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LANGUAGE RIGHTS AND LINGUISTIC JUSTICE IN THE EDUCATION SYSTEM OF THE HABSBURG MONARCHY*

Questions of *language rights* (*Sprachenrecht*) and, even more, *linguistic justice* (*Sprachgerechtigkeit*), are – and will be for a long time – on the European political agenda. The French linguist, Claude Hagège ends his book *Le souffle de la langue* with a passionate appeal to the multilingualism. “In order to avoid in a future unified Europe the danger of having only one official language, it is necessary” says Hagège, “that as many Europeans as possible learn as many languages as possible”. Vigilance of the language of the other is, as Hagège points out, the condition for the possibility of solidarity, which is urgently needed for a European State. Hagège opposes the idea that a European State will be the grave of all minority cultures and languages. On the contrary: the national state always favoured the language of the majority and suppressed minority languages. The unification of Europe might be an occasion, to moderate the inequality between dominant and non-dominant languages (HAGÉGE 1992, 270f).

A much more sceptical voice in this regard is Umberto Eco’s in his book: *La ricerca della lingua perfetta nella cultura europea* (The research for the perfect language in the European culture). The problem of a future European culture lays not so much in the triumph of a total multilingualism, but in the development of a community, where people are capable of understanding the spirit, the aroma, the atmosphere of the language of the other. A polyglot Europe is not (and cannot be) a Europe of people, who know many languages perfectly, but – in the best case – a Europe where people know how to communicate with each other (sometimes in a rather imperfect way) (ECO 1994, 335).

In the last two decades, linguists, like Hagège or Mario Wandruszka, were trying to reawaken the diminished sense of multilingualism (WANDRUSZKA 1986, 223) with some success. Today, in many countries, teachers are engaged in bilingual education. In some schools, even in Austria, there are experiments not only to teach languages as *foreign* languages but to introduce them as the second official language of instruction. And in newly founded European colleges and universities sometimes more than one language of instruction already exists, e.g. Polish and German at the University of Frankfurt on Oder. All these efforts could find support from the socio-linguistic theories of Joshua A. Fishman, who doesn’t suggest that bilingual education is merely a compensation for “down-and-out-minorities”, for a heterogeneous, poor and uprooted population, but emphasizes its humanizing and civilising potential. Only Fishman and his scholars were successful in overcoming the prejudices of polyglossy deeply rooted in the 19th century. Their message was: “Bilingual education is good for everybody” (FISHMAN 1977, 8f).

The 19th century, on the contrary, led a real trial against “Mehr- und Vielsprecherei” (Polyglossy), also with the help of philosophical theorems. After the term *nation*, in the sense of *Sprachnation* (language nation) – a concept which was constructed by Fichte, Herder and others – became very popular, diglossie and even more polyglossie come under strong suspicion.

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Multilingualism suddenly appeared as an indication of *decadence* and a danger for the still rather delicate construct of *national identity*. Unlike former conceptions of *nation* which were mainly based on territory, religion or forms of government, with the beginning of the 19th century language became the only criteria for the term *nation*. “Whoever speaks the same language” says Fichte in his famous “Reden an die deutsche Nation”, [...] belongs together by nature, and is One and indivisible (FICHTE 1971, 460) – *une et indivisible* – (nation became a subject and the subject became national).

The historical construct of the *Sprachnation*, which turned out to be rather destructive, especially for the old multinational Empires – such as the Habsburg Monarchy – has deep roots in the history of philosophy. Generally speaking, when the *Enlightenment* understood language as a mean to an end (Mittel zu Zwecken) – a mean mainly for acquiring education and science – with the first *linguistic turn* philosophers like Hamann, Herder or Humboldt emphasize the diversity of languages, a diversity which is not just one of characters, signs and sounds but a diversity of *Weltanschauung* (the whole view of world, the world in its totality) (HEINTEL 1992, 43).

According to Herder language is not simply a tool. Words are not just signs but they have *a priori* meaning (within themselves). Moreover, Herder points out that every nation has a storage of thoughts which become its national language and you cannot imagine a deeper damage for a nation than to steal their language (because you steal their spirit (soul), their thoughts, their way of thinking) (HERDER 1960, 143).

But neither Herder or Humboldt would have seen themselves as nationalists. Like the Romantics they were interested in the authenticity and peculiarity of every culture and they acknowledged their diversity (TAYLOR 1993, 19f). However, in studying the old languages, such as Greek and Latin, demanded Friedrich Schlegel in his Vienna lectures from 1812, one shouldn't neglect one's mother tongue any longer (Schlegel 1988, 3).

A specific emphasizing and pathetizing of the mother tongue, which is found in so many works of the beginning of the 19th century, led in the field of the pedagogy to a suspicion against polyglossy (BURGER 1995, 25f).

It was Rousseau, who pointed out in his main pedagogical book *Emil* problems of language education, especially problems of teaching foreign languages. He argued that in translating words you would necessarily have a change of meaning of the ideas as well (the whole national spirit). In modern speech: you can't separate *Signifikant* and *Signifikat*, *Zeichen/Bezeichnetesign*, *sign/and what is described by a sign*.

Teaching a foreign language means, according to Rousseau, always a transfer of the whole culture. No teacher can avoid this (consequently in times of war between Austria and France, French-speaking governesses for the children of the nobility were forbidden by an edict of Josef II).

Corresponding to the verdict of Rousseau, in the pedagogy of the 19th century the dominating view was that teaching a child several languages at an early age and at the same time is condemnable. The arguments against it, were: too much of a burden for the memory, damaging for the mind (soul), having a muddle in your feelings, bad effect on the character. There was general consensus: only one language can be the mother tongue. For a child learning a foreign language, the language should remain and has to remain foreign and other.

In some important encyclopedias of pedagogy and education (published in Germany), but also widely spread in Austria, polyglossy was described like a venereal disease. More or less it was regarded as an illness of the nobility and an illness of women. Women were suspected of speaking foreign languages, especially French, due to poor vanity. They would, compared to men, speak easier with foreigners. They wouldn't care about grammar. In some way they would even behave like the Slavs, who would learn languages naturally and easily from an early age onward, a method

which was not recommended by the author of the cited article (ENZYKLOPLÄDIE; Stichwort: *Muttersprache*).

Finally, the author put out the question of whether it was possible in the end, to have two mother tongues. However, in many areas and provinces of the Habsburg Monarchy like Bohemia and Moravia; Galizia, the Bucovina, Styria, Carinthia, and, of course, Gorizia and Gradisca, it was not so seldom for a child to grow up with mixed languages (e.g. a mother tongue and a different father or grandmother tongue). Yet in all these clever encyclopaedian books for pedagogists, who should have given ideas of national education, there wasn't the slightest hint how a teacher should cope with this typical central European reality (LOOS 1908). How to cope with classes where the pupils had different languages or where the language of instruction didn't meet the language of the majority of the children (DIE UNTERRICHTSSPRACHE 1884).

What I am trying to point out is: the pure existence of several languages in an empire or state touches the sphere of law and justice. To address themselves to somebody in a certain language, which is known by this person, seems to be a condition for the possibility of justice. At all times people regarded it as extremely unjust (deeply unfair) to judge someone who didn't understand the language of the judgement. However, when we speak about justice today, we normally speak about *social justice*. Language doesn't seem – if one follows some famous theorists of justice, like John Rawls or Michael Walzer – to fall under the term *justice*. Language seems to be rather a matter of law (as it is in language rights) – or an *object* of law. However, as law is something which cannot exist without language (*ist selbst sprachlich*), language comes before the law (BURGER 1995). (Franz Kafka says in his famous piece *Der Prozess*: Standing before the law is a *Türhüter*: a watchman).

The right of *Wahrung und Pflege von Nationalität und Sprache* (Protection and maintenance of nationality and language), which was granted from Article 19 of the constitution of December 1867, belongs to the general rights of a citizen (human rights). Its meaning was protection of the personal rights of the citizen, and not protection of a language or a *Volksstamm*, an ethnicity. So, when we talk about article 19, which was a kind of *signature* (or a *Magna Charta*, as Gerald Stourzh put it) for late Imperial Austria (to be exact: only in the western part), it wouldn't be appropriate to speak about it in modern socio-linguistic terms like *language planning*, *language maintenance*, *language death etc.*, even if this article was indeed responsible for the maintenance of all languages which were classified as *Landssprachen* or *landesüblich* (used as official languages in a province).

Why is worth to refer to this nearly forgotten article today? If you agree with Claude Hagège, whom I cited above, that the uniqueness of Europe, its identity, lays in its diversity of languages and cultures – in the destiny of polyphony – then in the construction of a possible European State the aspects of language and of language rights certainly is important. In this regard it would be interesting to look back to a State like the Austrian Monarchy, which – other than France – never succeeded in having one official language (a state language). As it is already well known, Joseph II failed in his trial to introduce German as the only official language (*die Staatssprache*) in the year 1784 (mainly due to the resistance of the Hungarian gentry) and exactly 100 years later another attempt to install German as the only *Staatssprache* by the German liberal members of Parliament failed as well, and so did others.

Amazingly enough, with the revolution of 1848 the principle of equality of languages – politically formulated by Franz Palacky, Josef Rieger and companions – appears to have belonged to the basics of the Monarchy (in some way it belonged to its colours). Moreover, after 1867 the principle of equality wasn't only protected through the constitution but was deeply founded in the people's feeling about rights (*Rechtsempfinden*). Furthermore, it was so widely accepted on the whole political spectrum that it soon conflicted with the interests of the dominant nationalities like

the German-Austrians, the Poles in Galicia and the Italians in Istria, Dalmacia and the Küstenland. And in spite of the growing tendencies of ethnicisation and radicalization of the conflicts amongst nationalities, and in spite of the arising of new Weltanschauungen like nationalism, racism, and anti-semitism, it was not entirely possible to overcome the postulate of equality in people's mentality. It appears somehow that it had been inscribed in the collective consciousness (*kollektive Gedächtnis*) of the people of the Monarchy.

In this way, Article 19 of the constitution of December 1867 didn't remain an empty promise but with the help of the Imperial Court¹ (*Reichsgericht*) (which was also established in Dec. 1867) and the Administrative Court² (*Verwaltungsgerichtshof*), founded 1876, it became a living right granted to the citizens, who could then take their claims to these courts in cases in which they believed their rights to use their mother tongue before the official authorities, or at school had been injured. The effect of Article 19 of the whole society in the second half of the 19th century cannot be overestimated. It was only that all eight acknowledged *Landessprachen*, German, Czech, Polish, Ruthenian, Slovenian, Serbo-Croatian, Italian, Romanian became external official languages, but in some cases they also became internal official languages (as Polish in Galicia, Italian in Tyrol, Istria and Dalmazia, Serbo-Croatian in Dalmazia). In addition, they were designated to become languages of the (municipal) courts and – most importantly – to become languages of instruction at all kinds of schools.

Let us have a close look at the change in the education system caused by Article 19. In the year 1871 the number of compulsory elementary schools which used German as the language of instruction was 43.7% (compared to the whole population of Cisleithania, the Austrian-German population was 37%). Shortly before World War I, the percentage in elementary schools was 36.6% and the general German quotient decreased to 35.6%. Where as the rate of e.g. elementary schools with Czech as the language of instruction rose from 24.7% to 25.4% (compared to the Czech population quotient of 23.0%). And another example of a non-dominant ethnic group: schools with Ruthenian as the language of instruction increased from 4.6% to 11.8% (vis a vis a population quotient of Ruthenians at 12.6%).

As with a decline of the German schools, we also have a decline in the number of the schools with Italian language of instruction (which was once a dominant language as well), from 7.3 to 3% the Italian population rate was 2.8%. We can demonstrate this tendency of equalizing even more within the group of higher schools (*Gymnasia*, *Mittelschulen*). Here, the quote of the schools with German as the language of instruction fell from 60.3% in the year 1872/73 to 42.6% in the year 1913/14 (BURGER 1995, Anhang).

As you see, in spite of the contemporary discourse of suppressing the nationalities, of injustice against the minorities in parliament, the Diets and the public opinion, in reality there was a strong tendency to equalize the differences between dominant and non-dominant ethnicities. Who was responsible for this tendency? Besides the already mentioned work of both the *Reichsgericht* and the *Verwaltungsgerichtshof* undoubtedly this was owed to the high bureaucracy with its strong bond to the crown, its values of justice and its duty not to take sides with someone, which was part of the oath of a civil servant: *Justicia et clementia* (Justus Lipsius).

To give you an example: When in the year 1894 the Minister of Education Stanislaw von Madeyski, a member of the conservative Polish Club, suggested the establishing of a public minority school with Slovenian as the language of instruction in Görz/Gorizia (it existed in fact only a private school supported by the local Slovenian school association called Sloga) it was the

¹ A court rendered judgement in cases where it was declared that the administrative authorities had violated the article 19.

² The *Verwaltungsgerichtshof* was competent in all cases where a violation of the laws on the part of administrative authorities was claimed.

Italian dominated city council who opposed the idea and obstructed the necessary statistical survey (according to the school-law, for establishing a minority school/Nationalitätenschule there had to be 40 children of the second *Landssprache* in a circle of 4 km and an average of 5 years). The city council even entered a claim to the *Verwaltungsgerichtshof* in order to have public elementary schools only with Italian as the language of instruction as before (the advocate who supported the claim was the famous German-liberal member of parliament Dr. Josef Kopp). Kopp's arguments against a school for the Slovenian minority were: the Slovenians in Gorizia would only be "an alien and fluctuous population", which were more or less the servants of the bourgeois families of the inner city. They were "more a burden than an advantage" for the city. Moreover, the Italian municipality would have to maintain the new school (in addition to the already existing Italian elementary schools). So, as Kopp pointed out, there was no need for the Slovenian school in the Italian city of Görz. However, the *Verwaltungsgerichtshof* in its decision of June 26, 1895 made it clear enough that the existence of a private school or of schools with another language of instruction was not sufficient to supply the population with the necessary public schools with their own language as language of instruction, required by article 19 of the *Staatsgrundgesetz* (BUDWISNKI Nr. 8771, 26.6.1895). So the required school had to be established (BURGER 1995, 150). In this case – as in many others – it wasn't the local authority – but the high bureaucracy who took care of the minorities and who guaranteed their rights.

Beside the fact that there was a lack of language rights for the whole Monarchy (rights often differed from province to province, by laws), the desire of each nationality to use its own language in front of the official authorities, in the municipalities, districts, before courts and – most importantly – at schools, was on the way to begin a right widely acknowledged and suitable. But, the cry and the clarion call of having the *right* to use the mother tongue – so urgently demanded since the *Vormärz* – turned out to be at the end of the century nearly a *duty* to use only the mother tongue.

At the beginning of this contribution I have tried to draw the philosophical and pedagogical lines responsible for the long and painful process of driving out plurilingualism in the context of "national rebirth" and nation building. This verdict against plurilingualism finds its correspondence in the rather ambivalent last paragraph of Article 19 – paragraph 3 – which started a strong demand of the German-Bohemian diet members in order to protect people so that they would not to be forced to learn the second language of the province (e.g. Czech). The so-called *Sprachenzwangsverbot* not only strengthened the wishes for the national autonomy but also adequate (as I showed above) to the contemporary pedagogical theories. Furthermore, it was responsible for an increasing tendency of segregation of the ethnicities, especially in the Bohemian Crownlands.

Another result of the suspicion against multilingualism so widely spread in the bourgeois culture was the negative assessment of all forms of bilingual schools (the once so-called *utraquistische Schulen*) and their gradual diminishing from the once very colourful school-landscape. Again, we have to look at the statistics. The rate of mixed-language elementary schools – up to four different languages in innumerable variations were possible – was about 9% in the 1870/71 and in the 1912/13 it had declined to 1.1%.

After the *fin de siècle*, especially after the Moravian Compromise of 1905, the efforts to get clear and distinguished criteria to determine and identify what was called *nationality* became even stronger. Consequently in many fields of the Austrian administration – from the census, which took place every ten years, to the electoral constituencies for the provincial Diets (*Wahlkataster*) to the sensitive time of school-inscriptions, the former principle of opting out, meant someone's *subjective* claim of nationality (without any proof) was abandoned and a new principle of *objective* determination of nationality took its place. This new notion of a *subject* was regarded as

monolingualistic. However, this somehow invented *national subject* progressively destroyed historically grown social structures, such as mixed language schools or forms of education, such as the famous *Kinderwechsel* (the custom to exchange children especially at the language border in order to learn the language of the neighbour, a custom which was widely spread in Moravia, Silesia, and Lower Austria).

When the postulate of equal rights for ethnic groups and languages – even by its critics – appeared for a long time as an “unshakeable point” (Joseph v. Eötvös) of the Monarchy, it appeared also responsible for the weakness, the decadence, the antagonism of Austria-Hungary. A state without any official language, without even a proper name (*die im Reichsrat vertretenen Königreiche und Ländere*), appeared non-governmental, helplessly old fashioned and unable to survive. The diminishing of the transnational ideology (Claudio Magris) and the now claimed *national identity* brought it to consciousness that some people were considered to belong either to too many nations or to no nation at all. This kind of uncertainty – a lack of identity – might be one of the reasons why cultural pessimism had been so widely spread, as well as the search for substitute ideologies, like nationalism, social-darwinism and racism. A lot of this came from universities, clothed in science, and followed by a total change of values (*Umwertung aller Werte*, in Nietzsche’s words). In Austria it was Ludwig Gumplowitz who introduces the term race in the new science of sociology. From this point on it seemed no longer possible to look at national conflicts as something which could have been solved by political means, such as equalization of interests (equalization is a real key word of the era). But, after Gumplowitz and others, it became an *a priori* struggle for power and domination, where there could only be conquerors or conquered (according to the survival theory of the fittest). Suddenly there was only fight and struggle, tragedy and heroism and it would have been senseless to act politically, to set up to new agreements, work out compromises or be pragmatic.

By this way of thinking a new tone came in politics (Carl Schorske). The new tone intensified the struggle about *nationalen Besitzstand* (what was supposed to belong to a nation) and responsible for the alienation and growing segregation amongst ethnicities. Aggressive nationalistic, sometimes racist speeches in public, the Diets and in parliament finally broke to pieces the former consensus about recognising the equality of nationalities, recognizing the language of the other.

For the school system this meant that cities situated in mixed-populated areas, where the administrative authorities had planned to establish, let us say, a new gymnasium for the non-dominant group, e.g. for the Slovenians in Cilli/Celje, for the Polish population in Teschen/Tesin or for the Ruthenians in Stanislau/Stanislavov, could have become a real fighting place, where the dominant group tried to prevent by all means the establishing of a “Slowenische Zuchtanstalt” (breeding house for Slovenians), a “Baustein für das Gross-Polenland” (a brick for the greater Poland), to mention only a little of the nice new vocabulary.

Furthermore, it wasn’t only the establishing of somehow prestigious and expensive gymnasia which led in some cases to an escalation of violence, but the opening of a small elementary minority school (*Nationalitätenschule*) – a special form of minority school which were unique all over Europe and an outcome of the judgements of the administrative court – could have been the starting point for the so-called *Granzlandkampf* (the fight for the rights of minorities living close to the language border). These struggles were led by all sides (in changing constellations and different intensity), especially from the sides of the *Schul- und Schutzvereine*, as *Deutscher Schulvereine*, *matice scolska*, *Sloga* etc.

Even the opening of a necessary parallel class (for the language minority) could eventually become a politicum which would escalate in serious crises (as happened in 1905). This *Sprachenkampf* was, in the eyes of the socialist theorist Otto Bauer, nothing else than a hidden *Klassenkampf*, class struggle (BAUER 1975, 247). However, at the end of the century, for the

socialists as well as for bourgeois politicians, it was only thinkable to solve the problem by separation and segregation. *Pacification through separation* was the clandestine motto of all the sometimes remarkable and sophisticated proposals which were delivered by Karl Renner and others. Renner's ideas of "personal autonomy", a concept of non-territorial autonomy, was first institutionalized in the province of Moravia, in a series of legal enactments known as the "Moravian Compromise" in 1905, later Bukowina and (not finished before World War I) in Galicia.

According to this model, the educational system gradually was reconstructed. The political aim now was to set up autonomous self-governed monolingual school pyramids (Ernest Gellner), first established in Bohemia and Moravia (from primary schools to the university). This model helped to prepare and to ease the cultural separation after the break up of the Monarchy. In a paradoxical movement the transnational Monarchy released (at the least in Bohemian and Moravian case) the complete national education system – as an important element of the forthcoming new states. However, the intensity of the linguistic conflicts, the growing separation between the different nationalities and the tendencies towards the formation of monolingual national "educational pyramids" appear to demonstrate the strength of the national state model and to be evidence of the weakness – if not the impossibility – of a multilingual education system in a supranational, multi-ethnic state. Moreover, the outcome of these conflicts, the final break-up of the Monarchy into autonomous states with their own educational systems, took away from the fact that decades of national struggles brought about not only sophisticated concepts of autonomy, but also led to the creation of some virtually forgotten school models, which up today seem to offer solutions beyond the dilemma between assimilation and segregation, between cultural identity and preservation of state interests.

I would like to single out two of them. First: elementary schools where the language of instruction in all classes was the mother tongue but which offered the second language as a non-obligatory subject from the third class onward. This form of elementary school was first established in the Slovenian part of the monarchy and became later common in nearly a third of all public elementary schools.

Second: the *gemischtsprachige Gymnasium* (mixed language Gymnasia) – an invention by the Slovenian teacher Josip Suman, which introduced the second *Landssprache* not only as a subject but as the second language of instruction. It was established in Marburg (Maribor), Laibach (Ljubljana), Cilli (Celje) and Rudolfswerth (Novo Mesto) with Slovenian and German as languages of instruction, at some Galician Gymnasia with Polish and Ruthenian as languages of instruction and in Bukowina in the variations German-Ruthenian, German-Romanian. As it turned out it was extremely successful in a pedagogical sense: the graduates of these type of gymnasia – as you can easily learn from the statistics and the excellent school-year-reports – were not only successful in learning the second *Landssprache* but were superior in the other subjects compared to their monolingually educated colleagues. That would support the thesis of Joshua A. Fishman: Bilingualism is good for everybody.

However, this contribution shouldn't be only a pleading for the reconstruction of certain nearly forgotten school-models – even when they might be useful in a future unified Europe – not for a better "management of diversity", a subject that has become very popular on the political agenda, but an appeal to revive the consciousness of *An-erkennung* acknowledging the language of the other – a consciousness which got lost in the precise historical moment, when the language of the other became the language of an alien, a *Fremd-sprache*.

ARTIKEL 19 DES STAATSGRUNDGESETZES ÜBER DIE ALGMEMEINEN RECHTE DER STAATSBÜRGER, RGBI Nr. 142/1867

Abs.1 Alle Volksstämme des Staates sind gleichberechtigt, und jeder Volksstamm hat ein unverletzliches Recht auf Wahrung und Pflege seiner Nationalität und Sprache.

Abs. 2 Die Gleichberechtigung aller landesüblichen Sprachen in Schule, Amt and öffentlichem Leben wird vom Staate anerkannt.

Abs.3 In den Ländern, in welchen mehrere Volksstämme wohnen, sollen die öffentlichen Unterrichtsanstalten derart eingerichtet, dass ohne Anwendung eines Zwanges zur Erlernung einer zweiten Landessprache jeder dieser Volksstämme die erforderlichen Mittel zur Ausbildung in seiner Sprache erhält.

Paragraph 1. All nationalities of the state are equal, and each nationality has an unequivocal right to cultivate and to maintain their own nationality and language.

Paragraph 2 The equality of all language, usual in a specific crown land, at school, before the official authorities and in public life, is acknowledged by the state

Paragraph 3 In provinces, inhabited by several nationalities, the public educational institutions should be established in the following way: each nationality is entitled to the necessary means for an education in this own language, without being forced to learn the second official language of the province.

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