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“One Vision, One Language”: Deconstructing Systemic Language Discrimination in the United States and an Ethical Perspective on the English Only Movement

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## “One Vision, One Language”: Deconstructing Systemic Language Discrimination in the United States and an Ethical Perspective on the English Only Movement

While the United States is home to one of the most ethnically diverse populations in the world, it also embodies one of the most linguistically homogeneous.<sup>1</sup> Many native English speakers may take for granted the extent to which their connection to a politically and economically dominant language grants them access to power that others do not enjoy. A 2019 U.S. Census Bureau survey on languages spoken at home shows that seventy-eight percent of the population speaks only English;<sup>2</sup> English is known to be the globally dominant means of communication and trade, and it has also been proven that higher English proficiency and better economic performance go hand in hand.<sup>3</sup> Native English speakers are typically monolingual,<sup>4</sup> thriving under the impression that they don't need to spend time learning another language because it seems unnecessary. While a monolingual way of life is not inherently harmful, it may give way to a mindset of English superiority, which does present grave ethical consequences for American society. English has been the de facto language of the United States since its founding, but has never enjoyed federal official status; however, in recent years, there has been a resurgence of a desire to declare English as the official language of the United States. Although most countries in the world have an official language, the motives behind the “English only movement” (EOM) are antithetical to our nation's character and, most importantly, unethical in nature. This paper will demonstrate how the EOM contradicts the Kantian

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<sup>1</sup> Abigail Thernstrom, qtd. in Jack Citrin et. al, “The ‘Official English Movement’ and the Symbolic Politics of Language in the United States,” *The Western Political Quarterly*, Vol. 43, No. 3 (September 1990), 535.

<sup>2</sup> U.S. Census, “Language Spoken at Home,” *U.S. Census*, 2019, accessed January 29, 2021, <https://data.census.gov/cedsci/table?q=language&tid=ACST1Y2019.S1601&hidePreview=false>.

<sup>3</sup> Christopher McCormick, “Countries with Better English Have Better Economies,” *Harvard Business Review*, November 15, 2013, <https://hbr.org/2013/11/countries-with-better-english-have-better-economies>.

<sup>4</sup> Lennox Morrison, “Native English speakers are the world's worst communicators,” *BBC*, October 31, 2016, <https://www.bbc.com/worklife/article/20161028-native-english-speakers-are-the-worlds-worst-communicators>.

framework that the Framers of the American Constitution established, and ultimately presents bad-faith utilitarian arguments as a cover for its anti-immigrant animus.

According to the International Covenant on Civil and Political Rights (ICCPR), there are internationally protected categories against which discrimination is, at least in a legal sense, considered always to be unjust and unacceptable: these are “...race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’.”<sup>5</sup> While international law is binding for all countries involved, it is important to note that these categories are also present in our domestic law.

Immanuel Kant’s view of ethics supports the ICCPR, as discriminating against the aforementioned groups of people would always be unethical since it would violate the Formula of Humanity.<sup>6</sup> Legal documents like the ICCPR are necessary to hold individuals accountable for their actions, but Kant’s theory of deontology is key when discussing discrimination; rights are not to be obeyed simply because there would be consequences otherwise, but as a moral obligation to other human beings. It would be irrational to ignore the rights of other free individuals because Kant explains that humans cannot treat each other “as a means to an end”<sup>7</sup>, but must instead always uphold the moral duty of pursuing all actions that respect and treat others equally.

Formally proscribed categories of discrimination in U.S. and international law are meant to be a set of universal, absolute rules. Both of these legal frameworks owe their origins to the Enlightenment’s notions of universality as expressed in Kant’s *Groundwork for the Metaphysic*

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<sup>5</sup> United Nations, “International Covenant on Civil and Political Rights,” *UN Human Rights Office of the High Commissioner*, December 16, 1966, accessed January 21, 2021, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>6</sup> Immanuel Kant, “Groundwork of the Metaphysic of Morals,” National University of Singapore, accessed February 15, 2021, <https://cpb-us-w2.wpmucdn.com/blog.nus.edu.sg/dist/c/1868/files/2012/12/Kant-Groundwork-ng0pby.pdf>.

<sup>7</sup> Ibid.

*of Morals*: “I ought never to act except in such a way that I could also will that my maxim should become a universal law.”<sup>8</sup> While Kantian Ethics is at the heart of the ICCPR, it is also at the heart of American democracy; however, documents like the ICCPR and the Constitution are at best naive, and at worst complicit, in their oppression of those who are different than the standard, for notions of universality often impose one, privileged view of humanity on disparate people and populations.

Even the often-contradictory and ethically paradoxical founders of the American republic saw this on some level. John Adams, one of the Framers of the Constitution, expressed his desire to make English the official language and to establish “the first public Institution for refining, correcting, improving and ascertaining the English Language”.<sup>9</sup> The rest of the Framers felt that imposing an official language not only seemed contradictory in their separation from the British Crown, but unethically exclusive towards linguistically diverse immigrants. The Framers sought to establish a certain set of unalienable rights for the American individual, and the establishment of an official language would have obstructed many citizens’ right to participate in democracy. Giving English speakers easier access to public services, education, and government would create a English favored system, in turn violating Kantian ethics and the Declaration of Independence in that “all men are created equal”. Although the Framers institutionalized other forms of exclusion, the right to use languages other than English was never explicitly acknowledged or denied in any foundational U.S. document.

In order to characterize discrimination as systemic, its very nature depends on people not recognizing their own internalized biases. In order to understand where these biases against

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<sup>8</sup> Kant, “Groundwork for the Metaphysic of Morals.”

<sup>9</sup> John Adams, “From John Adams to the President of Congress, No.6, 5 September 1780”, accessed February 15, 2021, <https://founders.archives.gov/documents/Adams/06-10-02-0067>.

language come from, one must consider the colonial history that gave rise to the modern world and its political and social tensions:

“...language becomes a problematic legacy of colonialism...Language academies such as La Real Academia Española de la Lengua and L’Académie Française, imposed new aesthetic standards, enforced through grammars and dictionaries, to which the new colonies were to adjust and be measured against. Language became embedded with notions of purity...”<sup>10</sup>

The same is true for other colonial territories and former colonies around the world. The United States is a colonized land whose linguistic reality is not an absolute quality of the place itself, but rather the vagaries and violences of history. Its universal founding principles declare that all its citizens are equal, but equality can also be used as a weapon for neutralizing difference to the benefit of those whose values and priorities most closely align with the supposedly universal paradigms. For instance, there has always been a targeted group of foreigners throughout U.S. history, which may shift based on historical events, such as the “patriotic hysteria and suspicion of foreigners”<sup>11</sup> that sharply rose during the First World War and the subsequent establishment of anti-German legislation. The idea of “linguistic chauvinism” began with the acquisition of several pieces of land from other countries and continued into the formation of our current states.<sup>12</sup> Louisiana and California are both noteworthy examples: Louisiana was not granted statehood until its constitution explicitly stated that “all state laws, official documents, and judicial and legislative materials” would be in English, and while the California Constitution of 1849 initially allowed all laws, decrees and regulations to be provided in both English and Spanish, English was eventually required in the classroom and the right to vote was conditioned upon the ability to read and write in English.<sup>13</sup>

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<sup>10</sup> Daynali Flores-Rodríguez, “Language, Power and Resistance: Re-Reading Fanon in a Trans-Caribbean Context,” *The Black Scholar*, Vol. 42, No. 3-4 (September 2012), 29.

<sup>11</sup> Hiram Puig-Lugo, “Freedom to Speak One Language: Free Speech and the English Language Amendment,” *Chicano-Latino Law Review*, Vol. 11, No. 1 (1991), 39.

<sup>12</sup> *Ibid.*, 37

<sup>13</sup> *Ibid.*, 37

The push to eliminate difference and assimilate foreigners is reminiscent of the cultural genocide ingrained in the society of the colonizer,<sup>14</sup> but the use of a foreign language renders certain people more vulnerable to accepted strategies and mechanisms of exclusion.

John Adams may have been the first, but he was certainly not the last to propose English as the official language of the United States. The contemporary EOM is largely attributed to one man: John Tanton. Tanton was a retired ophthalmologist who co-founded U.S. English with Senator S.I. Hayakawa, and established other anti-immigrant organizations, such as the Federation for American Immigration Reform (FAIR), the Social Contract Press (TSCP), and ProEnglish.<sup>15</sup> An attempt to deconstruct the EOM should hew close to Barbara Johnson's reminder that "deconstruction is not synonymous with 'destruction'"<sup>16</sup>, but a manner of analysis that Peter Barry says "uncovers the unconscious rather than the conscious dimension of text, all the things which its overt textuality glosses over or fails to recognise."<sup>17</sup> Deconstructing the EOM requires a deeper look at the roots of the causes it advocates for the most: a call for national unity and the elimination of bilingual education.

There is no question that a common language can be a uniting feature for citizens within a society. One recent attempt at passing an official language bill was the English Language Unity Act of 2011 (ELUA) proposed by Former U.S. Reps. Steve King (R-IA) and Jim Inhofe (R-OK).<sup>18</sup> Rep. Jim Inhofe stated that "This legislation will provide much-needed commonality among United States citizens, regardless of heritage. As a nation built by immigrants, it is

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<sup>14</sup> Eduardo Hernández-Chávez, "Language Policy in the United States: A history of cultural genocide." In Skutnabb-Kangas, *Linguistic human rights: Overcoming linguistic discrimination. De Gruyter Inc*, Vol. 67, (1995), 141.

<sup>15</sup> "John Tanton," *Southern Poverty Law Center*, accessed February 14, 2021, <https://www.splcenter.org/fighting-hate/extremist-files/individual/john-tanton>.

<sup>16</sup> Barbara Johnson, qtd. in Peter Barry, *Beginning Theory: An Introduction to Literary and Cultural Theory* (Manchester, UK: Manchester University Press, 1995), 71.

<sup>17</sup> Barry, *Beginning Theory*, 71.

<sup>18</sup> Brian Montopoli, "Bill would make English official language of U.S. government," *CBS News*, March 11, 2011, <https://www.cbsnews.com/news/bill-would-make-english-official-language-of-us-government/>.

important that we share one vision and one official language.”<sup>19</sup> The ELUA makes a strong appeal to pathos through a patriotic call to action that imagines borders of language threaded throughout our society.

The ELUA demonstrates a surface-level appeal to utilitarianism. Classical utilitarianism, attributed to British philosophers Jeremy Bentham and John Stuart Mill, is a theory of consequentialism. It determines that we ought to “bring about ‘the greatest good for the greatest number’”,<sup>20</sup> thus the right action is always determined by the consequences produced, whereas the intentions themselves are irrelevant in the ethical evaluation of an act. National unity is desirable in order to lessen conflict over language barriers, and Rep. Inhofe naively insinuates that if everyone spoke the same language, Americans would share the same vision for our nation. But by imposing English onto those who have a low English proficiency or none at all, we would be doing exactly what the Framers decided against in the first place—creating a divide contingent on English proficiency. Some argue that the passing of a bill like the ELUA would be principally symbolic, since the U.S. largely operates as if English were already the official language. If that were the case, then why the need to declare English superior now? Granting English official status would establish a discriminatory, divisive principle that offers almost no, if any, positive prospective outcomes.

The recent urgent call for national unity may be in response to the growing Hispanic presence in the United States. In 2019, the Hispanic community hit a record high of 60.6 million, now comprising 18% of the U.S. population.<sup>21</sup> The large growth of the Hispanic

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<sup>19</sup> Montopoli, “Bill would make English official language of U.S. government,” *CBS News*.

<sup>20</sup> Julia Driver, “The History of Utilitarianism,” *The Stanford Encyclopedia of Philosophy*, Winter 2014, <https://plato.stanford.edu/entries/utilitarianism-history>.

<sup>21</sup> Luis Noe-Bustamante, Mark Hugo Lopez, and Jens Manuel Krogstad, “U.S. Hispanic population surpassed 60 million in 2019, but growth has slowed,” *Pew Research Center*, July 7, 2020, <https://www.pewresearch.org/fact-tank/2020/07/07/u-s-hispanic-population-surpassed-60-million-in-2019-but-growth-has-slowed/>.

population means a larger presence of the Spanish language, whose “linguistic cohesiveness” has caused some to believe that the Hispanic population is “a threat to the internal unity and stability of the United States.”<sup>22</sup> However, even in foreign-born Hispanics, English acquisition typically happens over the course of 3 generations: the immigrants retain their native language and learn limited English, their U.S. born children are generally bilingual, and their grandchildren are generally monolingual English speakers.<sup>23</sup> The Hispanic population is actively gaining proficiency in English as a whole, and there is nothing to suggest that Hispanics are so isolated from society that there is a national crisis of disunity. In his journal article *Freedom to Speak One Language: Free Speech and the English Language Amendment*, Hiram Puig-Lugo writes that “it is the overreaction to bilingualism itself that threatens national unity, not the use of other languages.”<sup>24</sup>

The ELUA is ethically questionable on several fronts. One arguable downfall of classical utilitarianism is that it lends itself to pleasing the majority of people; this can threaten the opinions and values of the minority, and because of this, utilitarianism runs the risk of homogenizing people and silencing already stifled minority voices. However, utilitarianism is also impersonal—decision-making should be uninhibited by emotional involvement so one does not choose self-pleasure at the expense of others’ happiness. The ELUA’s argument for national unity does not act for the greatest good of the greatest number, but rather as a cover for stagnant, internalized bias against immigrants. The ELUA would legally allow for discrimination on the basis of language, defying the ICCPR, Kant, and the Framers’ view of rights entitled to the individual. It is a subtle effort constructed with strong, patriotic rhetoric that presents the

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<sup>22</sup> Puig-Lugo, “Freedom to Speak One Language,” 47.

<sup>23</sup> Puig-Lugo, “Freedom to Speak One Language,” 48.

<sup>24</sup> *Ibid.*, 48.

superficially palatable view of English creating unity, instead of the unacceptable, underlying motivation that immigrants are unwelcome.

The topic of bilingual education in the U.S. is filled with controversy and surrounded by misinformation. ProEnglish, one of John Tanton's organizations, declares that "the right to use other languages must be respected", but ProEnglish is also committed to "ending bilingual education, in favor of English language immersion programs in public schools".<sup>25</sup> This is also a surface level utilitarian approach; since English can be tied to higher economic success and greater mobility in the corporate world, requiring English immersion programs by law would help everyone "succeed" and "success" generates happiness. Not only is the notion of success different for everyone, but these policies have demonstrated great failure when put into practice, from limiting ELLs' knowledge in core subjects to squashing hopes of attending college with a single, English-only exit exam.<sup>26</sup>

Language is a carrier of cultural identity and the mediator of reality.<sup>27</sup> The global history of colonization places this fact into stark relief; subaltern, provisional, and hybrid language forms are measured against the dominant imperial language, even as the dominant culture and language adapt and appropriate linguistic and cultural forms from colonized peoples and places. The continued use of the American "melting pot" analogy is a euphemism for this kind of cultural and linguistic erasure.<sup>28</sup> However, I do not think that the issue is the dominance of

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<sup>25</sup> ProEnglish, "Our Mission," *ProEnglish*, accessed February 14, 2021, <https://proenglish.org/our-mission/>.

<sup>26</sup> Lillie, Karen E. et. al, "Policy in Practice: The Implementation of Structured English Immersion in Arizona," *University of California eScholarship*, July 7, 2010, <https://civilrightsproject.ucla.edu/research/k-12-education/language-minority-students/policy-in-practice-the-implementation-of-structured-english-immersion-in-arizona/lillie-policy-practice-sei-2010.pdf>. ; Angela Valenzuela, "The significance of the TAAS test for Mexican Immigrant and Mexican American Adolescents: A Case Study," *Hispanic Journal of Behavioral Sciences*, Vol. 22, No. 4, (2000), 528.

<sup>27</sup> Naz Rasool, "Postmodernity, Cultural Pluralism and the Nation-State: Problems of Language Rights, Human Rights, Identity and Power," *Language Sciences (Oxford)*, Vol. 20, No. 1, (1998), 90.

<sup>28</sup> Andrew Hartman, "Language as Oppression: the English-Only Movement in the United States," *Poverty and Race Research Council*, Vol. 14, No. 3, (May/June 2005), 2.

English, but rather the linguistic exclusion that the EOM promotes. Having a dominant language is not abnormal or unethical in essence, but it is possible to maintain a common language without denying others the use of theirs. South Africa sets a great example of recognizing linguistic diversity; its Constitution recognizes the use of 11 languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.<sup>29</sup> The South African government recognizes the use of many languages in order to guarantee access to public services for their minority and indigenous groups, but also acknowledges that some languages are more practical than others in certain circumstances. Accepting the presence of other languages does not mean that the value of English will diminish, or that the United States will suddenly not have a common language for legal documents and public education. I am not opposed to English being dominant, but I am opposed to the exclusionary act of making English the only official language; depriving people access to their language for the sake of anointing English as official is nothing other than linguistic oppression, which is morally wrong by many standards.

The purpose of declaring an official language is to establish a language of government operations.<sup>30</sup> If English were the language of all government business, consider the Spanish-speaking post office worker in Miami-Dade County, who serves a community of two-thirds Spanish speakers.<sup>31</sup> Even if both the customer and the post office worker could speak Spanish better than English, it would not be permitted as English would be the required means of communication enforced by law—this would also be true for communities around the nation that have a culturally dominant language other than English. It would even be legally acceptable

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<sup>29</sup> “Constitution of the Republic of South Africa No. 108 of 1996.” The Republic of South Africa, accessed March 19, 2021, <https://www.gov.za/sites/default/files/images/a108-96.pdf>

<sup>30</sup> “Official Language.” Cambridge Dictionary, accessed March 24, 2021, <https://dictionary.cambridge.org/us/dictionary/english/official-language>

<sup>31</sup> “Population Data for County: Miami-Dade.” Miami-Dade Matters, accessed March 24, 2021, <http://www.miamidadematters.org/demographicdata?id=414&sectionId=935>

to deny people access to critical legal interpretation services on the grounds that English is the language of the law and therefore, interpretation does not have to be offered. Although it is challenging to envision the effect English-only laws will have, they can be politically-lethal weapons for those who do not tolerate the presence of foreign language.<sup>32</sup> The intention of the EOM is not a one-dimensional push for unity or improved English education, but rather a facade for a multi-dimensional, oppressive ideology deeply ingrained in our society. The two ethical approaches, Kantian Ethics and utilitarianism, ultimately converge; the supposed beneficial consequences of the EOM are bound to violate other basic, ethical principles in the future.

There is no single solution to this issue, but the Framers were intentional in not recognizing English as the official language, and yet we have still wrapped up our identity as Americans with the notion of maintaining English purity. As a native English speaker myself, my life would feel very little impact if English were declared as the only official language. But as a Spanish speaker, I can envision the unfair treatment and unethical standards that would inevitably ensue for those who are native Spanish speakers. I think a great way to diversify language in the United States is to overcome our fear of giving other languages an equal platform, as English is well-established and not endangered; however, the Navajo code-talkers were a key asset for the Allied Powers during WWII, and yet, their language is endangered.<sup>33</sup> Even though Latin American migrant workers are the backbone of our agricultural industry, Spanish is still commonly associated with various kinds of illegal activity. American linguistic diversity is a fact of our social fabric, and the legal rejection of such is a rejection of American reality—who we have been, who we are, and who we will continue to be.

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<sup>32</sup> Puig-Lugo, “Freedom to Speak One Language,” 42.

<sup>33</sup> Avantpage, “Language Spotlight: Navajo, The Endangered Language.” Avantpage, accessed March 26, 2021, <https://avantpage.com/blog/language-spotlight-navajo>

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