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**THE DILEMMA IN THE DEAF COMMUNITY: LINGUISTIC MINORITY OR
PERSONS WITH DISABILITY?**

*An Assessment Based on Sociolinguistic, Cultural Factors and Legislation
Policies*

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Acronyms

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
LON	League of Nations
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization
WFD	World Federation of the Deaf

Glossary

Audism¹: A negative discriminatory attitude against deaf people due to the notion that somebody is superior because of his/her ability to hear.

Cochlear implant²: A small, complex surgery implanted electronic device that can help to provide a sense of sound to a person who is profoundly deaf or severely hard of hearing.

deaf: (Please note the “d” is lowercase) A persons unable to hear (general definition); A person who has a specific decibel loss across a continuum from mild to profound (medical definition)³; A person who usually use oral speech and residual hearing, who do not identify himself/herself as being part of the cultural Deaf and who choose to socialize mainly with hearing people (sociocultural definition)⁴.

Deaf: (Please note the capital “D”) A person who do not identify deafness in regard to audiological ability, but in relation to the common social identity, culture and language he/she shares with other members of Deaf Culture or Deaf Community⁵. Deaf people use some form of sign language, they develop a strong kinship with one another and experience oppression by the hearing world.

Deafness: The inability to hear (general definition); A medical abnormality/disorder that should be fixed (medical definition)⁶; A state of being characterizing certain people

¹ Bauman, Dirksen & Simser, Scott & Hannan Gael, Beyond Ableism and Audism: Achieving Human Rights for Deaf and Hard of Hearing Citizens, pp. 12-17 at http://www.chs.ca/index.php?option=com_content&view=article&id=499&Itemid=568&lang=en (last accessed 3 May 2012). (hereinafter, Bauman)

² Quittner, Alexandra & Leibach, Pamela & Marciel, Kristen, The Impact of Cochlear Implants on Young Deaf Children, pp. 547-548, at http://cdaci.org/images/article_9.pdf (last accessed 5 May 2012). (hereinafter, Quittner)

³ Zieziula, Frank, The World of the Deaf Community, at <http://www.hospicefoundation.org/uploads/1998zieziula.pdf>, (last accessed 24 April of 2012).

⁴ International Federation of Hard of Hearing People, Personal and Social Identity of Hard of Hearing People, available at http://www.ifhoh.org/index.php?option=com_content&view=article&id=32:personal-and-social-identity-of-hard-of-hearing-people&catid=31:general&Itemid=1 (last accessed 24 April of 2012). (hereinafter, International Federation)

⁵ Oregon.gov, Deaf Culture, History and Importance, available at <http://www.oregon.gov/DHS/odhhs/tadoc/deaf7.shtml> (last accessed 24 April of 2012). (hereinafter Oregon.gov)

⁶ Council of Europe, The Protection and Promotion of Sign Languages and the Rights of their Users in Council of Europe Member States: Needs Analysis, August 2008, pp. 9-10, available at <http://www.coe.int/t/dg3/disability/> (last accessed 20 June 2012). (hereinafter, Council of Europe)

who perceive the world through an emphasis on visual and kinesthetic input (sociocultural definition).

Deaf Identity⁷: An abstract sociocultural construct that portrays the collective view that deaf people have of themselves, Its formulation depends on D/deaf peoples' way of communication, self-identity or cultural affiliation.

Deaf Community⁸: A Community that comprises those Deaf people who do not identify deafness in regard to audiological ability, but in relation to the common social identity, culture and language they share. Emphasis is put in the use of sign language, while deafness is not perceived as deficit, but as a gain.

Deaf Culture⁹: A unique culture that Deaf people have developed based on their shared or common experiences, consisting of values and beliefs, customs, art, literary traditions, history and shared institutions.

Eugenics¹⁰: A study that supports the improvement of the genetic constitution of the human species by discouraging reproduction by persons having genetic defects (selective breeding).

Hard of hearing¹¹: A person presenting mild or moderate losses.

Natural Language: Any language arising naturally as a means of communication between people.

Oralism¹²: A theory supporting that deaf persons should communicate by means of spoken language

Pre-lingual deafness¹³: hearing loss that characterizes persons who were born deaf

⁷ Kuntze, Marlon, "Deaf Identities" Is Not a Plural Form of "Deaf Identity", at <http://jdsde.oxfordjournals.org/content/15/4/447.full.pdf+html> (last accessed 24 April of 2012). (hereinafter, Kuntze)

⁸ Cleveland Hearing & Speech Center, Deaf Culture, available at <http://www.clevelandhearingandspeech.org/ME2/Sites/dirsect.asp?sid=A81C8569DFAC4B369858D034FAE22701&nm=Deaf+Culture&SiteID=77B756FFB232417D91FA3749AC88A2BC> (last accessed at 24 April 2012). (hereinafter, Cleveland)

⁹ Deaf Independent Living Association, What is Deaf Culture?, available at <http://www.dila.org/dc.php> (last accessed 24 April 2012). (hereinafter, Deaf Independent Living Association)

¹⁰ Bauman, *supra* footnote 1, p. 12.

¹¹ Zieziula, *supra* footnote 3.

¹² Oxford Dictionaries, Oralism, at <http://oxforddictionaries.com/definition/english/oralism> (last accessed 11 July 2012).

Post-lingual deafness¹⁴: hearing loss that describes persons who have lived for most of their life as hearing people after the acquisition of speech.

¹³ Bartha, Csilla, Language Ideologies, Discriminatory Practices and the Deaf Community in Hungary, p. 3, at <http://pdc.ceu.hu/archive/00001922/> (last accessed 24 April 2012). (hereinafter, Bartha)

¹⁴ Zieziula, *supra* footnote 3.

Abstract

This thesis examines the dominant construction of deaf people as persons with disability, and contrasts it with the suggested construction of deaf people as linguistic minority, with the view to resolving the dilemma regarding their classification. The principal objective is to provide deaf people with the best legislative option for the protection of their rights. An interdisciplinary approach is followed, analysing the medical and the sociocultural perspective, in order to provide the reader with a holistic view of the situation. Both legislative options are assessed and their implications are examined, whereas special emphasis is given in areas such as health, education, culture and language. It is demonstrated that both options apply. Thus, the thesis concludes by bridging the two options and by suggesting a common approach. Several recommendations are provided calling for cohesion and mutual respect, inclusion of deaf peoples' preferred point of view with a view to empowering their position. Last but not least, emphasis is placed on their right to choice, their right of self-determination and on the development of understanding and respect of diversity.