliography/bcs.ptml) (viewed 6 February 2006).
40 Slavic and East European Language Resource Center website.
According to comparative linguistic analysis, the modern standard language in Bosnia, Croatia, Montenegro and Serbia remains the štokavian dialect (‘sto’ being the word for ‘what’ in the standard dialect). Within the štokavian dialect there are two key variants identified as the Western and the Eastern variants, or the ekavian or ijekavian variants, because their primary distinction is based on the divergent development of a Slavonic vowel: ‘e’ in the Eastern variant, and ‘je’ or ‘ije’ in the Western variant, for example, the word for milk being ‘mleko’ and ‘mlijeko’, respectively. The ekavian variant is the dominant variant of Serbia, while the ijekavian variant is spoken in Croatia as well as southern Serbia, Bosnia and Montenegro. There are also some other distinct features, notably lexical differences across the regions. Commonly cited lexical differences between the standard spoken in Croatia and Serbia include the word for bread (‘kruh’/’hleb’), train (‘vlak’/’voz’) and the months of the year, while the dialects spoken in Bosnia span these lexical differences in important respects, as well as more consciously retaining certain Turkish elements. A visible difference is in the use of the Latin and Cyrillic scripts; the latter was rarely used in Croatia, except in the Krajina region, while its use in Bosnia, common before the war, became confined to the Bosnian Serbs in the course of the war. Thus, the old Bosnian textbooks would be printed in either script. A single textbook might contain both, the script alternating in the chapters. Likewise the Sarajevo-based Oslobodjenje newspaper would alternate the script on its pages, whereas the Belgrade-based Politika used Cyrillic and the Zagreb-based Vjesnik used Latin. Students in Bosnia, Montenegro and Serbia would write in either script, though there was a growing personal preference for using the Latin script in note-taking for the sake of speed, while students in Croatia would write in the Latin script. Moreover, the use of two scripts was previously officially celebrated as symbolizing the language’s inclusiveness and the country’s internationalism in its embrace of both an eastern and western cultural heritage. In contrast, today, the existence of two scripts is invoked to demonstrate inherent differences.

Such was the previous familiarity and interchangeability of the Latin and Cyrillic scripts that students in Bosnia barely had a consciousness of whether a text was in Latin or Cyrillic, in stark contrast to political sensibilities today. I remember, as an exchange student at Sarajevo University in the 1980s, being given a collection of poetry in Cyrillic by a fellow student, a Bosnian Muslim from Srebrenica who did not register that the book was in Cyrillic until I mentioned the fact. Compare this lack of consciousness to how being taught Cyrillic is regarded today as oppressive by non-Serbs. Thus, a Bosnian Muslim teacher, quoted in a recent report in the Times Higher Education Supplement, a singles out inter alia how in a Serbian-dominated

41 Celia Hawkesworth, Colloquial Serbo-Croat (London and New York: Routledge and Kegan Paul 1986), xviii.
Srebrenica ‘Muslim children have to read and write in Cyrillic’, illustrating how Cyrillic is now experienced as symbolic violence, whereas, in the past, when the script was apolitical, it did not necessarily even register with Bosnian students.

The regional linguistic differences have been described as minimal and not impeding mutual comprehension and as being less significant than those between American and British English. Consider distinct features of American and British English, such as gotten/got, toward/towards, as well as lexical variations, such as pacifier/dummy, diaper/nappy or pitcher/jug. However, the regional variations in these four former Yugoslav republics assume huge political significance because of ethnic divisions, whereas the differences between American and British English are not politicized in the same manner. The sociolinguist James Tollefson has written about how ‘language policy is embedded in the rise of the state’. This linkage between language and statehood is crucial to understanding BCS language politics. Linguistic differences loom large today because the assertion of separate languages helped support political claims to separate statehood based on a Romantic ideal of one nation, one language.

Regional variations became sharply politicized during the war with each ethnic group encouraged to take its linguistic cue from the capital city it was orientated towards: that is, the Croats from Zagreb, the Serbs from Belgrade and the Bosniacs (Muslims) from Sarajevo. The cleavages in linguistic identity are evident in Bosnia with instances of people from the same village speaking the same local dialect demanding their distinct language rights. The present language claims may be contrasted with earlier nationalist movements in the region that sought a unified state, emphasizing a common language despite greater regional variance at the time. Interestingly, Croatian linguists of the nineteenth century supported codification of a shared standard language, while Croatian linguists of the present day support the idea of distinct languages lending legitimization to claims to independent statehood. Thus, along with the constitutional codification of Croatian as a

42 Kevin Weaver, ‘Srebrenica still haunts Muslims’, *Times Higher Education Supplement*, 2 December 2005, 12.
43 Thomas F. Magner, *Introduction to the Croatian and Serbian Language* (Philadelphia: Pennsylvania State University Press 1991), ix.
44 Robert Burchfield, *The English Language* (Oxford: Oxford University Press 1985); Bill Bryson, *Made in America: An Informal History of the English Language in the United States* (New York: W. Morrow 1994); Thomas Gustafason, *Representative Words: Politics, Literature, and the American Language, 1776–1865* (Cambridge: Cambridge University Press 1992).
45 James Tollefson, ‘Language policy and power: Yugoslavia, the Philippines, and Southeast Asian refugees in the United States’, *International Journal of Sociology of Language*, no. 103, 1993, 73–95 (93).
46 I. Ravlić, ‘Federacija na ispitu’, *Nedjeljna*, 22 September 1995, 36.
distinct language and new grammars, dictionaries and textbooks, Croatian newspapers began to carry new language advice columns informing readers how to speak a purer Croatian. In contrast, Serbian official policy, politically attached to a unified state, was slower to endorse a distinct Serbian language and less assiduous in pursuing language difference. Bosnian Serb language policy was more politicized than that in Serbia itself; it was linked to efforts to legitimize Republika Srpska as well as strengthen its ties to Serbia. In the course of the war, the ekavian variant was championed as the language of Bosnian Serbs and Cyrillic as their script, although people in Bosnia speak the ijekavian variant and had used both scripts. Tellingly, while Bosnian Serb public figures vainly struggled to comply with the decree, documents produced in public institutions often continued to be typed in the Latin script, because they lacked the resources to replace the old typewriters. Conversely, for Bosnian Croats and Bosniacs, the previous common language policy requiring the learning of Cyrillic became popularly conceptualized as a violation of their human rights. Meanwhile, Bosnian advisers also began to codify a distinct Bosnian language.

Tollefson goes on to state how ‘commonality of language is one of the major sources for the feeling of security-through-belonging that ties individuals to nation-states’.

Hence, declarations of linguistic independence, symbolically denying the commonality of language with the other two ethnic groups, also contribute to removing a ‘feeling of security-through-belonging’. Typical linguistic discrimination related to members of ethnic minorities finding their teaching posts challenged because they were deemed not to speak the official language, although other colleagues with the same local accent did not face these problems. Likewise, it related to documents such as birth, marriage or death certificates, property title deeds or professional certificates being challenged if written in the wrong script or wrong variation, and individuals having to pay for official translations so that the documents would be formally recognized.

Shoring up declarations of linguistic independence, there has been readiness to declare other ethnic groups as members of linguistic minorities. The continuing strong correspondence in the language spoken across the region, however, has made claims impossible to sustain on comparative linguistic criteria. Consequently, subjective criteria have been embraced by those championing the idea of distinct Bosnian, Croatian, Montenegrin and Serbian languages. Claims to linguistic independence have stressed the primacy of subjective criteria in determining language status as well as script over the spoken word.

Tollefson, ‘Language policy and power’, 93.
Radoslav Katić, ‘Croatian linguistic loyalty’, International Journal of the Sociology of Language, no. 147, 2001, 17–29 (26); Ivo Pranković, ‘The Croatian standard language and the Serbian standard language’, International Journal of the Sociology of Language, no. 147, 2001, 31–50 (35–6).
difference became complicit in linguistic discrimination, rather than straightforwardly protecting ethnic minorities. For example, Croatia declared Croatian to be the official language of the state and Serbian as one of its minority languages under the European Charter, although the Charter expressly states that it does not recognize a dialect of the official language as a minority language. The Charter’s mechanisms assume that minority recognition is positive for minorities and, therefore, duly demand that Croatia comply with its minority language provisions. However, the significance of designating linguistic minority status, of being excluded from the standard, is to be symbolically excluded from mainstream society. In sum, language recognition in these circumstances denies correspondence, denies affinity, denies communication and denies ‘the feeling of security-through-belonging’.

The declarations of linguistic independence are explicable in the context of war and state-making and can be expected to relax as the new states become assured in their statehood. Croatian newspapers, for example, no longer devote many column inches to advice on the Croatian language. However, international linguistic human rights as identity rights could reinforce ethnic linguistic divisions. Alternatively, international regional linguistic experts, such as the Slavonic and East European Language Resource Center, have sought to separate again the language question from questions of statehood, declaring in the introduction to its website: ‘While recognizing the countries of Bosnia-Herzegovina, Croatia, and Serbia-Montenegro as separate, independent states, users of the current webliography are encouraged, as is the Academic norm, to treat BCS as one language.’

Linguistic identity rights deterring coexistence

If international linguists have been generally cautious about endorsing the idea of distinct Bosnian, Croatian, Montenegrin and Serbian languages, international negotiators and human rights advocates have been more willing. International documents sometimes refer to distinct Bosnian, Croatian and Serbian languages or provide three translations of a particular document, thereby legitimizing the idea of mutual incomprehensibility. The 1995 Dayton Peace Agreement, for example, was translated from English into three Bosnian, Croatian and Serbian versions, while the 1994

49 European Charter for Regional or Minority Languages, Article 9.
50 Einar Haugen, ‘Dialect, language, nation’, in J. B. Pride and Janet Holmes (eds), Sociolinguistics: Selected Readings (Harmondsworth: Penguin 1972), 97–111 (100).
51 Tollefson, ‘Language policy and power’, 93.
52 Slavic and East European Language Resource Center website.
53 Dubravko Škijan, ‘From Croato-Serbian to Croatian: Croatian linguistic identity’, Multilingua, vol. 19, 2000, 3–20 (6).
Washington Accords was translated into a Bosnian and Croatian version.\(^{54}\) Similarly, the constitution of the Federation of Bosnia and Herzegovina, set up by the 1994 Washington Accords, stated: ‘The official languages of the Federation shall be the Bosniac language and the Croatian language. The official script will be the Latin alphabet.’\(^{55}\) Subsequently, the constitution was revised under international direction and now states: ‘The official languages of the Federation of Bosnia and Herzegovina shall be: Bosnian language, Croat language and Serb language. The official scripts shall be Latin and Cyrillic.’\(^{56}\) Likewise, the relevant provision of the constitution of Republika Srpska, revised under international direction, now reads: ‘The official languages of the Republika Srpska are: the language of the Serb people, the language of the Bosniak people and the language of the Croat people. The official scripts are Cyrillic and Latin.’\(^{57}\) The website of the Office of the High Representative (OHR), designated to supervise Bosnia, provides separate links to other languages, namely, Bosnian, Croatian and Serbian.\(^{58}\) Similarly, internationally drafted election documents in Bosnia are drawn up in three versions. Again, Croatia’s declaration of Serbian as one of its minority languages upon ratification of the European Charter in 1997 raised no international opposition. This stance is in line with the growing endorsement of self-definitions and the advocacy of maximalist positions for minorities. Instead, international human rights experts criticized Croatia for failing to provide sufficient language provision for its ethnic Serbs, and to recognize Bosnian as a minority language.

Also consider briefly the language provision for refugees in host countries, which is all too often shambolic. Guidance notes have proliferated in this area. An Australian report on the welfare of Bosnian refugees, for example, advises: ‘It is offensive to Bosnians to be offered information in Serbian or Croatian with an assumption that those languages are similar and understandable to Bosnians. They often refuse to take it.’\(^{59}\) Here, distrust in an interpreter of another ethnicity is conflated with its expression as language.

\(^{54}\) See the homepage of the General Framework Agreement on the OHR website, at www.ohr.int/dpa/default.asp?content_id = 380 (viewed 7 February 2006).
\(^{55}\) See the footnote to Article 6 of the Constitution of Bosnia and Herzegovina, ‘Official Gazette’ of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, available on the OHR website at www.ohr.int/ohr-dept/legal/oth-legist/doc/fbih-constitution.doc (viewed 7 February 2006).
\(^{56}\) Constitution of the Federation of Bosnia and Herzegovina, Article 6 (1), in ibid.
\(^{57}\) Constitution of Republika Srpska, Article 7 (1), ‘Official Gazette’ of Republika Srpska, 6/92, 8/92, 15/92, 19/92, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96, available on the OHR website at www.ohr.int/ohr-dept/legal/oth-legist/doc/rs-constitution.doc (viewed 7 February 2006).
\(^{58}\) See www.ohr.int (viewed 7 February 2006).
\(^{59}\) Worthington Di Marzio and Cultural Partners Australia, Access to Information about Government Services among Culturally and Linguistically Diverse Audiences, Victoria Department of Premier and Cabinet, Study No. 00/10/2817, October 2001, 71.
difference. But it is one thing to note that Bosnian Muslim refugees might understandably be distrustful of ethnically Croatian or Serbian interpreters because of the war and advise against their use on that ground alone, and quite another to endorse the nationalist position on separate languages. Such misdiagnosis only mystifies inter-ethnic divisions.

International responses promoting special language rights and provision have misrepresented the interests of the ethnic groups speaking a shared language and have been detrimental overall to inter-ethnic relations. Consider simply that, while Croatia has been criticized by international experts over its provision of Serbian and Bosnian, international officials in Bosnia have been grappling with how linguistic identity rights may affirm divisions and marginalize minorities. Rather late in the day, international officials began tacitly to acknowledge how recognizing subjectively defined linguistic identities could hinder inter-ethnic coexistence. International pragmatic support for three distinct Bosnian, Croatian and Serbian languages constructed out of what was previously treated as a single language has hindered the reintegration of Bosnian education since the end of hostilities, as international reports have subsequently highlighted.60 The unintended but predictable consequences can be seen in the 1997 Bosnian decree for segregated education, defended by the Bosnian education minister in terms of fulfilling minority rights requirements. International officials were horrified at the decree, but it reflected the logic of international linguistic human rights as identity rights. Ironically, Bosnian school textbooks revised under international supervision call the language ‘naš jezik’ (our language),61 that is, they universalize it and draw back from language rights as identity claims in their efforts to overcome language discrimination and reintegrate schooling. Similarly, the issue of language has proved a difficulty in integrating higher education in Bosnia. In the words of Zdravko Grebo, a law professor at Sarajevo University, language ‘dialects are used as an excuse for remaining separate’.62 A proposed Framework Law of Higher Education floundered in 2004 on the language question. Again, interestingly, Professor Grebo highlights how ‘the fact that books for courses are usually bought in English, French or German makes a further mockery of this’, that is, the assertion of separate linguistic identities is absurd when universities increasingly rely on foreign textbooks anyway. Effectively, proponents of

60 See, for example, Volker Lenhart, Anatasia Kesidou and Stephan Stockmann, The Curricula of the ‘National Subject’ in Bosnia and Herzegovina: A Report to UNESCO (Heidelberg 1999); Human Rights Coordination Centre, ‘Overview of educational problems in BiH and guidelines for intervention’, Guidelines to the Field, no. 3, Sarajevo, 1 September 1999, 12; World Bank, Bosnia-Herzegovina: Education Development Project, Project BA58512, Report PID 7969, 14 April 2000.
61 Salko Gazibara and Zdravka Zekić, Naš jezik za 5. razred osnovne škole (Our language for the fifth year of primary school) (Sarajevo: Svjetlost 2002).
62 Quoted in Kevin Weaver, ‘A ray of light in a grey landscape’, Times Higher Education Supplement, 2 December 2005.
reform, it seems, are trying to sidestep the language question by promoting the use of foreign lecturers and teaching in English.\textsuperscript{63} Ironically, then, we have the proposed erosion of the use of the mother tongue and the use of a foreign language in Bosnian higher education, that is, a solution that runs counter to the philosophy of linguistic human rights advocates.

Finally, by way of analogy, consider again the relationship between British English and American English. Would we consider British English and American English to be distinct languages? Should special language provision be provided for ethnic Britains in the United States? No doubt such individuals would expect to be understood in that country, and would expect documents in British English, such as birth or marriage certificates, to be accepted by US officials without being required to translate them into American English. However, do they require special linguistic rights such as separate public schooling in British English, the translation of official documents into British English, the right to a court interpreter to recognize his/her British English linguistic identity? International responses to language politics in the post-Yugoslav states have been ill-thought-out and remain contradictory. International linguistic rights approaches have not properly considered how language rights as identity recognition might actually be detrimental to members of ethnic minorities and inter-ethnic relations.

The linguistic human rights literature takes recognition of linguistic identity as a self-evident good and as a measure of the advancement of rights. However, the possibility that linguistic rights as identity rights may become complicit in ethnic discrimination and the denial of rights has not been addressed by the advocacy literature. Significantly, BCS language politics and international responses illustrate how ratification of subjectively defined linguistic minorities may endorse exclusionary politics and discriminate against ethnic minorities.

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\textsuperscript{63} Ibid.