

SUBMISSION FOR BSL BILL, SCOTLAND.
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I regret that working abroad for the last few months has hindered me in being able to respond to your call for submissions. Hence this tardy submission, and hence also the brief nature of the following text. I welcome further contact should you wish to discuss any of the text in more detail

1. Personal background.

I append a brief CV to help understand the foundations on which this text rests. You will note from this that I am one of the very Deaf people who have risen to become academics whilst also remaining active in the Deaf community. Much of what follows can be found in my book (Ladd 2003) which explains my new concept of 'Deafhood' which has taken off around the world in a big way. The book in turn cites numerous references to support the examples given below.

2. Importance of understanding wider perspectives.

I have been following the progress of the discussions around the proposed Bills for several years now, and am very familiar with some of the legislation in place around the world.

My concerns about what I am seeing have to do with the way in which most of the discussion is largely framed either around the social model of disability (by its adherents) and around the medical model (by those who wish to oppose or weaken the bill). My book explains how both these positions have come about in response to oppression, and how they are limited by the absence of a wider perspective which seeks genuine equality – namely the culturo-linguistic model. I am concerned that without an understanding of the history of Sign Language Peoples (SLPs), these limited perspectives will continue to affect the discourse around the Bill.

Firstly, simply put, BSL is one of the 4 indigenous languages and cultures of the UK. We therefore seek parity with these languages and cultures, and especially in this case, Gaelic.

Secondly, the main reason that BSL recognition has taken so long to come to the table (and indeed to the public eye) is because of the 100 + years of education policies that effectively :

- banned the language.
- removed Deaf teachers.
- applied huge pressure on parents not to use BSL with their children.
- sought ways to prevent Deaf children from having contact with their communities.
- removed Deaf History and Deaf Studies from their curricula.

These ideologies are partly behind the enormous rise in mainstreaming and the closure of Deaf schools. Study of Deaf educational history reveals that these policies

have been immensely damaging to Deaf literacy, to mental health, and to family divorce rates, and much more, *thus creating damage which costs Scotland much money in social and other services which have to repair the damage*. We are fast approaching a point where the only children that use BSL will be hearing parents who use ‘Baby Signs’ with their hearing children because of the proven benefits in both language and cognitive development – an irony which I hope will help you understand the pernicious nature of these ideologies.

The organisations involved in these policies, their descendants and new organisations promoting technological ‘solutions’, are still active today, and will strenuously resist attempts to ensure that every Deaf child and their family is given *true* access to BSL, to positive information about SLPs, and to the Scottish Deaf community. Many Deaf people, here and around the world, would urge you not to enable a watering down of the Bill which perpetuates such oppression.

Thirdly, the way these ideologies have succeeded in placing SLPs within the disability rubric has contributed to much confusion amongst the general public. Your Bill laudably seeks to redress the balance, so I would like to offer you a key tool in understanding how this plays out in relation to the potential of the Bill.

To possess a bone fide language mean to be in ‘possession’ of a culture. So one can think of the social model as one which enables access to mainstream society for the disabled *individual*. The culturo-linguistic model augments this by stressing the need to realise that members of a culture have *collective* needs – to ensure that their culture is healthy and functioning to its full potential. Hence SLPs long-standing concern for Deaf children’s education, because the quality of education goes a long way to determining the quality of life for those cultures.

Therefore the question of individual access is largely covered by the Equality Act, and consequently the attention of the Bill needs to be less on the provision of interpreters and other similar jobs for hearing people (under the traditional rubric of ‘helping Deaf people’, around which a considerable industry has developed) and more on using the Bill as a springboard to protect and promote the quality of Scottish Deaf cultural life.

3. SLPs and the quality of cultural life.

The best guides towards framing appropriate policies are the UNESCO Cultural Heritage Conventions and Laws. I would ask that you study these for their applicability to SLP cultures in developing policies related to the Bill. Brief examples follow, but it is important also to appreciate that protecting and promoting cultural heritage is something that benefits *all of Scottish society*, not just the cultural minority itself.

In the medium to long term then, one would expect to see the same cultural criteria applied to both Gaelic and BSL cultures. These would include :

- Establishing and funding a BSL Cultural Heritage Centre in Scotland.
- Ensuring the equivalent televisual provision.
- Ensuring the development of a Deaf Cultural Studies department at a Scottish university.

- Supporting and developing Deaf arts.

These would serve as resources from which the appropriate policies regarding BSL academic certification for both hearing and Deaf Scots could be developed. They would also underpin the development of appropriate information about Scottish Deaf cultural life which could be given to the parents of Deaf children along with free access to learning BSL. However, it must be stressed that this information must be assembled in the short term through whichever bodies and individuals are qualified to present it.

4. Genetic Engineering and SLPs.

One of the major weaknesses of the UN Disabled Rights Convention is that it does not protect the right of disabled people *to be born*. The rapid advances in genetic engineering means that as a society we are sleepwalking into eugenics. However, the UNESCO conventions and the UN's own Charter of Rights regarding language minorities can offer protection to SLPs against such moves to eugenics, because they clearly state that linguicide and ethnocide are prohibited in international law. Your Bill could therefore be amended in this way to stress cultural and linguistic rights at virtually no extra cost.

5. Constitution of working parties and other bodies.

Because of the dominance of the 'helping mentality', there is a danger that such bodies will not contain a sufficient percentage of qualified Deaf people. The principle that should be applied is again one of equality with Gaelic. Understandably, Gaelic speakers would not be happy with having English people on their bodies and Boards, and the same principle should apply here. The primary relationship should be between democratically elected Deaf organisations and the Scottish government – not self-appointed intermediaries.