

## Ideologías del Lenguaje y Derechos Lingüísticos

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## Proyectos

- 1. CONACyT: Archivo de los idiomas indígenas de Chiapas
- 2. NSF-KDI: estudio comparativo del gesto, con tecnología digital, 3-D
- 3. Reed College: el “conocimiento lingüístico” y un hablante “maestro” del tzotzil zinacanteco

## Ejes teóricos

- 1. Forma (la estructura lingüística-semiótica)
- 2. Práctica (los contextos del uso social de los signos lingüísticos)
- 3. Ideología (creencias, valores, diferencias, y distribución social de las ideas y del poder lingüístico)

## Principios empíricos

- 1. Interacción, contextos “naturales”, etnografía del habla contextualizada
- 2. Grabación “icónica” y técnicas analíticas con los materiales grabados
- 3. Comparación—etnográfica, lingüística, socio-histórica

## LA PRÁCTICA: los géneros del habla

- Indexicalidad y “tipos” del lenguaje
- Conocimiento, habilidad, y sabiduría lingüísticos
- Correspondencias estructurales y formales entre el habla y el entorno social
- Rezo, regaño, saludo, chisme, denuncia, petición, chiste, burla . . .
- Lenguaje y ley

## IDEOLOGÍA

- Las actitudes lingüísticas, teorías del lenguaje
- Etno-teorías y las privilegiadas de los lingüistas
- Irvine & Gal (2000): “ las ideas con las que tanto los participantes como los observadores enmarcan sus entendimientos de las variedades lingüísticas, y trazan las correspondencias entre éstos y la gente, los eventos, y las actividades que tienen significado para ellos.”
- Estas ideologías forman parte de la materia prima de la vida social (por ejemplo, las definiciones de los grupos e identidades sociales).

## ¿Qué es el lenguaje?

- En antropología:
- --Boas: lengua y realidad conceptual
- --Etnografía del habla
- --Pragmática y metapragmática: el habla como actividad
- En la lingüística ortodoxa: una capacidad cognoscitiva genética
- --con ciertos fines funcionales parcialmente universales

## El ejemplo del lenguaje y la ley

- Un arena notable de la interacción entre ideología, prácticas de poder, y estructura social
- “Invalidez lingüística” en Oregon – el caso de Santiago Ventura Morales, que hemos presentado en varias ocasiones aquí
- y en Chiapas – el caso de los procesos legales con protagonistas indígenas, en general, y de los acusados del masacre de Ajte al específicamente

## La transparencia referencial

- Las prácticas jurídicas y una ideología de la transparencia lingüística
- - el significado se reduce a la referencia
- - la traducción “al pie de la letra” o “palabra por palabra” es no sólo posible, sino simple, sin problemas
- - la práctica de la traducción en la corte supuestamente garantiza estos resultados

## Los “traductores”

- “[T]his particular case . . . will involve the use of interpreters as the defendant in this case is unable to speak the English language and will be, throughout the course of trial, assisted by his interpreter . . . In addition there will be a court interpreter that will be present whenever anyone testifies who is not fluent in the English language.” [692]

## Una versión oficial

- “One of the questions in the questionnaire that the lawyers are interested in, those of you who are fluent in the Spanish language and you’re able to understand Spanish sufficiently to understand the English translation of the words spoken from Spanish in the courtroom, keep in mind . . . the translation of the Spanish language that you must rely on in the course of this case is that translation that is made by the court interpreter that will be translating the language as it’s spoken from the witness stand. And that is the translation that you rely on for your evidence. I don’t know whether any of you, as I say, understand Spanish, but we don’t want to get into a situation where we have some juror in the jury room saying, “Well, that’s not what the witness really said, you know.” We can’t do that. You’re bound to accept the testimony as translated by the official court translator, and that is one of the reasons the question is in the questionnaire about your ability to understand the Spanish language.” [693]

## Voz, persona, y traducción

- “We’re going to have a series of witnesses who do not speak English, obviously, and I’m asking [the translator] to translate the questions that are asked these people verbatim . . . word for word. And then translate the responses of the witnesses verbatim, word for word. In other words, I don’t want you to say, “Well, the witness says,” forget that part. Just translate it verbatim, word for word.” [1036-7]

## La realización de la ideología en la práctica

- Q. Do you understand Spanish well?  
A. No.  
Q. What is the word you know in Spanish for stabbing?  
MS. ROCHE: May I ask how I can ask him without giving the word?  
MR. HAUB: Okay. Let me rephrase the question.  
Q. (by Mr. Haub continuing) What word do you use to say how the knife went into the man's body?  
MS. ROCHE: In what language?  
MR. HAUB: In Spanish.  
A. I call it knife.

## Otro aspecto tecnológico de la transparencia lingüística

- Como ha argumentado Lourdes, la corte norteamericana toma por supuesto ciertos estándares de alfabetismo
- Q. Can you tell us how to write the word so we can see it?  
A. In Mestica?  
Q. Yes, can you?  
A. No. No, I do not know how to write.  
Q. If I gave you a piece of paper, could you write it?  
A. Yes.  
[1154]

## La “invalidez” o la “incapacidad” lingüística

- “The terms of that statute [ORS 133.515] . . . direct that when a person is a handicapped person, any handicapped person, and a person who doesn't speak English and cannot communicate in English, is defined in that statute as a handicapped person, and an interpreter shall be appointed to assist that individual.” [628]

## Leyes exclusivistas: “English only” en el changarro

- Justificación de una política en términos prácticos
- Plaintiffs were subject to state regulations pertaining to residential care facilities. Specifically, O.A.R. 411-055-0051(3) provided in material part:  
(3) Qualifications of Staff Giving Direct Care. All direct care staff shall meet the following criteria: . . . Be literate and capable of understanding written and oral orders; communicate in English with residents, physicians, case managers, and appropriate others; and be able to respond appropriately to emergency situations at all times.

## la ideología de la “paranoia lingüística”

- Una teoría social y conceptualmente más sofisticada
- “Whole Earth” also justifies its policy by reference to “other concerns”. . . . “Whole Earth” contends that residents with dementia or other cognitive dysfunctions may have their conditions “exacerbated by confusing communications.” . . . More generally, “Whole Earth” contends that “many residents find communications that they do not understand to be upsetting because they fear they are being “talked about” or simply believe that, as a matter of courtesy, they are entitled to understand what is being said within their hearing.”
- “Whole Earth” further justifies its language policy on the ground that residents and family members complained “on a regular basis” about staff speaking Spanish at the . . . facility.


## y de “insubordinación”

- (una de las mujeres era una) “... very insubordinate employee because of the language she spoke in areas that were not appropriate” [DS, p. 47]
- ... the word insubordinate means being rude and disrespectful. And speaking languages, when being counseled about doing that, was insubordinate.  
[DS, p. 47]

## El caso “Spun Steak”

- Precedentes legales (en el estado importante de California)
- Enlaces con el (anti-)racismo y la promoción de “harmonía racial en el lugar de trabajo”
- “Paranoia”: “...utilizan sus capacidades bilíngües para acosar e insultar a los demás trabajadores en una lengua que no podían entender”

## “Voluntad” y selección de código

- It is axiomatic that “the language a person who is multi-lingual elects to speak at a particular time is . . . a matter of choice.” . . . The bilingual employee can readily comply with the English-only rule and still enjoy the privilege of speaking on the job. “There is no disparate impact” with respect to a privilege of employment “if the rule is one that the affected employee can readily observe and nonobservance is a matter of individual preference.” [SS, pp. 8-9]
- Una de las demandantes tiene otra teoría: 

## La “política del lenguaje” como construcción ideológica

- La idea de “transparencia referencial” como parte del fondo conceptual
- “The fact that an employee may have to catch himself or herself from occasionally slipping into Spanish does not impose a burden significant enough to amount to the denial of equal opportunity. . . . The fact that a bilingual employee may, on occasion, unconsciously substitute a Spanish word in place of an English one does not override our conclusion that the bilingual employee can easily comply with the rule.” [SS, p. 9]

## “Traducción” en el caso de Ajte`al

- j: K'usi mi naka ta jkoptik mi ta kastiya
- ma: jkoptik
- j: jkoptik
- ma: jkoptik
- es ke oy . sjelubtasel oy yu'unik ek che e
- j: buch'u li jjelubtasanej che e
- ma: ali . . .
- tzetal sna'
- ali . . .
- j: mu sna' jkoptik
- ma: mu sna' me tzotzile
- tzetal
- j: tzetal?
- ma: tzetalik sba- jech
- j: ku ma yu'un
- ma: solet jech o . . .
- jech sa'ojik ti . . . jelubtasej kope

## “Derechos lingüísticos” en un contexto político-ideológico

- Contraste entre Orgeon, Australia, y Chiapas
- Contrastes entre retórica y prácticas institucionales
- Posición irónica de los investigadores “científicos”