

# **The Dynamics of Changing Perspectives**

Identity Politics, Citizen Rights and Language among the Deaf in Norway



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Cover picture: The International sign for deaf.



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# The Dynamics of Changing Perspectives: Identity Politics, Citizen Rights and Language among the Deaf in Norway.

## Introduction

We live in an era characterized by technology and gadgets. It is definitely the earphone generation when every third person you meet has some sound emitting device stuffing their ears: the college student listening to the latest hits on the internet site Spotify while reading for lectures, the teenager on the bus exhibiting the latest trend of earphones with music blasting away, the middle aged woman taking an evening jog with her “feel good songs” on her Ipod, the business man constantly talking on his mobile phone all day long through his earpiece.

More than being a sign of our current obsession with digital communication and entertainment, all these diverse forms of constant bombardment of our ears might have repercussions in the near or distant future. While humans in the long run are thought to have the potential to develop “super ears” that evolve to withstand the extra load of sound impulses, an alternative and more down to earth scenario involves the generation of a number of people with hearing problems. The number of people getting noise induced hearing loss is therefore, not surprisingly, on the rise and according to the *Hørselshemmedes Landsforbund* (HLF - the National Association for Hearing Disabled) it is speculated that by 2020, one fourth of the population in Norway could suffer some degree of hearing loss<sup>1</sup>.

Currently, however, the HLF estimates the 14% of the Norwegian population is hearing disabled (ibid.). These are either so-called ‘hard of hearing’ or ‘deaf’. The *Norges Døveforbund* (NDF - the Norwegian Deaf Association) on the other hand, estimates the number of deaf in Norway to about 5000.<sup>2</sup> A number of hard of hearing people prefer to identify themselves as “deaf” whereas the others will stress they are “hard of hearing” or just say they “*hører dårlig*” (have bad hearing). While how people define their own degree of

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<sup>1</sup> It is advised to use ear protection gear when exposed to sound higher than 80dB. HLFs’ ambassadors distribute ear plugs at loud music festivals and youth rave parties.



hearing (or approaches to hearing more generally) varies greatly, nevertheless “deafness” is often defined as the lack or loss of partial or entire hearing sense. When I looked up the term in an encyclopedia, the definition started like this:

“For most of us, the term ‘deafness’ conjures up a frightening image. Becoming deaf in the prime of life must be akin to becoming hard-of-hearing in old age, only infinitely more traumatic. We imagine ourselves turning desperately for help to an *audiologist* ... Music, bird song, the warning sound of an approaching car: all of these, plus, most importantly, the possibility of engaging in spoken interaction with our fellows, are lost to us...” (Blakemore & Jennet 2001)

Reading this evokes images of the deaf status as “traumatic”, “a big loss” not desired by anyone, “desperate”, “vulnerable” and a status involving being “isolated” from others. It also implies that the most common occurrence of deafness is that which arises through the aging process. In other words this definition is commonly cast as a “more natural” kind of deafness. Moreover this definition also involves feelings of fear of loss and pity for those who have lost the ability to hear (deafened) or born without hearing (deaf).

However, when I finally met some deaf people, pity was the last thing I felt. Quite the contrary, after having encountered deaf people and having spent time with them, I was in awe of them. Again contrary to commonly disseminated visions of deaf – as reflected in the definition above – they were also not helpless and actually demonstrated to me and others what a fulfilling life they lead. For one, many of them have lots of friends – lifelong friends. Also a good number of them have jobs, drive cars, have families and do everything that hearing people do except hear. This thesis is in many ways a demonstration of multiple ways in which deaf people engage with the world and the world engages with them. Crucially, I want to demonstrate how being deaf is in no way necessarily related to simply loss, but although, as I will show – institutional, historical and political dynamics are prone to frame their contexts within such terms of lack or deficiency. This is also reflected in the domain of definition and its politics which I now turn.

### **Defining and differentiating deafness**

The term “deaf”, also seen in the definition above, generally refers to the audiological condition of being unable to hear. There are different categories of deafness that are lumped

together within this general grouping. First, there is the “congenitally deaf” (also called “born deaf” or *døvfødt* in Norwegian) who are severely or “profoundly deaf” and/or have been defined deaf before the language acquisition age (also alternatively called the “pre-lingually deaf”). A second group is the “deafened” (*døvblitt*) who are born hearing but suddenly or gradually lost their sense of hearing resulting from trauma, severe childhood illnesses that can affect hearing like spinal meningitis, scarlet fever or loss of hearing as part of the human aging process. At times they also differentiate the “deafened” in accordance to the onset of deafness when they use the term *barndomsdøv* for those deafened in childhood. The third group is the hard of hearing that have some residual hearing which may vary ranging from mild to severe. These can be aided with assistive devices like hearing aids that can amplify sound. Another and increasingly important sub-group is the cochlear implanted (CI) commonly called the “CIs”.<sup>3</sup> A cochlear implant is an assistive device used on both hard of hearing and deaf. The electro-magnetic device is surgically implanted behind the ear in an attempt to reconstruct the audio pathways by stimulating the auditory nerve and help perceive sound. Such implantation is said to have the best outcomes if done at early stage, ideally before or during the language acquisition period. Last but not least is the general categorization of deaf are the so called “deaf-blind” (*døvblind*) who in addition to auditory loss also have visual loss.

Perhaps surprisingly, classifying each other and themselves into prelingually deaf, deafened, hard of hearing, CIs and deaf-blind is how I have also observed deaf speak of themselves – themselves thereby reproducing the biomedical distinctions within social and communicative contexts. Interestingly, however, distinguishing between themselves also forms the basis for a kind of hierarchy in the membership within the deaf community. At the top of the hierarchy is the prelingually deaf members born of deaf parents followed by other prelingually deaf and hard of hearing who have grown within the community (or attended deaf school) and have Sign Language (SL) as their first language were, among my informants commonly said to have deeper ties to the community than the other categories and, thus, enjoy a more privileged form of membership. CIs can also be strong and influential members but at times their status is ambiguous. Through accounting for the trajectory of the status of the deaf historically and contemporarily and the politics of deafness both within groups and institutions

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<sup>3</sup> Both hard of hearing (severe) and deaf can be CI.

important to the deaf and society in general, I will also explore this ambiguity later in this thesis.

Another way of approaching issues of definition pertaining to the term “deaf” refers to seeing these as visually oriented people in contrast to orally oriented people. This alternative definition is based on a cultural explanation as opposed to the (admittedly dominant) biomedical basis for definition outlined above. Through such an alternative approach, the focus is drawn away from the limiting loss of hearing towards instead emphasizing and valorizing the different human experience of visual orientation. The deaf who identify themselves with this definition see themselves as belonging to a specific culture, the Deaf culture, and rather identify themselves as “Deaf” with a capital “D”. Taking my cue from this alternative definition and as this thesis aims to explore the dynamics of deaf culture, in this text I am going to use the term “deaf” as a general grouping in the biomedical and conventional sense. Contrastingly, I will use the term “Deaf” when specifically referring to the Deaf culture or its members. For those who describe themselves with this self-designation, the capitalization of the D is applied in the same way one habitually talks about “a people” using a proper noun for example “the British” or “the Chinese”.<sup>4</sup> While Deaf construct themselves as a people, although without a specific territory or national boundary, they classify themselves as belonging to a culture based on the fact that they share a common language (Sign Language), have a shared history, norms, traditions and ways of expression that are passed from generation to generation.

The condition is detected and declared by the experts in the medical profession as deficient from the prototypical human auditory system. Ingrained in the medical approach to the human, is to see it as their task to find a cure or “fix” the malfunction. Based on this assumption of the prototypical/perfect human, most societies also set norms and standards of value and worth for their members placing the deaf on the unfavorable “less than perfect” side. The perceived imperfection of not being able to hear like the majority often results in their being marginalized by their societies. Commonly, they are also often excluded from mainstream communication when it is carried on oral and audio terms in so doing denying them a chance at participation.

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<sup>4</sup> In Norwegian grammar nationality names are not considered proper nouns that are capitalized. But since I’m writing this thesis in English, I will adhere to the English grammar usage of proper nouns.

Contrarily, the second definition adopted by the Deaf is a positively laden one for them. It rather embraces deafness as part of the diversity of the human species. Within this affirmative definition lies the view that trying to fix and “normalize” them in medical terms is simultaneously denying them their uniqueness. To those who consider themselves Deaf, it embraces alternative means of communication that are more inclusive than the mainstream aural mode. The contrasting definitions and views on deafness can be traced back to historical definitions and attitudes towards the deaf in the past.

### **Research questions and thematic focus**

How have the deaf and hard of hearing formed an identity and community around deafness? How do they express this identity, both ascribed and self-ascribed? What role have different sets of institutions played in perpetuating or shaping various forms of identity? In this thesis I look at the relationships of the deaf with the institutions closely related to them – primarily those pertaining to the domains of the medical and educational, as well as institutions supported by the deaf themselves. This focus is also informed by a recent trend, namely, that the deaf are increasingly establishing themselves as a linguistic minority. In this thesis I therefore test this identification by comparing and contrasting them to other linguistic minorities. Further, and as indicated above where I hinted at the hierarchy within the deaf community where CIs occupy an ambiguous position, technological advancement has brought tremendous changes to the Deaf community at the same time as technological advancements are being received with mixed feelings. I am interested in exploring these mixed feelings in order to analyze the dynamics in how the scope of deafness being is being challenged and how the deaf are navigating and negotiating these changes more generally.

In one of my courses as an undergraduate student of social anthropology, we learnt about deaf as a minority group in Norway. By then my view of the deaf was (reflecting the majority’s view) seeing them as a disadvantaged and disabled group. Honestly, I do not think I had paid much attention to them earlier. However suddenly I could relate to the struggles being told by the deaf on their relationships with people around them. A few years back, my son finally received the diagnosis “deaf in one ear”. After the course I began to reflect back on the whole process we had gone through; going for checkups, confirmation, despair, expert advice, hearing aid battles with my son, me and the school. I became intrigued by the whole idea of the Deaf cultural identity and community and wanted to learn more. My curiosity got

the better of me when a research project on the deaf turned up, I jumped at the opportunity. The project at the Rokkan Institute focuses on the court as an arena for marginalization and acknowledgement for deaf. It is part of a series of ongoing research on legal protection rights for deaf and other disabled peoples in Norway.

### **Theoretical and analytical framework**

When I first began this project, I was interested in the legal situation of the deaf in Norway more specifically the new deaf generations' perspectives on the Norwegian judicial system. The background of this interest stemmed out of the story of a deaf man who had earlier been wrongly convicted of double murder (see chapter 5). But during the time of my fieldwork, "my field" was preoccupied with other and (for the deaf) highly important struggles, including the survival of the deaf schools. 3 of the 4 deaf schools (elementary level) in Norway were threatened with closure. This included Bergen's Hunstad *skole* which happens to be the only one located in Norway's Western region. This sparked outrage within the Deaf community. As my fieldwork uncovered, the school battle was just the tip of the iceberg as a closer look at it unraveled a range of underlying tensions. More concretely, the struggles around the closure of the schools led me to investigate the uneasy relationships between deaf and different institutions involved in matters concerning the deaf as well as policy makers. This thesis attempts to uncover the layers and dynamics of these relationships.

### **Identity, boundaries and categorization**

A key analytical term that will run throughout this thesis is 'identity' as all the topics more or less deal with identity at different levels. Jenkins refers to identity as our understanding of who we are and who others are, as well as their understandings of themselves and us (Jenkins 2004:5). This thesis aims to reflect how my deaf/Deaf informants feel about their identity. Another key term that is useful is also Erving Goffman's 'stigma'. He explains stigma as a "bodily sign designed to expose something unusual and bad about the moral status of the signifier" (Goffman 2006:131). In his treatment of the subject, Goffman points out that the usage has shifted from the Christian times where stigma related to bodily signs and morals to forms of medicalization of stigma that relates bodily signs of physical disorder (ibid.). The

notion of stigma clearly relates more to the forms disgrace, marginalization and shame than being an indicator of bodily signs. Preconditions of stigma include social categorizing in the form of a social identity or status with an attribute that makes that person's difference less desirable. Put differently this person becomes a tainted individual that is reduced in our minds (ibid.). At the beginning of this thesis I mentioned that being deaf is portrayed as undesirable and pitiful, their deafness is the deviant and discrediting attribute that is the source of stigma. I will draw on these understandings of identity also looking at the role stigma plays in the creation and maintaining of a deaf identity. Categorizations are important in defining who individuals are as well as the individuals own understanding of themselves. Individuals placed in the same categories come to relate to each other as "one of the same" – an 'US' to be distinguished from 'THEM' – 'others'.

This distinguishing involves drawing boundaries and limits between 'us' and the beginning of 'them'. Group identification is constructed across group boundary in interaction with others (Jenkins 2004: 22). In Fredrik Barth's (1969) ground breaking 'Ethnic groups and Boundaries' he suggested the importance of looking at the boundaries and away from the 'cultural stuff' by showing how boundaries persist despite the flow of people across them and further illustrates how identity is dynamic, negotiated and situational. Harald Eidheim in the same volume exemplifies these situational dynamics and how identity is managed in self presentation (drawing on Barth and Goffman) in a study of the Sami. Moreover, and has later been developed, the social identity of a group may also be contested *within* the group itself, on grounds related to cross boundary interaction (Cohen 2000:1). Cross cultural differences which discriminate on either side of the boundary are not just dialectic differences but therefore a dynamics of different issues each group sees at stake or incongruent and incommensurate for example the right to be heard for one versus the need to make others inaudible for the other (ibid.2). 'Lived experience' is an important aspect of discriminating relations and differentiating world views.

However, boundaries need not be treated only through the internal-external lens but also may be thought to include internal boundaries *within* the group: Jan Kåre Breivik (2005, 2007) reveals how internal tensions of categorization of authenticity not only are integral to the makings of deaf identity but also contrastingly shows how the deaf identity transcends other boundaries, in this case nation-state as well as social cleavages.

## **Power and Knowledge**

As is well known, Max Weber defines power as the ability to enforce one's will on others' behavior; that is, the ability to make someone do something they would otherwise not have done (Reinhard 1962: 290). However, power also operates in ways more fine-grained than in Weber's approach above – with the interrelations of power and knowledge being a particular rewarding site for analysis, often inspired by the works of Foucault. It is therefore not surprising that many scholars of the deaf have used Foucault's terms to describe the relationships of deaf people and their significant others. Michele Friedner (2010) for instance, examines and compares influential scholars Harlan Lane (1992) and Paddy Ladd (2003) who look at power exercised over the deaf as oppressive alienating and aiming to produce docile subjects. With reference to Foucault's notion of 'bio-power', Friedner alternatively looks at how this exercised power has led to the growth of new forms of sociality she calls 'biosociality' an approach inspired by Rabinow's (1996) analysis of the relationship between subjects, communities and power and Nikolas Rose's (1999) notion of governing through communities. Foucault's bio-power term refers to a set of mechanisms through which the basic biological features of the human species become the object of political strategy (Foucault 2007:1).

Crucial to all these approaches is focus on humans being sorted and placed into categories according to their biological dispositions. The main mission for that he claims is to create docile bodies that can be disciplined and controlled.

While applying such a critical approach derived from Foucault, I will also use Lane and Paddy's perspectives of power and comparison to colonialism and audism by applying them to the Norwegian context while analyzing the asymmetric relationship with those who like the medical establishment and policymakers.

Another kind of expression of power analyzed in this thesis is that of social differentiation based on acquired expert knowledge that creates distance and reproduces differences in power and influence. This is inspired by Pierre Bourdieu's theory of cultural classes (1986a). Education and professional status can be seen as symbolic capital that entails a considerable amount of power.

## **Language and culture**

A point of departure in this thesis and as hinted above – is that deaf people have formed a culture based on their exclusive language SL. As Haualand (1993:3) also points out, Deaf culture is a way of life that is preconditioned or reliant on the visual language, SL. Given this, deaf will therefore be compared to other linguistic and cultural minorities. Norwegian SL (NSL) is native to Norway it is logical to compare them to other linguistic minorities in the Norwegian context, the indigenous Sámi are a case in point.

The use of SL is a characteristic cultural expression of deaf culture. Skills and knowledge of SL are prerequisite to participation membership in the deaf community fellowship. Language is also used as a tool for negotiating deafness and engaging in deaf identity politics.

Bourdieu and Passeron (1977) characterized language as an instrument of symbolic violence through which dominant groups enforce their own specific dialects over and against subordinate groups. This kind of linguistic imperialism<sup>5</sup> is common in former colonized countries where the colonial masters' languages are imposed as official languages as well as the chosen languages of instruction at the expense of subjugating the indigenous languages. Phillipson (1997) draws interest on structures and ideologies that facilitate the processes of language hierarchization including the role of language professionals.

Throughout this thesis, I'm going to draw on these theories in my analysis.

## **Fieldwork sites and methodological aspects**

Empirically, my research was carried out in various social and/or institutional contexts within the Deaf community from early February to mid –June 2011<sup>6</sup>. As part of my focus and aim to pursue the topics detailed above in relation to the Deaf community, I chose to learn Norwegian SL to enable me to gain access through being actively engaged in these settings. This proved

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<sup>5</sup> 'Linguistic imperialism' is used by Phillipson (1997) as a theoretical construct to account for linguistic hierarchisation.

<sup>6</sup> In addition to some of the data collected in autumn- late September and November



to be quite a challenge and my fieldwork also to a significant degree also revolved around learning and improving my SL skills.

An important site for my fieldwork was *Bergen Døvesenter* (Bergen Deaf Center) first and foremost the regional office for the NDF. It also serves as a resource center and meeting place for socializing. Adjacent to the center is the deaf church and a home for the elderly who are deaf or hard of hearing. The center is also the venue for SL classes in the Bergen area and also hosts the various clubs' meetings and social gatherings in the Deaf community around. **NDF** and **HLF** are the main umbrella organizations for the deaf and hard of hearing. NDF mainly consists of the SL using faction of the deaf and hard of hearing among others. HLF has a larger membership which mainly comprises hard of hearing, late-deafened, and CIs.

*Døves kulturdager* (Deaf cultural days) is a weeklong festival organized by the NDF that is held every autumn in which the deaf celebrate themselves and showcase the Deaf culture, history and arts. Deaf cultural weeks are held in many countries about the same time. In 2011 it was held from 22nd-25th September also coinciding with the 40<sup>th</sup> anniversary of the World Federation of the Deaf (WDF). Haualand describes it as an annual ritual that serves as a celebration and acknowledgement of Deaf culture and internal solidarity (Haualand 1993:20).

**BEAST** (acronym for *BErgen Akademiske & Sosiale Tegnspråk forum*<sup>7</sup>) comprises SL enthusiasts, mainly students attending interpreter studies (*tolkelinjen*) at the Bergen University College (*Høyskolen i Bergen*), individual deaf people and their friends. They meet once a week on Tuesdays at a café - "the SL café" which then becomes an important arena for socializing using SL. In addition, first year students get to practice their SL and interpreting skills as well as mingle with the deaf. In the period I did fieldwork, every other week was theme day where they discussed various subjects within the deaf community as well as other topics they fancied. One of the main goals of the SL café is to create a network and support system of SL users but also promote SL in the general public. SL is made visible in the public space that is not traditionally deaf dominated.

**Nordahl Grieg videregående skole** (high school) is one of the 6 high schools nationwide (and only one in the western region) that has expertise and specialized competence in secondary school education for the deaf and hard of hearing. It is also a regular school with

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<sup>7</sup> Bergen academic and social sign language forum

other students that are not deaf or hard of hearing. This means that these students attend school alongside their hearing peers.

Ål *Folkehøyskole* (community college) is a college for deaf and hard of hearing as well as students interested in SL. It was established by the NDF to serve as a resource and cultural center. The school is characterized by a rich SL environment where communication is carried out on deaf terms.

The material collected from these varied settings was first and foremost through participant observation. I began by attending SL classes at the *Bergen Døvesenter* as well as attending the SL cafés organized by BEAST and actively engaging in ongoing issues within the Deaf community. During that time the struggle to keep the deaf schools was the major deaf issue. I joined the demonstration parade in support of the school together with other deaf demonstrators, their teachers, SL interpreters and students. I also closely observed the unfolding of events in the public media, personal blogs and debates in the deaf spheres.

Later on in May, I spent 2 weeks at Ål where I got to interact with many deaf youth, immersed myself and lived the “deaf experience”. I also had three visits to Nordahl Grieg *videregående*. In the autumn in October and November I returned and held two group discussions. In late September I took part in the Deaf cultural festival.

Information gathered was predominantly from informal conversations I had with the people I interacted with as well as a few in depth interviews with my main informants. Interviews were both formal, and informal. Recruitment was on voluntary basis. I reached out by announcing in the deaf monthly magazine, *Døvestidskrift*, and on the official website of the NDF in addition to hanging a placard on the Bergen deaf center noticeboard that I was looking for deaf and hard of hearing individuals who had been in court before<sup>8</sup>.

Other information was obtained from seminars, theme days/workshops (*fagdager*) and conferences organized on issues concerning the deaf. Here my participation was both passive participant observation and active participation. By ‘passive participant observation’ I mean I was physically present observing and following the discussions without necessarily contributing to them (voicing my view in other words). In ‘actively participating’ I mean I took part in the discussions and debates by contributing my thoughts and views. The data

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<sup>8</sup> The original plan was to focus on deaf in the legal institutions

gathered in these workshops and conferences roughly represents the views and perspectives of the professionals and people in the academia: “the experts”. These include the Courthouse board and administration, the Nordic Disability Research Network (NNDR), the interpreting department and Deaf activists. One of the theme days I attended was organized by the National Deaf Museum in conjunction with the Interpreting department of *Høyskolen i Sør-Trøndelag* –HiST (University College of South Trøndelag).

With the exception of the debate on the *fagdag* during the Deaf cultural festival, theme days and seminars formal settings were very easy to take fieldnotes in my notepad along the way. On other occasions like my interviews and other discussions carried on in SL or via SL, I had to reserve my taking and postpone the note taking until the short breaks. The reason for this is that when using SL eye contact and attention is necessary and considered “good etiquette”. In these situations I rely on my eyes as the only source of receiving information whereas ordinarily, I could have taken notes while simultaneously listening to the speaker. Even if I had interpreters at times, they interpreted simultaneously which could give me the option of jotting down notes while listening but I chose not to because that would have been utterly rude to the signer! Note taking would necessitate me to shift my attention to my notepad which is also distracting.

### **Ethical considerations and challenges**

Before I could begin research, I had to report my research project to the research council - *Norsk Samfunnsvitenskapelige Datatjeneste* (NSD) and it took a while before I got final authorization. One of the issues of concern was interviewing minors and access to sensitive information from journal archives at the courthouse which I stayed clear of. I was also routinely controlled along the way. Also I presented a written consent form to my main informants. Participation was on voluntary basis with freedom to withdraw at any time. Some occasions necessitated non-verbal communication and preference of a “manual version” on these occasions I had an SL interpreter to translate the consent form.

In writing this thesis I have gone to great lengths to anonymize my informants as much as possible. This is a big challenge since the deaf community is small with a close-knit network. For that reason, I have intentionally not gone into the details of some of the

informants stories like for example the ‘Elias’ case in chapter 5 might appear vague or without the commonly used ethnographic details. For the same reasons names used in this thesis are fictitious and it is not specified which geographical location my informants are located.

When I held discussion groups with the students of Nordahl Grieg I was concerned with the issue of recruitment on volunteer basis. My discussions were held during school hours which made me question if attendance was obligatory. However, I was reassured by one of the teachers that my topic is one they have on their curriculum and that it would be interesting for the students too. At the time of my visit, they had been working on a school project on further career choices and on how to carry out research so my visits were also informative. The visits transforming into an interactive social studies class illustrated for me how fieldwork is only to some degrees ‘controllable’. Also and in that vein, I experienced that sometimes I was not fully accepted because I was “hearing” and therefore an outsider, sometimes also seen as a representative of the “oppressors”. However being an immigrant of African descent, I was not a typical “other” I was less “other-ed” because as a cultural and linguistic minority I was seen to face similar challenges (to an extent), therefore could “kind of” relate to their issues. This proved to be my saving grace in many contexts.

The language barrier remained a major obstacle for me. Although I learnt basic NSL, I struggled to keep up with the pace of other signers and I missed out a lot of information. However on important and formal interviews with SL users, I always had an interpreter with me. As a researcher I use myself as a tool and in this situation, I was given an opportunity to live the “deaf experience”. To be able to write about the deaf, I would not do them any justice if I did not understand what they go through on a daily basis. As any anthropologist can never be (nor will aim for becoming) his/her informants, I can never be truly deaf to understand but it is the closest I can get for now.

On one of my visits to the Nordahl Grieg School I was telling the youth of my experiences and first encounters in deaf arenas, I told them about the day I went to the SL café on a theme day. I was very excited but little did I know what was in store. The deaf man who was leading the talk signed so fast I hardly got a single word he said. Moreover whatever he was saying was so interesting and funny that every ones’ eyes and attention was glued onto him. Normally when I attended the café someone besides would always translate to me if I

did not understand. But on this day the student sitting next to me I think found it tiresome to translate for me as well when she was also very taken by the talk. She told me she was tired, she had been interpreting all day. At that point I froze inside, I was frustrated and angry I just wanted to go home but I did not want to appear rude. I could not wait for the day to end but I still sat there the rest of the evening sipping my cafe latte and kept smiling, nodding in my head in agreement and even laughing at the jokes yet I did not understand a single thing! After I told the class at Nordahl Grieg of my ordeal, one of the girls said to me “welcome to the deaf world”.

### **Presentation of this thesis**

Chapter 1 starts with an account of deaf history and more specifically the role of schools and education institutions in the emancipation of the deaf. Chapter 2 further looks at what it means to be deaf and the different ways of being deaf. Using individual narratives and experiences from people in the Deaf community as well as placing the issue within a broader societal and structural framework, it is argued that deafness is not a static state but a status that rather must be seen as a process of “becoming”. However, this deaf status is also contested as well as ambivalent. Conflicting views on deafness are therefore investigated in Chapter 3 where the conventional biomedical view is challenged and contested by the Deaf. The biomedical institution is looked upon with suspicion. CI, a product of this institution, is put in the spotlight as a source of controversy and problematized as a liminal status of neither deaf nor hearing. This status is also instrumental in negotiating the boundaries of deafness. The biological fact and categorization of deafness paves way for a new collective deaf identity that further realized through forming a community based on the sense of shared belonging.

In Chapter 4 I turn to the political and cultural organization of the deaf looking at d/Deaf organizations in Norway the NDF and HLF and how organizations are used to legitimize their member’s existence and a mode through which to channel the interests of their groups. This chapter includes ways in which Deaf participate in their community, celebrate themselves through the annual Deaf cultural day’s ritual. In this chapter I also problematize language within the deaf context in demarcating boundaries also to include its implications especially when it comes to education. It also gives an insight in the past and current struggles along the deaf emancipation continuum. Chapter 5 deals with yet another aspect of language, here I shift focus to the deaf within legal contexts. I look at how deafness is treated and given

meaning; investigating to what extent the judicial system acknowledges them or further marginalizes them. I compare them to other linguistic minorities and analyze courtroom proceedings. The legal theme continues through Chapter 6 which gives an account on the lived experiences of deaf and hard of hearing in different legal procedures through the judicial system as well as deaf youths perspectives on this system. The chapter includes a case of a hard of hearing professional which sheds light on an emerging status of the “deaf knowledgeable experts” and challenges of accommodation. I finally sum up all the themes dealt with in this thesis in the concluding Chapter 7.

# 1

## Deaf History

Early in my days of fieldwork in March, I visited an elderly gentleman who would tell me more about the history of the deaf. On his desk top was a statue of Aristotle. He began by pointing out to me how even the great thinkers were wrong about the capabilities of the deaf and how their influence also mislead people to think likewise. The elderly gentleman was not the only one tracing the view on the treatment of the deaf back to Aristotle: I was later to learn that Deaf in general relate to this story like the “genesis” of deaf history. No wonder therefore that to a person seeking to learn about the deaf like me, this is where he chose to begin – “when it all began” as he put it. The rationale for tracing a sort of beginning with Aristotle is that he is thought to have meant that the deaf were unintelligent beings lacking sense of judgment due to their inability to hear. For many deaf this implies that from him onwards, deaf have been labeled “less than human” for over more than a thousand years (Sjølborg 1992).

Another type of beginning of the history of what they perceive as marginalization that is very often recounted – although one where the specifics of the start is less accurate – is that of the kingdom of God having place for them since they could not hear the word of God. This inability to hear the spoken word of God directly implied, as they recounted to me, that they were perceived as doomed and, thus, denied entry into heaven. This is where the interest of educating them stemmed from – to teach them about the word of God so that they could also be saved.

Recalling and remembering history – including its philosophical and religious dimensions – among these people I met occupy a very significant place in how they frame and narrate their lives. For many it seems to imbue meaning in the sense of creating a life trajectory that, to a greater or lesser extent, conforms to broader and deep history of suffering. As the past is mapped onto the present in a way that seems to eliminate historical separation, the unfolding events I observed in during my interaction with the deaf people was often therefore interpreted as part of reliving their past and shaping their future.

In this chapter I will provide some historical background to how the deaf have been dealt with and approached. In detailing some salient features and key developments, the

chapter aims to both convey a framework within which the type of narrations mentioned above become understandable – as well as to give a more general introduction to Norwegian deaf history in general.

### **Europe and its deaf: Early trajectories**

In early Europe deaf children were looked at as deficient, put in asylums and denied the right to education. Many were also misdiagnosed as retarded and institutionalized together with the mentally ill and insane. Being unable to hear and speak as the rest of society, they were commonly labeled “deaf-mute” (*døvstum*)<sup>9</sup> as their perceived incapability of speech rendered them, in the eyes of the society in general, as lesser beings. One possible interpretation accordance of a status as lesser or freakish is that humans without language were seen as animalistic – that is, lacking an essential human capacity since speech and intelligent thought is what is said to be characteristic of the human species and that distinguishes us from other animals. In the same vein, some early philosophers postulated that deaf were incapable of intelligent thoughts since they lacked the speech to express themselves. As already mentioned above, Aristotle in particular, argued that deaf people could not be educated since they are incapable of hearing (Falkenberg & Olsholt 1988).

Nevertheless, even in early accounts of deaf they are generally seen as being able to communicate with hand gestures that were later to be further organized into a system forming a so-called “manual language” although still viewed as inferior to speech (Lane 2006). The French priest Charles Michel Abbé de L’Epée, also known as the “Father of the deaf” (ibid.) aimed in his work to aim and improve the conditions of the deaf. He did so by eventually initiating official sign language instruction and building the first school known for the deaf in the 1760s.<sup>10</sup> From this early beginning, gradually deaf education based on the manual sign language spread from France to other parts of the world. A few years later in 1778, another deaf enthusiast, Samuel Heinicke, also started a deaf school in Leipzig that did not use sign

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<sup>9</sup> Today, this is an offensive term to describe deaf people because more often than not, it connotes a negative stereotype of the “deaf and dumb” as synonym for stupid. However it has also been used by deaf themselves in acts of defiance (see chapter 4)

<sup>10</sup> Although few deaf from wealthy families elsewhere around Europe (England, Spain, Holland) tutored privately using the finger alphabet to teach reading and writing. L’Epee’s school was the first to take in and teach ordinary peasant pupils.



but taught speech and lip reading. These two methods came to be known as the French manual and German oral schools respectively. The French method remained popular and was adapted by many of the deaf educators until a century later in 1880, at a conference in Milan on deaf education; “manualism” was prohibited in favor of “oralism”. The German method was said to produce better results arguing that by speech training deaf could be integrated into society. In doing so, this also implied that speech was assumed superior to sign language. This trend of thought was carried on until the 1960s with the resurgence of sign language. Crucially, the re-emergence and development of sign language in the 1960s coincided with the rise also of the civil rights movement in the United States of America. This political environment of emancipation greatly helped in the rise of what one may call Deaf culture; - the first organized and politicized movements where those labeled deaf mobilized for rights, social awareness and recognition in general (Jankowski 2002). Norway was also affected by these historical turn of events, as we shall see.

### **Deaf history in the Norwegian context.**

The NDF approximates the number of deaf persons to be about 5000 and a total of about 20,000 Sign Language users. Deaf history in Norway is crucially linked to the opening of the first deaf school in Scandinavia in 1807 located in Copenhagen by a physician of Norwegian descent, Dr. Peter Atke Castberg. His initial mission with the deaf was an attempt to “fix” them by using methods of the day like galvanization<sup>11</sup> which he later abandoned. After abandoning this approach, Castberg dedicated the rest of his life to teaching and instruction of the deaf and dumb inspired by the French school (Sander 1980).

Deaf Norwegian Andreas Christian Møller, who was one of Castberg’s students followed in his mentors’ footsteps teaching deaf when he returned home to Trondheim where he helped found the first deaf school in Norway 1825. The Trondheim deaf school was also a manual school. In the second half of the century several schools were being established in the main cities, however, and news of the alternative method of education was spreading. Consequently, and the new schools hired teachers trained in the oralist tradition.

1881 was the year the Norwegian government passed the law on obligatory primary education for the deaf; the *abnormskoleloven* (school law for the abnormal). Following this

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<sup>11</sup> Stimulation with electricity.

legal measure, it was thereafter however, the use both manualist and oralist methods of instruction in the same school was prohibited.<sup>12</sup> Each school had therefore to choose only one of the traditions they would follow. Following this, the Trondheim school kept the manualist tradition although gradually it lost popularity to the oralist regime and by some seen as outdated as more parents began enrolling their children in the new school in Oslo (oral) that would “teach them how to talk” (Sander 1980). The oral school emphasized speech training and lip-reading which made it possible for the deaf students to communicate vocally and thereby remove them further away from the image of the animalistic deaf-mute. The legacy of these two methods of instruction have cast long shadows: It is not until under the Norwegian 1997 education reform (the so called “L 97”) deaf finally acquired rights to sign language instruction and consequently that SL began to be reconsidered and even used as a tool in the oral school.

### **The role of education.**

Doubtlessly, deaf schools have played a very crucial role in the history of the d/Deaf around the world. First and foremost education was the stepping stone that helped the deaf rise out isolation from single isolated deaf individuals in their families to a group of people of the same kind. This newfound fellowship allowed them to form small groups and organize themselves. Education also resulted to recognition of deaf as entitled to the same rights like other citizens.

Education also entailed a change in attitude towards them. More specifically before the introduction of schooling for the deaf, without speech deaf were commonly seen as animalistic as mentioned. After discovering they were imbued with the capacity to learn if taught appropriately – a discovery very much related to the introduction of schools especially through the school system they were awarded more humane qualities. Thus they were no longer “mute” but could speak with training. Speech was not the only mode of communication after all and sign became accepted as an alternative mode of communication and a language with its own rules and grammar.

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<sup>12</sup> “§ 1 I loven av 8.juni 1881 bestemte at de ikke matte undervises etter mer enn en metode i same skole, tegn- eller tale-metoden (Sander 1980: 30, Olsen & Falkenberg 1988:25)

In tandem with these changes, gradually they acquired more rights like the right to inherit property elsewhere in Europe for example in early Spain and England (Falkenberg & Olsholt 1988). This point is important as prior to the era of deaf schools, where only a few wealthy families and nobles hired private tutors for their deaf relatives, with the aim of making their heirs be eligible to their inheritance (ibid.).

Education has since then been a battle ground for deaf rights and provided a platform for voicing protests – including demanding civil rights as well as negotiating them. In historical terms, then, one could say that after proving they are educate-able, deaf proceeded to fight for the right to go to school. This struggle by the deaf also proved to be an inspiration for other disadvantaged groups that had been denied the right to education. For instance, the abnormal school law (*abnormskoleloven*) of 1881 was introduced where by children with different disabilities that hitherto had not attended school now had a right to an education in Norway. The decision stemmed directly from the experiences with deaf schooling (Sander 1980).

In general SL, that later has come to be the anchor of the Deaf world was and is a crucial factor in establishing the basis and maintaining hold on the claim to their difference. In the Deaf communities this gradually was acknowledged as a natural language and as a language of instruction (manualist tradition) Norway not being an exception to this. Lip reading and speech training (oralist tradition) were also employed in teaching deaf alongside sign. However, the question of the appropriate method of instruction (whether sign oriented or speech oriented) deaf schools should employ has been debated upon until today. What is most important is that through these debates the deaf as a group have had an opportunity to express grievances on matters that affect them. Intertwined with the debate on the appropriate mode of instruction is the issue of appropriate schools. Inclusive schools/integrated schools where deaf pupils attend regular schools alongside their hearing counterparts versus pure deaf is the latest trend and grounds for battle as mentioned earlier on the diminishing deaf schools. Norway has 4 main elementary deaf schools<sup>13</sup> deaf and hard of hearing children can attend. The *Kunskapsdepartement* (Ministry of education and research) claims there are fewer intakes every school year because most of the children with hearing disabilities are increasingly

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<sup>13</sup> Located in Trondheim is A.C Møller skole (which is the first school founded by Castleberg), Hunstad skole in Bergen, Vetland skole and Skådalen Skole in the Oslo region. Hunstad and Vetland are not only exclusive to deaf.

joining regular schools. For that reason they suggested to close down the deaf schools and rather either integrate them into regular schools or invest in the so called “*tvillingskole model*” (twin school model). The twin school model implies that the deaf school is located alongside a regular school sharing common playground but separate classes with a resource center for the deaf and hard of hearing pupils. The major issue of concern for the Deaf opposing this system is the fact that they lose the exclusively signing environment enjoyed at the deaf school. This is so, as normally the deaf school has its fulltime pupils but also offers part time classes for the other pupils attending regular school. As will be clear in Chapter 4 of this thesis, the perceived threats to schools raise large concerns as well as mobilize broadly within the deaf community.

Elsewhere, other grievances like political struggles on the right of self-governance have also taken place on school grounds. In 1987 at Gallaudet University (a university for deaf) students revolted and demanded for a deaf president for the university thereafter the famous so called – Deaf President Now (DPN) movement, overturning the election of the chosen hearing president (Jankowski 2002). This remarkable incident has come to be a benchmark in the history of the Deaf and deaf politics thanks to the ripe environment fostered by the deaf school. By “ripe environment” I mean an environment that nurtures and allows the growth of ideas to empower the group as well as provides mobilization of supporters to the cause (DPN among others). It has served as an example for the future fights for other rights like the survival of diminishing deaf schools. Widely seen as detrimental by my deaf informants, trends towards closure of deaf schools in favor of mainstreaming by some governments like the UK and Norway, to mention a few, have sparked similar forms of demonstrations. The demonstration I participated in Bergen in February 2011 organized by parents and teachers of the closing deaf school together with clubs, members and academics within the Deaf community is a good case in point. The deaf communities in Bergen and Oslo mobilized supporters as well as sympathizers who marched together through the cities of Bergen and Oslo respectively in silent protest to the decision to close three of the four deaf schools in the country. The protest was successful in overturning the decision moreover this was not the first time this kind of mobilization was used in Norway. Deaf schools were threatened of closure in 1990 (“*Prosjekt S*”), the deaf and sympathizers took to the streets and were acknowledged. At the 2011 rally, demonstrators referred to this as a replay of 1990, in so doing mapping the past struggle onto the present one. This was also explicitly expressed on

their slogans on the banners like “Let the deaf school live, still relevant today 2011”.<sup>14</sup> “Let the deaf school live” was the motto for the 1990 demonstration also adopted in 2011 – the motto itself also testifying to the showing how a sense of history of experienced stereotyping and marginalization and how this is vividly remembered, related to and used in a collective politics of self- representation.

Most importantly, the deaf school as an institution has helped perpetuate Deaf culture. Like the mentioned above, the deaf school also offers classes to part timers who otherwise would be oblivious. It is here in the signing environment they encounter children like them, meet deaf role models and learn to be “Deaf”. It is here that deaf are socialized and acculturated in the sense of attaining familiarity with Deaf culture. Deaf of deaf (deaf children born to deaf parents) at these schools, already fluent SL by school going age (since it is their mother tongue) and naturally inherited the Deaf culture are role models for the newcomers. Deaf culture claim uniqueness in the rare transmission of culture from child- to- child rather than from parent- to- child transmission common to other cultures. As an overwhelming majority - 90-95% (Jankowski 2002:45) of deaf children are born into hearing families, the deaf school is usually the first encounter with other deaf. Some families try to adjust to incorporate sign to include their deaf member but for the other rest, speech is natural to them therefore the deaf party has to try to fit unfortunately making them feel alienated and excluded. As my informants often told me, at the deaf school they are not different from others and feel included and manage to build strong emotional ties. Friendships are greatly valued perhaps more that hearing people do.

At the Deaf cultural festival I got to meet many deaf people and I remember talking to couple of people who had known each other for over five decades.

During the tea break between scheduled activities, Deaf people and signers filled the hall narrow hallway and lounge of the venue. Everyone seemed to know each other. I felt a little out of place because I hardly knew anyone there apart from the people I had met earlier in Bergen and at Ål. I stood surrounded by all these people and yet feeling so alone my eyes searching among the people for any familiar faces of people I had met earlier then I spotted an idle seat vis-à-vis a group of about four elderly people sitting in the lounge. I decided to go and socialize by joining them. When I sat and caught their attention, I introduced myself and told them this was my first time at a Deaf festival. One of them started recollecting of the old days when the tradition and

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<sup>14</sup> “la døveskole leve 1990, fremdeles aktuelt 2011”

how it has changed. They told me how every year they look forward to meeting up, apparently one or two of them lived in another city and they didn't see each other often. I asked them how long they had known each other and I was told that they met at deaf school and amazingly had been friends since, created their own families and chose spouses from within their friend network.

As also other informants confirmed, often such bonds of friendship are enduring and the deaf proudly brag about this. Probably also because their social circles are limited unlike hearing and even if one moved to a new city, they would seek out the deaf clubs in the new area. The bonds formed between Deaf people and their "new found families" in the Deaf world are even said to be stronger than biological ties (for those born into hearing families). This imbues the Deaf cultural days with the sense of being a big extended family reunion that lasts a week. A number of people I got to know told stories of how they felt they did not really fit into their biological families because of communication barriers as well as other lived experiences that even the closest and most affectionate family member would never comprehend. However someone in a similar situation as them would understand them perfectly without even trying to explain themselves. Therefore they longed for their peers company and felt more at ease than in their own biological families. At Ål, the deaf college I stayed at, one of the girls told me was not looking forward to going home when school ends. She explained that back home nobody really understood her and she had no friends. She loved being at school because she had many friends and people to talk to.

Bonding starts from similar life experiences of growing up as deaf in hearing families and learning to be Deaf which they learn from those born into deaf families (or with deaf family members) Deaf attitudes, etiquette and language. The kind of bonding and attachment developed are usually much more solid and lasts a lifetime. Many children at times spend more time here with their peers than with their own biological families and even stronger feelings for deaf peers than family member. As one deaf poet Ella Lentz put it: "the Deaf child is your child, but he is my people" (Lane, Hoffmeiser & Bahn 1996:455). Many of my informants thus claim that 'back home' in their hearing families many deaf struggle to keep up with the rest of the family and they are usually left out of many conversations. One of my informants reported that most of the time sign was used when directly talking to her but on other occasions when the hearers speak to each other; they do not consider that she may want to follow the conversation. When she asks to be filled in she always gets a short summary or even "never mind, it's nothing". They are considered lucky if parents learn sign and use it. In

conversation with many of the people I met, I always asked if they had other deaf in the family. The majority of them said they were the only deaf in the family. Some had a deaf sibling and said they always had someone else to talk to even if the rest of the family would be speaking and not signing. In these cases with more than one deaf member in the family, other family members usually took some interest in learning how to sign. On the other hand, with only one deaf member in the family some are not that lucky (for the deaf member) to have other family members take the same interest in using sign to include him/her. The burden of not being able to communicate is thrown on to the deaf party, in other words, it becomes his individual problem. He/she has to adjust to the hearing family members and usually not the family members to adjust and accommodate him.

At Ål I got the rare opportunity to directly observe families with deaf children interacting with each other. Firstly through the courses that were held weekly for the different family groups and secondly, the regular students. Most of the observation was around meal times in the cafeteria and informal socializing free time. I looked at how often the deaf party was drawn into conversation, how conversation was carried on in speech or sign. I also followed the deaf party's attention then. On the other occasion, I had seen how the students interacted with their peers daily and finally on their last day of school, their families were invited to witness their graduation ceremony. Some families signed naturally in the presence of their deaf member that I did not realize they were hearing until I saw them speaking to each other later. Others just carried on speaking to each other while the deaf party just looked on. In the informal free time, some of these others (without signing families) sought out their peers to socialize instead of spending time with their family members. Of course this can also be understandably because they have more in common with their friends and prefer their company than parents just like regular kids but it also confirms and supports the claim that they have stronger ties with other deaf than their own families and the deaf school indeed plays a big role in drawing them together and forming the "new family".

Deaf schools create jobs opportunities for deaf individuals by employing them in different roles as teachers, accountants, teaching assistants, cooks, janitors, etc. as well as beyond in the "hearing world". Due to the opportunities provided by the schools, deaf people also tend to settle around the school forming small communities where we also can locate the deaf clubs, organizations and welfare groups. In these circles is where many Deaf return in search for potential mates.

The self determination of the Deaf enabled and facilitated by schools and their byproducts has reportedly been seen as a threat in the past and kind of separatist presently. I will elaborate on this in the chapter on Deaf politics.

## **Conclusion**

The deaf story is a story of dehumanization, long term suffering, and systematic marginalization through being made invisible, undervalued and misunderstood, to struggle, isolation, and eventually overcoming. This chapter has traced the roots of deaf history and some of its dimensions that impinge deaf narratives of their past. As has been made clear, history and recalling various aspects of the past plays a very important role in the lives of the deaf. It creates continuity between contemporary deaf to the deaf before them. As this chapter has demonstrated, the present situation could as well be interpreted as various aspects of the past as the stories of the past are contemporized. In other words, the deaf see themselves as still fighting the same fight of schooling, language and their human rights thereby historicizing the present and eliminating historical separation. Undoubtedly, what enabled such struggles, and what I have also shown, is that education and the emergence of its institutions remains the most influential arena in deaf emancipation through the opportunities it created in enabling the gathering the otherwise isolated individuals to form communities and a common identity.



## 2

# Becoming Deaf

“..identity can *only* be understood as a process, as ‘being’ or ‘becoming’ ”

Richard Jenkins<sup>15</sup>

The deaf terrain is conflicted territory. As was partly shown in Chapter 1 but will also be demonstrated throughout the thesis, the conflicting views often stem from historically produced and widely held general attitudes towards deaf. In this chapter I am going to show how these attitudes operate, affect and shape individual deaf trajectories. Lennard Davis (1995) states that deafness is always associated with a story embedded in time sequenced narratives. Deafness is usually told as a life story beginning with the discovery/onset of deafness with the life’s defining moments encountered when changing course or being at cross roads with difficult choices. Paddy Ladd coined a new term “deafhood” which he defined as “the process of defining the existential state of Deaf ‘being-in-the-world (Ladd 2003: xvii). He contrasts it in opposition to deafness, a static medical category. For Ladd, the process is then - the struggle by each Deaf child, Deaf family to explain to themselves and each other their own existence in the world. Through that process, Ladd argues, they come to actualize their Deaf identity (ibid: 3). In other words in line with Jenkins’ notion of identity, deafhood can be seen as a process of becoming and maintaining a Deaf identity – a notion capturing the very heart of a dynamical process both envisioned by Ladd and, as will be shown in this chapter, experienced in different ways by my informants. This chapter is an illustration of such a process of attaining a Deaf identity through specifically focusing on approaches to having deaf children and the processes in which these deaf children at some point in their life face identity crossroads like communication crisis or incongruent feelings of being in the world that make them seek for a truer self they can identify with.

When you ask a mother to be what offspring she is expecting, almost every one of them will tell you that they pray for a normal healthy baby and hope for one just like them. Most of

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<sup>15</sup> Jenkins 2004:5

the time they will point out their best characteristics and personal traits they would love to pass on to their offspring. When the baby is born family members search for resemblance and mannerisms in the baby they can relate to.

### **Help! My child is deaf!**

All babies are born “seemingly normal” unless they possess any visible sign of difference. Deafness is not immediately visible to the eye. At the maternity ward, it is standard procedure for newborns to be checked for any irregularities like visible “birth defects”, normal reflexes and blood samples are taken for further screening for other invisible congenital illnesses and rare conditions before they are released from hospital. Most mothers take home their “perfect copies” while for others the screening can reveal unexpected problems. All hospitals in Norway offer newborn screening as a part of early intervention programs. In October 2010, the Norwegian government expanded newborn screening program from 2 to 23 conditions<sup>16</sup>. Congenital hearing loss is also offered as an alternative. Parents have to give their consent (informed) prior to such tests being taken.

In an information brochure to parents – ‘children with hearing loss’<sup>17</sup>, the project group collected various experiences of parents and families with hearing loss. In the brochure they give examples of the kind of reactions to the news. Usually parents react to the news with shock, helplessness and confusion. A number of other emotions can be registered varying from denial and disbelief, anger and resentment toward the bearer of the news (medical personnel), their spouses or towards themselves in form of guilt, sorrow for the loss of the “healthy baby” and sadness for the limited opportunities that result, to a feeling of emptiness and despair (Statped & St.Olavs hospital 2011). The shock is said to last from a day to months. After the initial shock is over and the hearing loss becoming a reality follows reorganizing with focus on the child’s needs (ibid.)

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<sup>16</sup> <http://www.oslo-universitetssykehus.no/aktuelt/nyheter/sider/gar-for-utvidet-nyfodtscreening-.aspx>

<sup>17</sup> The information material for the brochure was made as part of a project on hearing loss and new born follow up, a collaboration between St.Olavs hospital and the Møller *kompetansesenter* that offers the special pedagogic support system ( Statped & St.Olavs Hospital 2011).

The discovery of the child's hearing loss may not be detected until a later stage. Usually this is stumbled on by accident when a child fails to respond to loud noise or alternatively when a toddler normally would start producing speech.

Lisa, a hearing mother to a 7 year old boy who is severely hard of hearing, told me her story. She began suspecting that there was something wrong with her child when he slept through a fire alarm. She was making food one day and accidentally set off the alarm while her 6 month old baby was asleep in his crib in the living room. He did not even stir. She brushed it off concluding that he was probably too tired that day. She never noticed anything unusual until the next trip to the *helsestasjon* (health center that serves as an under-5 clinic) for checkup when the nurse inquired about hearing. She was referred to the general hospital for further tests. It took 3 weeks before the visit to the *Høresentral* - the section responsible for hearing at the *Øre-nese-hals ØNH* (Ear Nose Throat - ENT) clinic. Meanwhile in the waiting period they tried home-made tests like banging things behind him to see if he would react. He passed the tests sometimes but other times failed to respond. It gave her hope that it probably was a temporary thing but she was worried. At the hospital, she was finally told that her son had severe hearing loss. Although she was suspecting that something could be wrong, the news still came as a shock to them. She hoped the tests were wrong and asked them to retest. She cried for many days, and fell into a deep depression. After a while the shock subsided and then she began searching for knowledge on how best to raise her child and maximize his life opportunities.

Since she was hearing and had no prior knowledge on deafness, she relied heavily on the support and guidance from the health team at the hospital. She trusted their competence as they relayed to her – ‘we have done this many times before’. She was determined to do whatever it took to make him “function well” have a normal life in future. To do this, she resigned from her job and devoted all her time and energy on her little boy, training him up to lip read in addition to the speech therapy offered. The process caused a lot of marital friction that she parted ways with the father of the child. He did not attend kindergarten like other kids until he was 5 and considered a preschooler. She finally sent him to a hearing kindergarten with a heavy heart. She said she had kept him home longer to ensure that he was confident in his use of language before he could mix with other kids. I asked why she did that because I believed children also learn from other children, I gave her example of other minority kids with languages very different and unrelated to the Norwegian language. Of course hearing

kids learn language differently from kids who rely on vision like the deaf but it was an example kids learning from other kids. She eventually admitted that she was afraid of letting go, afraid the other children may not like him, bully him or maybe he would not get any friends. He began in a regular kindergarten that nearby (a few blocks from her home). He coped well, the teachers were nice and he made a few friends. She also chose a regular school for him and continues to tutor him at home. At the time of our conversation, he was in the 2<sup>nd</sup> grade, and seemingly coping well, it's only time that will tell if her efforts were worthwhile.

### **Thank God! My child is deaf!**

Generally within the Deaf community, every deaf child is regarded a blessing. New members to the Deaf family are crucial to their persistent survival - heirs to carry on their legacy to the next generation. I have heard from my informants that most deaf people wish for children like them. Deaf is what they consider normal because it is like them. Given that many deaf are born into hearing families, depending on the cause of their own deafness (unknown or hereditary), they are aware that there is a chance that the baby is born deaf. Worth mentioning, Deaf couples do also produce hearing children called CODAs acronym for children of deaf adults. Interestingly, these children are also considered Deaf – “culturally Deaf” for that matter distinguishing them from the Deaf who cannot hear. Culturally Deaf means that they are socialized within the Deaf community and have sign language as their first language. There is a reversal of roles which will be explained further in chapter 4 to avoid tracking off the topic I opened with in this section.

In Lane, Hoffmeister & Bahan's book 'A Journey into the DEAF-WORLD', one of the main characters Henry, narrates his story surrounding the birth of his deaf children. He and his wife were not expecting a deaf child since both their parents and extended families were hearing. When they found out that their son was deaf, the couple was surprised and thrilled, hugging each other in happiness while the doctors and audiologist thought they were out of their minds (1996: 18). For them there was no feeling of helplessness because they knew what kind of life could lie ahead of their deaf children. A rich life surrounded by friends and people like them (Deaf) who would embrace them and be role models to watch and learn from. A life they never had growing up in hearing families.

These two cases above demonstrate the kind of conflicting attitudes towards deafness. The first mother is devastated, her dream of a perfect healthy baby crushed. Her child will never be like her. Instead she foresees a future with problems and has to reorganize her life and lifestyle to attend to her child's needs, responding by over protectiveness. Contrastingly however, the second mother was also not expecting a deaf child was surprised but thrilled. Her baby was like her and although will not grow up just like her, he would have a better life. Her would be included in the community from day1 and exposed to a rich culture and be "normal" (deaf) like them. There is no need to reorganize to accommodate the newcomer in the family. Their doctors' reaction however clearly expressed that deafness was not something to be happy about.

For the hearing mother decisions have to be made immediately. The child was a good candidate for cochlear implantation since he was in the early language acquisition stage; she was encouraged with the promise of a normal life for him. With no other alternative, it looked like the solution to the problem. Some deaf faced with the same offer may decline the CI offer as my informants claimed when I asked if they would do it themselves, there were mixed answers, some would and others do not know what they would do but a story that kept coming up was how deaf parents decisions are not respected and referred to an example that I will present in the next paragraph below. Like Henrys example above, most doctors do not commend deafness because they look at it as a deficiency. Therefore the deaf parent's decision to let their child remain deaf may not be respected. Some doctors have been said to even go to great lengths to enforce their will.

A deaf couple who experienced this kind of treatment shared their story in the Deaf magazine – *Døvestidskrift* (Herland 2008:8). They did not want CI for their daughter, a decision the doctor and the competent health personnel who were supposed to be a support group did not take well. The doctor misused his authority when he threatened to report the couple to the child protection services (*Barnevernet*) which he eventually did when the couple stood their ground. The couple says that he treated them like they were ignorant, dumb and helpless and that reasoning with him was pointless. Furthermore, the child protection service representatives were cold and unreceptive that even with the mediation of two experienced deaf councilors, they failed to understand the couple's choice to decline the CI offer. They parents were in the process accused of selfish motives and not for what is best for the child.

Among other decisions to be made are choosing the appropriate communication mode; focusing on speech and lip reading alone, sign language or combination of these and the choice of the appropriate school later on. I am not going to dwell on this further but rather skip over to identity formation during school age and later in life because I want to focus on the deaf individuals own choices and agency in creating and shaping his own identity.

Ohna (2001, 2004) describes identity development in deaf persons. In his study conducted in Norway, he uses narratives to analyze interaction between parents and children, interaction with hearing persons that break down, contrasting with interaction with other deaf as well as adult narratives reflecting previous themes (2004:25). Through these narratives of these interactions, he analyzed how his informants related their situations and a development of identity. Interpersonal processes force them to reconsider their earlier ways of looking at themselves. He presents a case where deafness was taken for granted until the person meets obstacles in interaction with others that she truly understands the meaning of being deaf. As a child, deafness was taken for granted because she attended deaf school and had generally even child play with hearing friends was no problem since it did not necessarily have to involve speech. It is when she got older when friendship involved a lot of talking to each other that she experienced a breakdown in communication when she did not always comprehend her hearing friends resulting to her eventual withdrawal. In her withdrawal she seek out the deaf club where discovers herself at ease. He looks at the process as going through phases the 'taken-for-granted phase', 'alienation phase', 'affiliation phase' to what he calls 'deaf-in-my-own way' (Ohna 2004:33).

Anthropologist Jan-Kåre Breivik (2005, 2007) has also studied deaf in Norway. Similar to Ohna, he uses narratives and deaf life stories to analyze deaf identity construction. But for him identities are always in the making and temporary produced through autobiographical accounts (Breivik 2005:2). He describes the transition from marginal identities to a self-realization of a new Deaf identity. However his approach slightly differs from Ohna through focusing on these marginal characters as specifically heading for or longing for a stronger connection to the Deaf community. He exposes the ambivalence and ambiguous internal conflicts that they experience in that process. His characters experience the realization as liberating - "out of the closet" experience (2007:39). The process of self-realization also involves deep soul searching and acknowledgement of own unconscious prejudices that could have been internalized in their upbringing. Notably negative attitudes feeling towards

deafness or SL resulting from growing up as only deaf in hearing families, own negative childhood experiences or even feelings of inferiority imposed on them by others. The change in attitude often comes with exposure to Deaf milieus, for all Breivik's characters, Ål is an important milestone in this journey.

My own material on Deaf identity construction is a combination of Ohna and Breivik's approaches. Like Breivik, I view Ål as an important locality in the Deaf community, and for students to seek out Ål, also indicates seeking out the Deaf world. Similar to Ohna's interactionist approach, to Jenkins, identity is social and can only be realized through interaction (2004). The incongruence of feelings in the previous ascribed identity leads to the search of the truer self, Jenkins also claims individuals seek new identities that validate an existing self-identity or to change it (Jenkins 2004:156). In other words enrolling at the college can be seen as moving towards the Deaf direction a kind of 'back to my roots' (or 'routes' as Breivik would rather put it) identity searching. I interpret the step towards the Deaf direction as a conscious move signifying a longing to belong or identify with the Deaf or alternatively rejecting a stigmatized identity of 'deaf' and transforming it to positive "Deaf" one. The longing to belong originates from a previous taken for granted identity status like being 'd'- deaf in a hearing family which does not quite resonate with how he/she feels inside, broken down communication that threaten that given identity and bring it to question.

### **The Ål forest of symbols.**

Ål community college is an important milestone in many deaf people's lives. Many deaf youth after compulsory high school years take a year off (free year) to attend this college for the deaf before they decide what they really want to do in life<sup>18</sup>. Many deaf people who have spent a year at the college have fond memories of the place as many have expressed it as "the best year of my life". The experience at the college has elements of Arnold van Gennep and Victor Turners 'rites of passage', Ål can therefore be likened to a rite of passage into Deaf

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<sup>18</sup> The college also serves as a resource center offering various courses on themes encountered when interacting with deaf or hard of hearing for parents with deaf children, children with deaf parents or relatives, the late deafened, as well as people interested in sign language.

identity<sup>19</sup>. The rite of passage is a transition from one phase of life to another or social status is characterized by 3 phases: separation, seclusion and reintegration (van Gennep). The novices, in this case the deaf with a small 'd', leave their homes and families to join others like them at a special place secluded from their usual life. "Guardians" are also found among these others. The guardians here are other students who have already attained the Deaf identity at an earlier stage like through a similar process at the deaf school or through upbringing as Deaf. The period at can be looked at as the seclusion phase which Turner calls the 'liminal phase'. In this phase they are inculcated in the sacra of Deaf values.

My stay at Ål was towards the end of the school year. Although I did not follow the whole identity development process from the start of the school year, through personal stories I was able to get a clear picture of how life was then. In the last days of school the students were preparing to go back home, apart from the practical chores of cleaning up their dorm rooms (that a few hated) and completing unfinished school projects, there was a lot of talk on how they are going to miss Ål. On graduation day, one of the classes entertained the guests with a dramatization of their journey at Ål. They used the irony of their signing skills that start with one of the students stood forward making motions with her hands signing in "slow motion" that is kind of robotic, the tempo gradually increases until it becomes fluent. On the last day of students signed each other's year books and said their very emotional and tearful goodbyes promising to keep in touch.

Some deaf and hard of hearing students, enrollment at the college is not their first encounter with Ål, some of them have grown up within the Deaf community and have visited at some point in their lives, at events like youth summer camp, the weekly courses with families and so on. For many of them their motivation of enrolling at the college is a taking a break from the 'hearing world' and withdrawing into a world where they can be themselves. A world where they are a majority and interaction is on their premises. Therefore theirs is not a rite of passage where they graduate with a new identity but rather more of a pilgrim's journey to a sacred place where they confirm and renew their existing identity and play a role in the communicating of the sacra to the initiates (the small 'd's). However for those raised orally with minimal sign language skills, enrollment becomes a journey to self-realization. Christopher, one of the boys said he enrolled because he wanted to learn Norwegian SL, he

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<sup>19</sup> This comparison has also been made by Breivik (2007) who did fieldwork at Ål, and Hualand (2002). Hualand referred to the deaf child's first encounter with deaf school and dramatic separation from parents.



previously gone to oral schools, at Ål he came to be proud of using SL which he said made all the difference. To be proud of using sign language to him meant acceptance of who he is as a deaf man in the world who belongs to a community with others like him. He came to Ål like a marginal hearing impaired boy, at Ål he underwent “re-schooling” through learning SL ,his history and heritage, meeting others like him and graduating as a Deaf person.

My first impression of Ål was a place in the middle of nowhere. I took a taxi from the train station to the school; the winding road uphill seemed to go on forever until we were almost at the top when the driver took a swing towards some buildings and told me this was my destination. After he drove off I could see down the valley with hardly any human settlement, the scene was serene and beautiful, provoking a sense of tranquil. There were no busses that went to town, if one wanted to go to town, he would have to walk or hitch a ride from one of the staff members otherwise every Friday afternoon a bus came to take the students to town and drove back after a few hours. From this impression it is very plausible that this journey uphill to the school can be seen as a physical act of separation from the hearing world into a sacred place where they are isolated and enlightened before they emerge as full members of the community in other words from a ‘deaf’ to a ‘Deaf’.

The return to the hearing world is marked with determination to create their own life path by being more assertive. Many become actively engaged in their Deaf clubs back home as well as renewed motivation to accomplish their goals like getting higher education.

### **Turning tables, hierarchies and impurities in the sacred place**

Treating Ål as a sacred space has its limitations, it is not purely a place for deaf and hard of hearing, the college also takes in a number of hearing students who want to learn Norwegian SL every year. In the colleges earlier days, the hearing who were enrolled studied SL under the ‘Social service course’ (*sosialarbeid/bistandslinje*) that was later turned into purely SL studies because it was said to be technically reproducing the paternalistic stereotypes from the hearing world where the hearing was assigned ‘helper’ (Breivik 2005:126). Renaming to SL studies, tables were turned - it’s the deaf who were the most competent ones assigning them as role models to learn from as well as ‘helpers’ hence switching hierarchies. Instead Ål plays a role in reproducing alternative hierarchies in the Deaf world as I mentioned in chapter 1

with Deaf raised within the community or attended deaf school at the top and hearing at the bottom. For it is them already acculturated in the community who in turn teach their learned values to the newcomers.

I observed small grouping like behavior at Ål. In the cafeteria during meal times, the students seemed to have particular tables or friends they preferred to sit with. There is small group that at times sat at the table with staff members and more mature students that seemingly influential and strongly positioned. The boys seemed more carefree sitting at various tables and changing friends although I noticed the CI group hang out together at times. Small groups of 2 or 3 hearing would also sit together. Interestingly however, I noticed that there was another group that did not seem too intact with the others, even if they were deaf like others, even with several deaf in one family, they seemed to be on the sidelines although included. These were deaf but of immigrant origin who studied NSL for foreigners. This is the group I found most accepting and accommodating to me while others were aloof and even showed indifference at times. I did not have any problems with the hearing; they were very helpful in helping me navigate deaf territory but we both avoided each other most of the time for obvious reasons. They didn't want to be seen with me which would make them look bad and I was trying to gain acceptance in the field.

Ideally, a sacred deaf environment should not have to deal with 'hearing' who are seen to be the oppressors. Their presence is like 'pollution' in Mary Douglas' terms. To deal with this challenge and for them to be accepted in this environment, they are made marginal by temporarily deafening them. In deafening them, their hearing identity is suppressed by refraining from using speech while enhancing visual orientation by using SL. After a spending a few days at Ål I recall joking to one the hearing students, I felt like I was losing my voice<sup>20</sup>, a discovery I made when I called home one evening and realized that it was the first time I was using my voice all day. For some peculiar reason, when I signed my voice turned off and although I could make some sound, they were just lip movements and whispers. She told me I should to try ear plugs all day. She went on to tell me her first

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<sup>20</sup> Which was a positive experience for me, because I finally felt I was getting the deaf experience under my skin.

experiences at AI and how the hearing students were habituated in the Deaf environment by using earplugs blocking out sound all day while enhancing other senses<sup>21</sup>.

Despite being an overall positive experience, at times their status as hearing causes friction like for example when they could be talking to each other, being in a signing environment, they are expected to sign which they at times forget using what comes more natural to them and behave typical 'hearing' – talking with their voices. This is not taken lightly by others because it reminds them of being excluded from conversation (even if this particular conversation might be private and does not concern them).

Nevertheless, all these characters the Deaf, deaf and hearing play a roles in the construction of this new Deaf identity. The Deaf are seen as role models to who are already initiated in the Deaf culture and have a stable identity. The deaf are initiates in the liminal undergoing the same trials, seeking acceptance and belonging that bond them together. The hearing mirror the previous state, possibly the status that was aspired to be earlier but their switched hierarchy can be interpreted as a symbolic representation of a change of loyalties and aspirations. The hearing status is no longer the ideal that may be unachievable but rather yearn for but rather the Deaf one that may be congruent with their own feelings or shape new self-image of being 'deaf in my own way'. I found the acceptance of the immigrant deaf very interesting. It is said that Deaf feel home among strangers (Breivik 2005,Haualand 2003), however Wrigley (1996) and Lane (1994) mentioned the racial factor in primary identification how the Deaf identity is most representative of white Caucasian and people of color find themselves a minority with the Deaf community. A deaf black person is first black as the primary identity and then Deaf (Wrigley 1996). However, Norway is mostly homogenic, neither Breivik or Haualand reported mentioned the racial factor in their studies. With the observation of these immigrant's acceptance of me, I can safely argue that race is indeed an important aspect of identification that should not be overlooked despite the Deaf's claim to being 'home among strangers' and Deafness as the strongest aspect of identity. Myself being an immigrant of color, we had a commonality outside deafness that made them accept me more than other Deaf.

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<sup>21</sup> This exercise is a common tool of instruction that enables the student to get a deaf like experience which the students find very interesting, always very positive and rewarding. It is not only restricted to the hearing during my first week, the deaf students had a project about deaf-blindness and Ushers syndrome. They went around with special eye gargles that would allow them to live the deaf-blind experience.

## **Conclusion**

A child is not born deaf but becomes deaf after being diagnosed. Becoming deaf is usually associated with a story starting from the discovery/onset to life experiences and challenges. It is a journey partaken by each deaf person that creates meaning in their existence and who they are and where they feel they belong. They are identified by others as deaf and may take that ascribed identity for granted until certain challenges like broken down interaction with hearing or exposure to others like them that force them to introspect and rethink who they are. Introspection results to change of attitudes towards how they view themselves and world around them resulting into the development of a new self-image – identifying as Deaf. In this chapter I have shown the deafhood process – a journey that begins at the hospital and the diverging routes the journey takes. Identity can be seen as multifaceted and dynamic. The diagnosis ascribes a deaf identity on the child, an identity that is negative towards deafness. This identity can be transformed from the medical status and made fluid by modifying it to fit the lived experience of those who see deafness in a positive light rejecting the ascribed identity in self-ascribing a new Deaf identity. To identify as ‘deaf’ one identifies himself more hearing oriented and one not normal but disabled. To identify as ‘Deaf’ means one identifies with the Deaf community and challenges the notion of the hearing norm. Being Deaf entails the use of fluent sign language and practicing Deaf cultural values. The process of becoming Deaf therefore a transition involves alienating oneself from the ascribed identity hearing stereotypes of deaf to affiliation to the “others like me” or “same like me”.

# 3

## Discourses on deafness

In this chapter I would like to look at approaches towards deafness at the level of discourses. This follows from the work I have undertaken in previous chapters, especially in chapter 1 where I began with the two contrastive definitions of the term deaf, largely according to a cultural or a medical approach. Likewise, deaf studies have also more or less fallen into these major categories of either being based on the medical or pursuing a more cultural perspective on deafness. Both these approaches may be seen as part of wider bio-medical hegemonic discourse and socio-cultural contra hegemonic discourse. When exemplifying and analyzing these approaches in this chapter, I want to argue that the socio-cultural discourse has developed in direct opposition to the bio-medical one. Put differently, there is a tense and in some sense hierarchical relationship between the two approaches where the socio-cultural approach assumes the position of inferior in many dominant discourses in society in general. In line with this, in the previous chapter I have also shown how deaf reject the ascribed categorization by modifying them and challenging notions conventional of normality. However, and perhaps paradoxically, it is also important to note that the categorization originating from the medical diagnosis allows many deaf to see themselves as being ‘of the same kind’ – thus the medical discourse forming the basis for an experienced (and sometimes new) collectivity. Put differently, it is from these very categories they begin to be sociable and, moreover, are employed as a basis for organization. In this chapter I will therefore move between individual identity choices to how this operates on community level.

### **Berit Emilie’s story**

*“Now and then I wish to put down my CI and step on it. Not step on it but Trample on it. Jump on it. Kick it away. Crush it to pulp. Without CI I am a default. With CI, I am something someone tried to repair.*

*I am fed up of it. I just want to be Berit Emilie.*

***I am Berit Emilie. I am a human being. A human has 12 organs. Brain. Heart. Skin. Reproductive organs. Liver. Lungs. Gut. Nose. Kidneys. Tongue. Eyes. And Ears.***

*Majority of them one needs to survive. Without the eye, the world would be black, but one can still hear, taste and feel. Without the ear, the world becomes quite silent, but one can still see, taste and feel.*

*I can drive. I can understand and make myself understood. I can work. I can engage myself in voluntary and political organizations. I can pick flowers. I can meet “those like me” from all continents and communicate with hands without a common language like for example English. I can fly a plane if allowed to. I can take care of myself. I can take care of others. Most of all; **I feel whole.***

*One of my 12 organs lost parts of its functioning. A door was partially closed. The body reorganizes itself. New door open. Fantastic. **I feel whole.***

*Patronizing me: You. A defect*

*Patronizing others «those like me». You. Defect. You. Defect. You. Defect. You. You. You. Defect. Defect. Defect.*

*Defects are unaccepted. Everything must be correct. Everything must be in order. Perfect. All that’s different from me is faulty. All that differs that I don’t understand. Are defects. Hearing disability. Deaf. Sign Language. Deafhood. I don’t understand what this is. Poor them. It must be horrible for them. Cannot hear. Catastrophe. They must get help. They have to be like me. Everyone has to be like me. What did you say was normal? That is me. I am normal. I have answers to everything. When everyone is like me. Repair. **Genocide. Repair. Language murder. Cultural extermination.** Repair. Then I can lean back and relax. Did you say it doesn’t work for everyone? No. Some defects are irreversible. Just polish up for the next generation. To the generation after that. Until all is correct and all that is defect is gone.*

Berit Emilie Nordbø<sup>22</sup>

Nordbøs’ blog entry is written just three days after the Ministry of Education and Research’s –*Kunnskapsdepartementet*– announcement to close down three of the four deaf schools around Norway. Her views are shared by the many in the Deaf community. At the core of this matter are the conflicting views on the workings of the CI. The closure of the schools was based on the recognition that that a majority of the children with hearing impairments in this generation were getting CI and, as a consequence, an increasing proportion of their parents chose to send them to regular schools. This resulted in fewer admissions into the deaf schools. Some of the people I met at the demonstration were frustrated over the way the decision to close was made for them. CI and integration into mainstream schools is seen as an attempt at “normalizing” them according to the “perfect” societal standard and eliminating their

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<sup>22</sup> Taken from her blog (with permission). Direct translation into English by me. See appendix for original text

difference which is the Deaf variety and the deaf schools as the centers of acculturation. There is a sense of foreboding that in the generations to come the deaf variety will fade out through selection (early screening), elimination of these differences and mainstreaming in schools and CI to enable integration. Moreover some CI experts favor teaching speech exclusively while omitting the Sign Language option as we will come to see later on in this chapter.

The blog entry captures elements of both the relationship between the Deaf and the experts as well as the society at large that does not appreciate their uniqueness, as Nordbø sees it. It also brings out the conflicting world views on the Deaf. Whereas the Deaf see themselves as “whole”, the majority of society views them as “lacking”. Importantly, however, within the d/Deaf circles, the view of “wholeness” is not unanimously shared either: Some prefer to define themselves according to pathological category while others identify with the socio-cultural one. Nonetheless, a predominant opinion among my informants was that time and again the Deaf have been targeted as objects in need of repair, as Nordbø also expresses. In so doing and as they see it, a different world view is imposed on them and their own overlooked and undervalued. Instead they are seen as objects of pity and in need of charity – a key message being, as they see it, of them being pitied for the soundless lives they live. For many d/Deaf, arising from this pity is a pervasive paternalistic attitude towards Deaf where decisions are being made for them. In conjunction with this, the doctors and experts are then often also portrayed as going on a quest to “help” them. Contrarily and from the perspective of many of my informants, attempting to “fix” them is actually “damaging” and destroying who they are as well as subjugating them by making them “faulty hearing” instead of allowing them to be “normal Deaf”. However, what do these discourses – bio-medical and socio-cultural – entail?

### **The Bio-medical discourse**

What one may call the bio-medical discourse is formed around a focus on the medical /pathological condition of deafness - and is derived in great parts also from the European history of relating to and treating deafness as explored in chapter 1. To clinically determine this condition in the context of the Norwegian health system, the prospective patient has to go through a series of tests where hearing is measured and awarded scores according to a

standardized measure on how the normal human auditory system should function.<sup>23</sup> More often than not, the focus is on the degree of deviance from these biomedical standards. Patients failing to meet minimal biomedical standards are placed in different categories according to how far or close they conform to the norm. The main categories are; the profoundly deaf, severe hard of hearing, moderate hard of hearing and, finally, mild hard of hearing. As part of testing they are further evaluated to determine the cause before the next phase can begin: The process of possible rehabilitation and fixing. Rehabilitation involves new adaptation with the use of hearing aids to amplify sound or rigorous speech training in other cases. Some patients are candidates for “fixing” the malfunctioning ear; this can vary from minor procedures like removing foreign objects that could be lodging in the ear canal to more complex procedures like the CI surgery that I already introduced in chapter one.

Rehabilitation is not only restricted to the hospital/clinic arena but further implemented in the education arena when it comes to children. Teams of psychologists, audio pedagogues, and teachers work jointly in applying and evaluating the best modes of instruction for these patients. However, the emphasis is usually on oral modes of lip reading and speech training and only after some difficulties do they turn or include some sign. The *Helsestasjon*<sup>24</sup> and perhaps later at the hospital is usually where parents and others finally get to confirm the status of their child’s hearing and get a diagnosis like Lisa in the previous chapter. Many of the people I spoke to expressed concern that parents do not receive information about the other alternative – SL. Lisa is, again, a good case in point as she was not informed of the other alternative if at all she would like to decline the CI offer. With no prior knowledge of deaf people and how they live, she relied on the only thing she knew – being deaf is a bad thing and her son would be disabled for life. In her case we clearly see how the pervasive and society-wide bio-medical discourse of lack also influence people in the non-deaf community in relation to what deafness entails.

My informants further claim that the Deaf community who could actually ease the process of shock and disappointment by acting as good role models or extra advisors for moral and practical support. If only Lisa was informed of the other option, maybe she would

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<sup>23</sup> 91 decibels (db) or more as profoundly deaf (Andrews, Leigh & Weiner 2004:19), 90 db (Haualand 1993, Falkenberg & Olsholt 1988)

<sup>24</sup> Health center that mainly serves as a prenatal and under-five clinic.



reconsider or even not strain so much on teaching him how to talk but even include signing that would make the process easier.

At the rally in Bergen for the survival of the deaf school, a number of parents openly expressed their grievances and frustration over the information and advice they are given by the experts and testified on how their children have had to learn the hard way. First beginning in mainstream school but fail to adjust, they then turn to the deaf school as a last resort as a “mainstream failure”. Nevertheless, Lisa also stresses that it is also wrong for the Deaf to point fingers at the hearing parents’ choices and should be more understanding that they (parents) do not know any better. They are very vulnerable dealing with their loss and any “promise of a miracle” would be received with great relief. They have no reason not to trust the experts at that time and truly believe it is in the child’s best interest. The overall aim of the measures taken by these experts (doctors and the teams they co-operate with) is to enable the patient to function as close to “normal” as possible to integrate in mainstream society. But there are others, especially within the Deaf community, who disagree with how the experts inform about this condition, a main critique being the failure to both consult and involve those with “lived experience” in their evaluations and decision making.

### **The socio-cultural discourse.**

What one may term as the critical socio-cultural discourse is, as already mentioned briefly above, based on approaching and emphasizing the cultural aspect of deafness as necessarily beyond the discourse of limitations to being deaf proposed by the medical model. Thus contrasting the corporal focus on bodily defects by deafness inherent to the biomedical discourse, the socio-cultural discourse’s focus is rather on novel possibilities and the alternative way of life lived by Deaf peoples – lives that do not necessarily follow the majority society norm but rather heterogeneous human variety and a different experience of what it means to be human. Apparently, however, the majority in mainstream society have adopted the medical view on deafness that places deaf in a disadvantaged position as being “less than normal” and in need of correction which in turn stigmatizes the deaf. The deaf are stigmatized as their different way of being in the world is not valorized but perceived in terms of lack and, corresponding to this view, their language is neither valued nor universally

recognized. The difference, which is the fact that they don't hear and communicate in other ways than the majority, is seen and treated as a disability; hearing disability.

A key aspect of the socio-cultural discourse is the linguistic perspective in which the deaf are regarded and defined as a linguistic minority with a particular (and valuable) vision-oriented approach to communication. SL in this setting is assumed as a natural language for the deaf because it is the language they effortlessly acquire and master. It is a rich language with its own grammatical rules that differ from a variety of spoken languages.

Many deaf prefer to identify with this discourse because it emphasizes the positive side and valorizes deafness. As mentioned earlier, those who identify with this approach express themselves as belonging to a culture - the Deaf culture and identify themselves as Deaf people<sup>25</sup>. Deafness is seen as a valuable and different human experience rather than reductively being construed as a disability. Unlike the medical description of the deafness condition, the term "Deafhood" (Ladd 2003) is used to describe the deaf condition which is not static but a process/ deaf experience of "becoming" and "learning" to be Deaf as well as finding meaning in their existence as I have shown in the previous chapter.

### **The Deaf body.**

Within the biomedical discourse, the deaf body has assumed a particular position and been the subject of disciplinary power in the Foucaudian sense. Discipline in the Foucaudian sense relates to a technique of power which provides procedures for training, coercing, using and thus transforming bodies (Nettleton 1998:81). Bodies are within this optic objectified through medical scrutiny and surveillance and Foucault identified three interrelated instruments of disciplinary power: hierarchical observation, normative judgment and examination (Rabinow 1984). Observation is made possible at the hospital 'observatory' where doctors probe into deaf bodies through their ears. Power is exercised through objectivizing them. They are subjected to normative judgments and examination through audiometric tests comparing them to what they consider as 'standard measures' - the norm and categorizing them according to scores of deviance from the norm. According to the medical definition of normality, when one is healthy then he is normal, when he deviates from the norm then he is not healthy and

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<sup>25</sup> However is important to emphasise that not all deaf identify with this culture

therefore sick (Solvang 2006:168). A sick person needs treatment and medical intervention to restore normality. Following this logic, the deaf are medicalized through this infirmity model. The categorization forms a basis for the kind of medical intervention to be prescribed in form of reconstructive (constructive) surgery, and rehabilitation in form of speech therapy or both. The whole rehabilitation process involves a team of audiologists, surgeons, audio pedagogues and teachers. It is them who make decisions and provide answers based on their scientific knowledge and expertise.

Lane 1992 has called it the “colonization of the deaf body” and the medical establishment practicing a form of domination called “audism”. Lane sketches out how audism is similar to colonialism and even goes further to include the economic aspect which he locates in the hearing technology, hearing aids, CI and genetic engineering (Ladd 2003:79). Lane defines audism as

“...the corporate institution for dealing with deaf people, dealing with making statements about them, teaching them, authorizing views about them, describing them, teaching about them, governing where they go to school, and in some cases where they live; in short, audism is the hearing way of dominating, restructuring, and exercising authority over the deaf community.” (Lane 1994:43)

The Deaf want to take back control of their deaf bodies by rejecting the disabled label while challenging the notion of normality by shifting focus from the medical to the social aspects of deafness. The notion of normality is socially constructed and not a naturally given as a standard the society has to adhere to, it serves a purpose of legitimizing power (Solvang 2006:169).

### **Challenging normality and the disability label**

Generally among my informants, the Deaf argue they are not disabled when they are in company with each other. This environment – beyond the biomedical discourse of lack or the scrutiny of the medical gaze of their bodies – allows them to not see themselves as abnormal. Rather, these settings open up and produce a sense of what is normal and natural to them – being deaf and, for instance, signing. From the particular position of these settings, it is rather the contrary that is not natural to them: Perceiving sound that is misinterpreted by the

majority as “hearing”<sup>26</sup> and “talking” come with rigorous training and will never be “perfect” because it is alien to them. They claim they have no hearing loss (for those born deaf) because they were born with no hearing.

One of my informants Petter is an athlete and very engaged in sports. One day we were talking about discrimination and rights for the deaf people. He printed out for me a copy of the UN convention on rights of people with disabilities (UNCRPD) to show where deaf are placed and what human rights they are entitled to. He told me he does not consider himself disabled in any way. He gave me an example of the Olympics: deaf had to have their own olympic games – Deaflympics – because it would be unfair to compete with others with various disabilities. While he instead proposed that they should be competing with hearing, he is also comfortable with the Deaflympics arrangement as it is a unifying moment for deaf all over the world. He would not trade that with competing with the hearing.

Much as deafness is usually placed in the category of ‘disabled’ it doesn’t fit neatly in this grouping. Firstly, it is not obvious and immediately visible (invisible disability). Wearing a hearing aid or having a CI openly exposes the status of hearing-impaired. These then serve as ascribed markers of identification. For those without visible markers, their status is made public when they communicate with SL. However, it is fallible to assume that signers are hearing- impaired because not all signers are deaf or hard of hearing. Signers also include so-called CODAs<sup>27</sup>, interpreters, teachers, some pedagogues as well as SL enthusiasts.

On many occasions during the course of my fieldwork I was asked if I was deaf and this puzzled me. My signing must have been terrible as well so I had assumed that within the Deaf community it was obvious I was a beginner or perhaps exhibiting some “hearing” characteristics (that I hoped I didn’t have). I was quite surprised it was not that way because previously I had heard that deaf can tell if one is hearing straight away because of the way they comport themselves. At the cultural festival in the autumn, I met a lot of new people and it was almost every other new acquaintance who asked. At Ål I was not a student neither was I a participant in the weekly courses so my presence and status was unclear. However, all these occasions, were on first encounters. It is probable the inquirer was trying to place me; I

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<sup>26</sup> This is often mentioned in the breath with CI stories that circulate in the mass media as «miracle cures that make deaf children hear».

<sup>27</sup> Children of deaf adults

interpreted it as normal procedure to exchange status<sup>28</sup> with introductions within the Deaf community but at the same time this inquiry can also be interpreted as skepticism towards the hearing and hearing intentions of joining Deaf circles. What this example is trying to illustrate is a common fallacy – that I also shared in the beginning and this is why it had puzzled me – that all people who sign are deaf in some way. Given that deaf are disabled and sign language is the visible marker then all signers can be assumed deaf. The same can be said of CODAs who identify as Deaf, using the same logic is erroneous.

Secondly, the disability as a static label can be challenged. Deaf are not disabled when they communicate amongst themselves. Deaf instead claim that it is the phonocentric society that handicaps them by not accommodating them.

At the Deaf cultural festival, the Saturday session was a debate on SL which I participated in. Present were teachers, activists, SL interpreters (off duty), parents, academics and the newly elected SL representative to the National language council (*Språkrådet*) we sat brain storming about the future of Norwegian SL(NSL)and how to promote it and challenges met. Discussed was the declining influence of pure SL and increasing influence of Signed Norwegian. Deaf teachers were worried about the poor SL skills of their students today as well as discussions on the ‘proper signs’ (*riktig tegn*) and fluency. One teacher said she was appalled at the ‘stiff signing’ of her new students asked alarmingly, “What do they teach them these days?!” In promoting SL, the assumption is that if more people learnt NSL then there would be fewer barriers and a more accessible society. Examples of Deaf utopias like Martha’s Vineyard were given, in which Deaf are included in the society where deafness and signing were not an issue thereby erasing the barrier of communication<sup>29</sup>. The problem was placed on the society that chose to exclude them through communication handicapping them. One lady during the debate exclaimed that “a deaf person cannot learn to hear while a hearing person can learn how to sign but chooses not to”.

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<sup>28</sup> Whether deaf, hard of hearing or hearing. And if hearing, further query on what is their interest in mingling with deaf or signing.

<sup>29</sup> Nora Groce’s 1985 study on Martha’s Vineyard where everybody spoke Sign both deaf and hearing. The Vineyard was an island with a high of hereditary deafness that spanned over two centuries so that its sign language was commonplace and normal.

## **“We cannot learn to hear”<sup>30</sup> - the CI controversy**

The slogan is a direct statement aimed towards the “experts” who in their quest to “normalize” the deaf by “teaching them to hear”. 40-60 deaf children are born every year in Norway and 95% are CI in their first years of life (Fiksnes 2011<sup>31</sup>). CI operations are a threat to the Deaf culture and have been viewed in the past on the same lines as cultural extermination. Strong words like genocide have been used to describe the by some Deaf (Wrigley 1996:15, Lane 1994, Ladd 2003, Haualand 2002, Breivik 2006). Nordbø’s expression is also a good case in point. In the past they were victims of eugenicist policy implementation of improving the human race by eradicating the “defectives” forced sterilization to reduce their numbers and further procreation most notably hereditary deafness under the Nazi regime<sup>32</sup>. It is problematic enough that 95% of deaf children are born into hearing families who might not (majority) appreciate that their offspring is differently endowed.

The growing frustration and discontent within the Deaf community stems out of the experts’ failure to inform these parents of the other possibilities for their deaf child (life with SL) in order for these parents to make an “informed choice”. The decision to allow their child to get cochlear implanted also raises ethical dilemmas for the parent who is asked to make an important decision on behalf of the child<sup>33</sup>. It is said to be for the child’s own good and parents are not given so much time to decide either because for the procedure to have good results, it should be done before the critical phase of language acquisition. But who is to judge what is best for another? Questions have also been raised on openness of future possibilities after CI should it turn out to be the “wrong choice” for the individual. This goes both ways, implanted children may later regret the choice made for them and after learning about Deaf, would have preferred to rather be Deaf than a sometimes falling between the two worlds of hearing/Deaf. The other way goes to those who decline the offer to get CI but later regret on the opportunity to experience both worlds. Becker & Erlendkamp 2008 have criticized the

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<sup>30</sup> «Vi kan ikke lære å høre» one of the slogans used in the demonstration against the closure of the deaf schools.

<sup>31</sup> Newspaper article by Sunniva Johnsen Fiksnes in Klasse kampen published 03.05.2011

<sup>32</sup> Muhs: cited from <http://www.erher.no/materiell/vgs-det-tredje-riket/source/norsk.html#>

<sup>33</sup> CIs on adults are not as controversial because it is considered an individual choice. Adults who seek CI are usually late deafened individuals, therefore mostly hearing oriented.

*Rikshospitalet*<sup>34</sup> CI team for their one-sided focus on speech and learning how to hear claiming sign language interrupts the focus on the listening and speech training. It is only after these methods are unsuccessful that they turn to SL as a last resort.

For the Deaf this is denying them to be who they are and a continued portrayal of deaf as undesirable and deviant. The focus on learning to hear has also been termed as the “new oralism” (Kermit 2006). CI children are raised with spoken language and “hearing” norms can be looked at as stolen children<sup>35</sup>. Accordingly, being born deaf they rightfully belong to the Deaf culture. “To hear and have a better life” also implies that Deaf have no life (miserable) or live an unfulfilled life.

More CIs is a sore spot for the survival of Deaf culture because it also means fewer new members and extinction of pure SL. There seems to be a sense of foreboding within the Deaf community on the increasing number of CIs. At an international conference arranged by the World Federation of the Deaf (WFD) and the European Union of the Deaf (EUD) on Sign Languages as Endangered languages held at Ål in November 2011, a feature film called “The End” was shown that can shed light on the mixed feelings and presumed fear of CI. The film tells the story of the hearing aid technology advancement and growth of CI and its impact on the Deaf community. The film follows four deaf children into adulthood, and growing with them, an evolving view on Deafness and technology. It tells of a past where technology was optimistically seen as advancement and a future extinct of SL and Deaf people.

Nevertheless, not all CIs omit SL; many combine speech with sign which brings us to another issue of SL. Although many would still use sign as a support language, it would be signed Norwegian<sup>36</sup> and not Norwegian Sign Language (NSL). I will expand on this later when I examine language as a theme in the next chapter. This can be seen as problematic because the Norwegian language is made the priority and hence the superior one whereas Sign is marginalized as it gradually declines to just a mere tool for access to Norwegian. It is working against the clock.

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<sup>34</sup> The National hospital, with a CI competence center and one of the 3 hospitals that carry out this operation in Norway. Other to hospitals are Haukeland *universitet sykehus* and St Olav hospital

<sup>35</sup> Deaf activist view. Also see Ella Lentz quote in chapter one, Lane et al.1996

<sup>36</sup> Signed in according to Norwegian word order – *tegn som støtte*

However it is important to point out that the Deaf community is not as rigid as before but also adjusting to the changes and have in the recent years come to accommodate CI in the new trend of “*Ja takk, begge deler*”<sup>37</sup>(translated: “Yes please, both ways”) as a move towards bilingualism. CI is can also be positive if sign language is also embraced as well as Norwegian. Parents are encouraged to see the benefits of sign and not exclude it in their choices. CIs can be allowed to enjoy the best of both worlds.

## **Conclusion**

Deafness can be regarded as both hearing disability and a socially constructed disability. In this chapter I have looked at how the sociocultural discourse on deafness arose in direct opposition to the biomedical discourse. What is clear from the above and from other research on the d/Deaf community, is that the biomedical approach fails to account for the social aspects of being deaf by solely focusing on deviance from conventional societal standards. However, deaf culture is also not a coherent view held by all d/Deaf and is undergoing change and transformation. In the biomedical perspective, deaf treated as deviant in need of rehabilitation to restore normality. Deaf contest this infirmity model by challenging notions of normality which is seen as normative and a means of legitimizing power over them. They reject the disability label because they do not experience any obstacles when in each other’s’ company and rather place the problem on the attitudes and lack of accommodation in society that disables them. In so doing the root of the problem is removed from the individual (as the medical indicates) and shifted onto the social environment. In the realm of the biomedical discourse is the technological advancement like the CI that has been met first with resistance then an ambivalent accommodation that is also transforming and forming new alliances between the opposing discourses. However it is important to note that it is through the medical categorizations that d/Deaf come to exist as a group and, based on that very categorization, providing them with a “*raison d’entre*” into the community by distinguishing themselves as a group and engaging in social relations with each other.

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<sup>37</sup> Information brochure on CI issued by NDF



# 4

## Deaf Politics

### You have to be deaf to understand

What is it like to "hear" a hand?  
You have to be deaf to understand.

What is it like to be a small child,  
In a school, in a room void of sound --  
With a teacher who talks and talks and talks;  
And then when she does come around to you,  
She expects you to know what she's said?  
You have to be deaf to understand.

Or the teacher thinks that to make you smart,  
You must first learn how to talk with your voice;  
So mumbo-jumbo with hands on your face  
For hours and hours without patience or end,  
Until out comes a faint resembling sound?  
You have to be deaf to understand.

What is it like to be curious,  
To thirst for knowledge you can call your own,  
With an inner desire that's set on fire --  
And you ask a brother, sister, or friend  
Who looks in answer and says, "Never Mind"?  
You have to be deaf to understand.

What it is like in a corner to stand,  
Though there's nothing you've done really wrong,  
Other than try to make use of your hands  
To a silent peer to communicate  
A thought that comes to your mind all at once?  
You have to be deaf to understand.

What is it like to be shouted at  
When one thinks that will help you to hear;  
Or misunderstand the words of a friend  
Who is trying to make a joke clear,  
And you don't get the point because he's failed?  
You have to be deaf to understand.

What is it like to be laughed in the face  
When you try to repeat what is said;  
Just to make sure that you've understood,  
And you find that the words were misread --  
And you want to cry out, "Please help me, friend"?  
You have to be deaf to understand.

What is it like to have to depend  
Upon one who can hear to phone a friend;  
Or place a call to a business firm  
And be forced to share what's personal, and,  
Then find that your message wasn't made clear?  
You have to be deaf to understand.

What is it like to be deaf and alone  
In the company of those who can hear --  
And you only guess as you go along,  
For no one's there with a helping hand,  
As you try to keep up with words and song?  
You have to be deaf to understand.

What is it like on the road of life  
To meet with a stranger who opens his mouth --  
And speaks out a line at a rapid pace;  
And you can't understand the look in his face  
Because it is new and you're lost in the race?  
You have to be deaf to understand.

What is it like to comprehend  
Some nimble fingers that paint the scene,  
And make you smile and feel serene,  
With the "spoken word" of the moving hand  
That makes you part of the word at large?  
You have to be deaf to understand.

What is it like to "hear" a hand?  
Yes, you have to be deaf to understand.

This chapter aims at illustrating how Deaf have defined and distinguished themselves as a group based on the ascribed medical categorization as shown in the previous chapter. As I will show, this process resembles how Rabinow has used the term ‘biosociality’ to describe novel forms of identity politics where people align themselves based on genetic narratives and practices (Taussig, Rapp & Heath 2008: 196). Also inspired by Michele Friedner (2010) who suggested that the Deaf community can be seen as a biosociality, I hereby examine how Deaf engage in biosociality and have formed a community around deafness. I also proceed to look at how deafness is politicized within these contexts and to demonstrate that this emergence (or perhaps rekindling) of a new kind of deafness in the last 50 years was crucially interconnected with other peoples fighting for recognition or resisting what they saw as subjugation. This analytical aligning of Deaf together with other marginalized peoples— such as colonized peoples, indigenous peoples and other marginalized groups like homosexuals is instrumental to understand the ongoing construction of the Deaf collective identity, emancipation and negotiating politics of identity. As these are also crucial to my informants’ collective identity and to understand these forms of politics, notions of language domination and linguistic imperialism are also explored in this chapter.

### **Deafness and colonialism**

A number of deaf scholars have drawn parallels between deafness and colonization (Lane 1994, Ladd 2003, Haualand 2002, Wrigley 1996). Ladd best described the unequal relationship between colonizer and colonized in writing, “one not only controls and rules the other but also endeavors to impose its cultural order on the subordinate group” (Ladd 2003:79) .

I follow Ladd in arguing that not only can the treatment of the deaf be likened to colonialism but that the struggle for independence from former colonies can also be used to shed light on the timing of the Deaf cultural emergence. There are, however, two other dimensions crucial to the emergence of deaf politics. Firstly, research in the field of linguistics may have been crucial in this regard: In 1960 William Stokoe’s research showed that SL was an authentic language (Jankowski 2002:29) following the same criteria as other languages. This alone is not sufficient for the production of the new paradigm on deafness, but however if viewed in connection with all the other similar struggles in that era, like the civil rights movement in the USA and independence struggles in the colonized world, it is

plausible to say it was triggered and gained momentum by being influenced and aligned with these social movements fighting for liberation and recognition.

Secondly, this alignment can also be traced back to the Milan conference of 1881. Around the same time imperialist countries were scrambling for Africa and in the preceding years they began their colonialist policies of subjugating the inhabitants of their new territories. Like the deaf early in Europe, the colonized peoples were also viewed as animalistic and savage. Their languages were seen inferior and thus to be “humanized” - an important aspect of the colonial civilizing mission. Concretely this meant to be instructed and educated in the colonial masters’ languages and use of their native tongues at school was therefore punishable. Deaf also experienced (and to some degree still do, according to my informants) similar treatment when they were forbidden to use SL in the days of oralism. Teaching them how to speak was a way of making them more “human-like” since speech was seen to be a human quality.

Simultaneously and elsewhere in the countries not directly involved in the scramble like in the US, indigenous populations were being systematically suppressed and again one of the main tools was imposing the dominant language – English in this case. Native American children were sent to boarding school far from their homes where they were instructed in English and gradually isolating them from their native languages and families on the reservations (cited in Jankowski 2002:26, 35-36,50-51). Similarly, in Australia Aboriginal children were being taken away from their families by the white Australians. In Africa, the imperialists used the “divide and rule” methods to maintain hold over their subjects. By splitting (through conflict) groups they were able to disrupt the unity in order to control. As for the deaf, Alexander Graham Bell, a eugenicist and one of the main supporters of oralism at the Milan conference strongly disapproved of their growing communities around the deaf schools as well as endogamous marriages which he saw as a “calamity” and “threat” to the social order as well by facilitating the development of a new deviant human species of deaf (Jankowski 2002:53, Lane: 1992). The abolishing of manualism that left many deaf teachers out of work was seen as an attempt to dissolve and disempower these growing communities. Moreover, fewer deaf children were sent to residential schools since many parents opted to send their children to the nearby local schools.

Upon this backdrop, the 1970s then became the time when deaf cultural movements’ timing appears synchronized with the emergence of anti-colonialist movements of the countries fighting for independence. In the USA it also coincides with the civil rights

movements of the time Black empowerment, the Hippie era and early Gay Pride. Lane (1994) and later Breivik (2005) use Humphries' (1975) term "audism" which is referred to as discrimination against deaf people (Baumann 2004:239). Audism is then seen in the same light as racism, sexism, anti-Semitism and the like. Lane sketches out how audism is similar to colonialism and even goes further to include the economic aspect which he locates in the hearing technology, hearing aids, CI and genetic engineering (Ladd 2003:79).

He goes on to compare the paternalism of the colonizers towards the colonized to the hearing paternalism he traces in the superimposing of its image of the hearing world onto the deaf (ibid.37). Those that make decisions on behalf of the deaf overlook the deaf's own societal values and views. Today's mainstreaming of the deaf and closure of deaf schools can also be interpreted as rudiments of colonialism-like treatment at work.

On the local scene in Norway, the Deaf often compare themselves to the Sami, both being linguistic minorities that are integral to the Norwegian nation-state. I observed that this comparison was often used when we talked about language recognition and the official status of NSL. They wish that NSL could enjoy similar implementation policies like Sami in making it more visible. Another similarity was also expressed in the stories told especially by the elderly people I talked to: They often made the point when recalling their oral deaf school days in boarding school that they were prohibited from signing. Some also remembered that teachers beat their fingers with canes, pencils or rulers punishing them for signing – a practice all of them agreed was common.

In the past the Norwegian state attempted to dissolve the Sami communities and language by systematic assimilation and Norwegianization strategies directed towards them. In 1880 the directors of Troms diocese issued the instruction that all Sami and Kven children were to be taught to speak, read and write Norwegian while instruction in their native language was prohibited (Minde 2005:13). Teachers with Sami or Kven backgrounds were simultaneously seen as unsuitable for the task of Norwegianization (ibid. 14). Children were strictly forbidden to use their languages even during recess time. The Norwegian state invested in building numerous boarding schools in the Finnmark area. This worked as a further isolation from their communities - a common policy also employed by other countries in an attempt to control and eradicate peoples they saw as backward and unfitting in their modern one nation ideologies. In addition to this isolation, scholarships previously awarded to students from these groups were terminated and courses in Sami and Finnish were abolished at the Tromsø' seminary. As in so many other instances related to high modernism, the

Norwegianisation implementers believed they were doing the Sami good by bringing progress and development on their behalf (ibid. 15-16).

The Deaf also relate to the Sami situation in drawing parallels between their own experiences of the boarding schools as process their own form of Norwegianisation and language denigration. In their view this is reflected from the oralist policies after Milan 1880 to today's mainstreaming as an assimilation tool as already discussed in chapter 1 also. However for the Deaf, the turn of events differs from the Sami case. Institutionalization in the boarding schools while "Norwegianising" them separated them from mainstream society but also allowed their language to flourish whereas for the Sami it almost wiped out their language. Many of the Sami lost their language within a single generation, by 1998 one of the smallest Sami tribes, Inari was on the brink of extinction with only 5 members under the age of 50 could communicate in Inari Sami (Petikainen 2003:582). The Norwegian government had to give up its assimilation policies towards the Sami who began resistance movements fighting for their right to exist. The resistance movements' weapons included lobbying with other indigenous minority peoples' political struggles of emancipation on the international area. The Sami have since then been recognized officially as a cultural entity and allowed to practice their culture, Sami language has been accommodated as one of and on equal grounds as the other official languages of Norway. It is this level of acknowledgement the Deaf strive to achieve but as for now there are other factors that affect the attitude towards Sign language and the long shadow cast from the bio-medical advancement.

### **Being deaf to understand – Forging a community**

Willard Madsen's poem is popular within Deaf circles because it expresses the experiences they go through on a daily basis. It also captures the deaf child's experience through the process of being exposed to normalization attempts within in the education system as "hearing" with oral emphasis while signing was suppressed, prohibited and punishable. It also brings out the experienced mismatched relationships with those supposed to be close (friends and family) that eclipse the deaf individual's needs like inclusion in conversations and yet end up being ridiculed for not meeting their (hearing) standards. In other words, what is conveyed in the poem and in the Deaf that recite and refer to it is that the deaf person feels lost in the hearing world where he/she is misunderstood, "trying to fit in" but ending up always having to depend on others who fail to understand him/her. It is only one who has gone through or is

experiencing the same who can truly understand what it means to be deaf. You have to be deaf to understand.

In chapter 2 I described how deaf individuals may come to crossroads during interaction with hearing in stark contrast to interaction with other deaf. They align themselves to those who they see are similar to them and share the same experiences, while simultaneously distancing themselves from those that differ. In this way they come to identify and distinguish themselves as a group based on their similarities while others will also see them as a group based on their differences. Here I would like to develop this further and look at how the group mobilizes itself to form a community and how these communities work to serve the interests of their members.

A Deaf community grows as these groups congregate and seek each other out for moral support, socializing and establishing networks. They tend to settle around these common meeting places by forming clubs and around other places of socializing like the deaf school. A kinship-like system develops out of the tendency to intermarry within the group<sup>38</sup> and the deaf community as an adoptive new family as I already mentioned earlier. Hauland (2002) describes the deaf community (*døvemiljø*) as an example of a typical “remote area” occupying no clear geographical location but rather spread out network yet display small town behavioral patterns. For instance in insisting on having inside knowledge that is exclusive to them as a group, the inside knowledge in this case is – Understanding what it means to be d/Deaf (Hauland 2002:3). However the Deaf community is not exclusive to only Deaf members (although they occupy the focal point):- They have come to also embrace people close to them who take part in this community fellowship as part of the network like CODAs, hearing friends and relatives of the deaf who participate on “deaf premises”. Further and related to this point, membership into the community does not automatically come with the ascribed medical status of being deaf but is achieved through commitment and participating in the community’s activities in addition to using SL as a first language or primary language. However, it is important to stress that it is the medical ascription that creates the grounds for grouping, thereby explaining the existence of the other deaf who do not identify with Deaf community but also based on their ascribed medical identities form their parallel group organization that caters for their needs.

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<sup>38</sup> 90% chose deaf partners (Osholt & Falkenberg 1988, Ohna 1995, Hauland 2002)

Taussig, Rapp & Heath (2008) inspired by Foucault's notion of 'technologies of the self' – the practices by which subjects substitute themselves and work to improve themselves while living within institutional frameworks (2008:195-6) examine forms of embodiment and subjectivity merging from relations between biomedical experts and the lay health advocates (ibid.). They provide examples of families with children with Down syndrome forming self-help groups that provide arenas for sharing experiences and receiving moral support as well as advocacy for their rights. Another example of such groups is the Little People America (LPA), an organization for people with dwarfism. Besides creating a self-affirming social environment, they also engage in activism and awareness that aims at eradicating the stigma related to dwarfism as well as influencing issues that concern them like the biomedical policies and technologies through medical activism which involves collaborating with researchers and giving them a voice in struggles for the implementation policies.

### **Governing through Community**

In Norway, the deaf and hard of hearing are gathered and participate mainly in 2 organizations: the NDF and the HLF. The NDF is the national association for the deaf which mainly comprises of primarily SL-using deaf and hard of hearing while the HLF comprises of mainly hard of hearing of which the majority is late-deafened and deaf who are orally trained. In other words NDF is mostly "D" deaf while HLF is "d" deaf, although a few CIs and hard of hearing members participate in both organizations. Both organizations are official representatives for their members and mediate on their behalf to the Norwegian parliament on decisions that affect their members and engage in lobbying activity for their goals.

#### ***Hørselshemmede Landsforbund (HLF)***

The HLF has 19 county branches and 200 local branches countrywide and is said to be the largest of all the organizations for people with disability in Norway.<sup>39</sup> Their main aim is to work for a society that is accessible for people with hearing disabilities, prevent hearing injuries as well as securing those who are hearing disabled the best possible rehabilitation. On their agenda they aim at

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<sup>39</sup> Information and facts about HLF are taken from their official website - [www.hlf.no](http://www.hlf.no)

- all television companies provide captioning for all their programs
- preventing children and adults from injuries notably noise induced hearing for instance in kindergartens, on concerts and through noise exposed professions
- that all with reduced hearing capacity are offered help and proper follow up
- that the society is accessible to the hearing disabled for instance through induction loops (*telesynger*) in public places as well as access to written interpretation (*skrivetolker*)(taken from HLF official websit and translated by authore).

Besides lobbying for their aims, they also provide information, offer courses and peer support groups (*likemannsarbeid*). Membership is divided into groups that cater for the specific needs of their members the hearing aid users, CIs, Meniere, deafened, parents and caretakers for children with hearing disabilities, the professionals (*yrkesaktive*) and the youth group. Each group has a peer support group within which comprised also of trained volunteers who offer support supplementing the public rehabilitation program. These share personal experiences and competencies in addition to moral support. They offer information, advice and counseling and can be influential regarding motivation and use of relevant aids (*hjelpemidler*).

The organization is democratic and representatives from each of the various groups are elected to a central board that works with the lobbying in presenting their issues to politicians, lawmakers and ministries concerned in parliament. They also ensure follow up of the decisions and strategies taken. HLF also cooperates with other organizations for the disabled with the common goal of putting the disability on public and politic agenda including raising awareness, breaking barriers and erasing prejudices.

### ***Norges Døveforbund*** (NDF)

The NDF is the only organization entirely run by deaf and is made up of 26 local branches serving their respective regions country wide, the largest branches are to be found in the major cities like Oslo, Bergen, and Trondheim. Their main goals include strengthening SLs position at all levels in society and work to better the conditions and quality of life for deaf and hard of hearing persons ensuring them full participation as equals. On their agenda they aim at



- NSL to be acknowledged as an official language through implementation in the new language law for instance SL to be seen as a language of its own and primarily not as a tool for access to Norwegian (*hjelpespråk*)
- rights to information like captioned television programs and in cinemas, all public information given audial should also be given visually
- quality interpretation services and availability (24 hours).
- providing cultural arenas where SL can flourish by strengthening SL milieus
- ensuring that all children with hearing disabilities get access to both SL and Norwegian language as early as possible
- access to latest technology like videophones
- emergency sms services

Similar to HLF they also provide peer support groups and engage in lobby work, however also at the international level. NDF plays an active role in reporting Norway follow up on the UN's Convention on the rights of persons with disabilities.

NDF serves also as an information provider through organization owned media, courses like the SL course I attended and the short courses at Ål, as well as cultural activities for instance extra-curricular activities in SL environments for children, summer camps and most notably the arrange the annual Deaf cultural days (*Døves kulturdager*) in addition national and international cultural festivals and congresses for the Deaf. The NDF is also responsible for organizing demonstrations in the interests of the d/Deaf as part of their lobby work.

### **Engaging in biosociality – *Døves kulturdager*.**

Every 4<sup>th</sup> Sunday in September, Deaf around the world celebrate the International Day of the Deaf. In Norway the Deaf usually incorporate this day in a weeklong celebration they call – *Døves kulturdager* (Deaf cultural days) – where they celebrate and showcase deafness. This annual tradition started off as *Unge Døves kulturdager* (young deaf cultural days) in 1967 as part of the activities arranged for the Deaf youth to include them in the community (Sander 1993). The *Unge Døves kulturdager* would unite all the deaf youth from their respective clubs all over the country where they would discuss current cultural issues as well as socialize with each other through interclub competitions and activities like games, theater etc. The youth then felt that the burden of cultural development fell mostly on them on their annual

*kulturdager* and therefore wished to involve other generations by transforming it into *Døves kulturdager*. Following this, the organization was also transferred to the NDF central organ (Sander 1993:175). The first of the new *kulturdager* was held in 1972 in Stavanger which turned out to be a great success, paving the way for the ritualized annual tradition it is today.

The organizers of the *kulturdager* practice egalitarianism by rotating the hosting of the festival in their different NDF local branches country wide to take into consideration those members who may have to travel great distances to be able to participate (Haualand 2002). This way every locality gets a chance to host thereby including even the smaller branches and avoiding the activity becoming only for the “well off” who can afford to travel.

In 2011, the 44<sup>th</sup> Deaf cultural festival was hosted by the Oslo Deaf Association - Oslo *Døveforening (ODF)* over a course of 4 days from Thursday 22<sup>nd</sup> – Sunday 25<sup>th</sup> September. It was arranged at the *Dansens hus* in Oslo as the central locale and also used locations in walkable distance for some of the activities. Activities were varied to suit all age groups which included entertaining theatrical performances by *Teater Manu*, the Norwegian professional SL theatre, stand-up comedy, quiz, short courses, films, speed dating, mini circus, craft workshops, mini courses in photography and karate, board games, beer and wine tasting, discotheque and many more. The festival was not all fun and games but also included inspiring lectures and serious deaf political debates.

I often heard comments that “ODF has out done itself this time”. I wondered what they meant by that and I asked one elderly lady from Trondheim who explained to me that hosting the *kulturdager* is a kind of competition (in a good way), where the hosting club always aims at getting the crown of the “best *kulturdager* ever!” making a lasting imprint in their lives and producing good memories. She went on to tell me how Oslo like Trondheim and Bergen have the largest group members, Bergen is known for influencing Deaf media, Trondheim the cultural history roots while Oslo is the modern creative force. Oslo stood up to its name by a packed and varied program for the days to fit various age groups. Other comments I heard regarded the children’s activities which included the mini circus with Lisa Lind’s dogs doing tricks, the magician and clown that kept the youngsters entertained as well as story time were highly rated.

First time activities included ‘theme day’ (*fagdag*) on Friday and ‘Open Space’ on Saturday which I attended. The topic for the theme day was “Advantages of Being Deaf”

which ended with making a political acknowledgement (*politisk markering*) before officially opening the *Kulturdager*. We were given four presentations, first lectured by Joseph “joe” Murray, a Deaf scholar and WFD board member on “Advantages of being Deaf and the Deaf Gain concept”, Paul Chaffey from ABELIA – an association for IT and knowledge enterprises on “Change in working life”, Hilde Haualand a Deaf anthropologist and researcher, on “Communication techniques” and, lastly, Arnfinn Muruvik Vonen, university professor specialized in linguistics and special pedagogics and then president of the Norwegian language council (*Språkrådet*).

Murray started off by naming some famous discoveries made by deaf like discovering a crater on the moon and Beethoven having composed his best symphony despite hearing loss. He went on tell us how barriers can be broken down to create an including society if only the focus is put on the positive; - the possibilities instead of limitations with the deaf. He lectured about the ‘Deaf Gain’ concept him and a colleague Dirksen Baumann introduced. He argued that new concepts are needed to shift focus from hearing loss by seeing deaf as part of the biological diversity, further arguing that focusing on body prototypes excludes deaf from communication. The deaf gain concept has three components:

- **‘deaf benefit’** where the world can benefit from the way deaf see things. He postulated that research has shown that deaf have a wider visual capacity for example they can see a fly from the side. Connectivism arising from direct eye contact should be seen as positive because it “creates something common between us”.
- **‘Deaf contribute’** in which the world is made a richer place because of deaf like for instance redefining language – from the old definition of speech making up language to include sign making up language as well. SL is not only a language for the deaf but can also be a regular language giving examples of signing communities like Marthas Vineyard, Desa Kolok in Bali, Adomarobe village in Ghana, Al Sayed in Israel.
- **‘Deaf Lead’** deaf spatial intelligence can be capitalized in various architectural projects and urban planning. SL being a 3D language is a pioneer and contribution in 3D technology like videophones

He concluded in proposing that Deaf gain is human gain.

Chaffey agreed with Murray that deaf can be effective workers adding that deaf are also preferred due to fewer distractions in the workplace which means more efficiency and

diversity. He stressed the importance of new ways of thinking in innovation. He urged the deaf to take charge of their destiny and dare to present themselves in spite of the challenges they may perceive as obstacles. From an employer's view point, it is a plus when one takes up questions that may not have been asked (perhaps the hearing may be afraid to offend or does not know how to deal with deafness) but the individual feels that they are important to put forth for example what one can and cannot do and highlighting the positive capabilities. He urged them to make demands that encourage creating opportunity instead of passive expectation on behalf of the Welfare services (NAV).

Haualand challenged the notion of "special needs" by problematizing if indeed they are special needs at all or rather common needs like everyone else. Further asking if SMSes and door bells are not technical aids, while contesting the focus on disability when it comes to the deaf people yet these technical aids are in fact commonly used aids. She called for more social research on technology, more contact and dialog and need for physical contact to realize deaf gain. She also gave an example of Vinton Cerf, one of the internet's founding fathers being hard of hearing. Vonen presented the advances in NSL and further work to be done to enjoy the status of acknowledgement as an official language.

The official ceremony was attended by politician and entrepreneur Olav Thommesen from the political party Venstre and the Minister of Cultural Affairs, Anniken Huitfeldt, who gave speeches. The deaf then took the opportunity to press for their political demands including the need for more elderly homes for their aging deaf members.

The rest of the evening was filled with mingling and entertainment show casing deaf inspired themes, Sign poetry, sketches, quiz, miming and comedy.

The other new entry for 2011 was 'Open Space' that took place on Saturday. By open space the organizers called for an arena for open discussions of any topic of choice, no topics were pre-arranged but rather based on 'people's choice'. We were asked to write down on post-it notes the subjects we would like to discuss that would make up the groups for discussion. We then chose the groups we would like to participate in, the subjects included the future of the deaf schools, NSL status and future among others. I participated in the latter group that debated and discussed how to promote SL.

This account on the Deaf cultural days is an illustration of the kind of agency that takes form and is given center stage in these locales. Breivik (2001, 2005, 2007) argued that the Deaf

community can be understood as translocal and transnational. The *Kulturaldager* can be seen as an example of such translocality arenas— and it is however its worth mentioning also that the 2011 event attracted a number of Deaf from the neighboring countries of Iceland, Sweden, Denmark even as far as Germany. One of the 3 films showcasing deafness shown was “The End” by Ted Evans, also mentioned by Jenny Frogner (2012) whose fieldwork was based in Paris during the same period I was doing my own fieldwork, she documents the same film was shown at the international festival *Clin d’Oeil* which I argue support Breivik’s argument of global trends and a common global Deaf scene. In addition to celebrating and showcasing deafness, such arenas are to be seen as “productive arenas” that serve to unite the community by renewing bonds.

Messages like Murray’s and Haualand are a source of inspiration as well as thought provocation and call for further action. It is from such gatherings that inspire the deaf awareness by pushing deaf to look further than their limiting ascribed statuses in society by turning toward the power they can draw from within. Sander (1995), Haualand (1993,2002), Ohna (1995), Breivik (2007) and other Nordic deaf scholars have all written about the Nordic Deaf Cultural festival of 1982 held in Lillehammer where the then general secretary of the WFD Lissa Kauppinen gave a definition for “Deaf culture and identity” which is the most commonly used definition based on ways of expression that are a sum of experiences, knowledge, attitudes and capabilities that are unique to deaf regardless of the environment they live in (Ohna 1995:19). Alternatively also a lifestyle that is preconditioned or reliant on the visual language, SL (ibid.11). This definition gave recognition to Deaf as a unique group that ignited the wave of Deaf consciousness and more assertive kind of deafness.

### **Policing Deafness and Boundary making through Language**

The knowledge of SL is a prerequisite for participating in the Deaf community. Moreover the right to SL and significance of SL is to be found at the heart of all ‘Deaf issues’ that include school politics, identity, acculturation and cultural expression and has been used as a tool for negotiating the claim to Deafness. For that matter, it is fitting to postulate that the use of SL can also be seen to serve as a gatekeeping function into the community.

SL is said to be the natural language for the deaf, one they acquire and learn effortlessly. It is therefore said to be the most important identification criteria in the Deaf

community and NSL is seen as a natural visual gestural language developed among the Deaf in Norway with its own word order, grammar and syntax. SL fluency is an important Deaf attribute and criteria for membership. Children brought up within the community automatically achieve a privileged entry (including CODAs) into this fellowship while ‘oral deaf’ and deafened struggle to achieve membership status when they are judged according to their SL skills. But this case also illustrates the hierarchical structures that exist within the community while exposing purist tendencies placing the Deaf of deaf and deaf who attended deaf school as the “real Deaf” at the center while the ambivalent others are relegated to the peripheral. Breivik (2005, 2007) also reports this kind of policing of Deafness. The “real Deaf” have therefore the power to define what the real SL is and this power is invested in the claim to nativity, it is these who naturally acquire the language and are also privileged to be the acculturators in proper language and etiquette.

Similarly the concerns of the teacher on the deteriorating SL skills of new students at the debate on the future of SL during the *kulturdager* can also be used to argue for purist attitudes to be found within the community. Also considering that the students during the year at Ål get “purified” by cleansing their language in teaching them the “proper signs” and improve their skills and knowledge “fluidity” to enable them to participate in the community as worthy members.

I personally observed through my own experience that taking an SL class was not sufficient for me to learn all the codes and implications that come along with using SL until I visited Ål. I discovered that my language was influenced with the Norwegian structure at times and I experienced the students signed different from me when they spoke to each other. I observed that amongst themselves, they used a lot of expressions (“*tegn-uttrykk*”) for instance a single word or rather sign to actually represent a whole sentence in Norwegian terms. I also noticed that they adjusted their language when they spoke to me. This kind of code switching is very common when talking to others that are not competent in pure SL. A number of deaf for have also commented on the hearing and outsider’s lack of differentiation between the variations in SL. In the deaf magazine *Døves Blad*, Rune Anda commented how apparently many people (presumably 99%) mistakenly assume that when they gesture with their hands or they think they are using SL (Anda 2012). Another example is using sign and speech which is understood commonly among deaf as visualizing Norwegian. A fallacy I admit to have had before Ål in spite of the SL course I had taken previously.

Other variations include Signed Norwegian (*tegnspråk norsk*) – a constructed visual sign system that follows Norwegian syntax in other words ‘manually coded Norwegian’ that is sometimes also called “*tegn som støtte*”. Another version is a mixed form of signing and Norwegian – “*tegn og tale*”. The two variations are based on Norwegian language and mainly used as tools used to access Norwegian and therefore regarded by Deaf as forms of “Norwegianising” their language. Norwegianising their language is also perceived as a kind of domination – Language domination by putting emphasis on oral Norwegian and reducing SL as a mere tool for access.

### **Strategies in Politicizing Deafness through language**

Besides language domination, Norwegianising NSL is perceived by native speakers as polluting their beautiful language. Holten & Lønning trace the idea of a beautiful common SL as first launched at the NDF (then called *Norges Døves landsforbund*) national conference (*landsmøte*) in 1920 (Holten & Lønning 2010: 8). A special SL committee was assigned by the NDF in the 1970s to research and control which were the ‘proper/right’ signs while rooting out the “wrong” ones and reconstructing them by either borrowing from other foreign SLs or finding a compatible Norwegian one<sup>40</sup>. Holten & Lønning described this process as a form of language standardization (ibid.). Language standardization is common in the field of nationalism and acts of homogenizing, modernizing and educating the masses in nation building. Standardization is implemented through educational programs. In this case the aim for standardizing NSL and manually coded Norwegian was to create an instruction mode (*undervisnings tegnspråk*) that would make the Norwegian language accessible through visualizing it (ibid.95).

Language domination may also alternatively be referred to as linguistic imperialism. This can be treated at two levels. The first directed at the internal conflicts of standization of

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<sup>40</sup> The idea of reconstruction of language is peculiar to Norway and Norwegian history. The Norwegian language was on the verge of being wiped out in the days under the union with Denmark in which Danish gradually became the dominant language at the expense of a diminishing and creating a Danishized-Norwegian. Today the Norwegian language has 2 variant forms- *bokmål* a Norwegianised version of the then Danishized-Norwegian by rooting out the Danish influences and *nynorsk* which is said to be the pure version reconstructed from the Norwegian vernacular used and local dialects to be found in the communities in the innermost fjords and remote places that had survived influence of the Danish.

NSL within deaf contexts as I have highlighted in the above on the note of SL purism and second regards the Norwegian domineering and preference in education and as a language mode for deaf children. Arnfinn Vonen (2009:269) applied Phillipson's 'English linguistic imperialism' to the status of SL in schools. The theory is based on the imperialist rhetoric following a set of fallacies in teaching the English language: Firstly, the monolingual fallacy – English is best taught monolingually. Secondly, the native speaker fallacy that – the ideal teacher of English is a native speaker. Thirdly, the early start fallacy that the earlier English is taught, the better. And lastly, the subtractive fallacy that – if other languages are much used, standards of English will drop. If the term English is replaced with Norwegian and other language replaced with SL, then the theory fits Norwegian education policies towards deaf.

Although the Norwegian state recognizes NSL as a language and encourages the use of SL as a language of instruction for the deaf, the policies have yet to be implemented on all levels to be able to enjoy that status. The 'experts' (ENT doctors and pedagogue team) still reinforce the kind of language imperialism above by practicing Phillipson's language fallacies. Holten & Lønning (2010) have criticized the government's double standards and not doing enough to implement SL policies in hearing arenas and school curriculum which results in maintaining the current domination. They compare the deaf situation to the Sami status; basic knowledge of Sami is included on the regular school curriculum. The Sami language course is offered at higher education level to native Sami as well as other students while they lament the deaf do not have access to SL studies for native speakers. The course that once existed was dropped and reorganized into Sign language studies for interpreters thus making it suitable to hearing. It also reemphasizes the existing patronizing status of the portraying the deaf as needy by committing to educating more "helpers" instead of empowering them through education and skills to further strengthen their language and culture. They went on to describe the pitiful 10 credit course needed to certify an SL teacher in 1995 law in contrast to 30 credit courses needed to certify foreign language teachers which in turn should be used to reflected how low SL was perceived and the quality of teaching their deaf children got.

In chapter 1 I already described how education and the struggle for deaf school have given Deafness a platform to demand their civil rights. I would like to further exemplify this in examining the demonstration for the deaf school and what kinds of strategies that were employed.



## **Rhetoric and metaphors – The Silent March ‘*La døveskolen leve 2011*’**

Already mentioned, organizing demonstrations on deaf issues is also part of the NDF’s strategies. In February after the announcement to close the 3 deaf schools in the country, the Bergen Deaf center together with the youth club and BEAST organized the for a demonstration in the city of Bergen (Oslo also organized a similar event). The first of the demonstrations was held on a Saturday. In the days leading up to the event, the organizers mobilized sympathizers, past deaf students and made placards at the Deaf center, children from Hunstad skole also made their own placards. The assembly began at the central park through the city towards the town square – Torgallmeningen where the gathering was presented with testimonies and appeals. On the other occasion in March we stood with banners outside the town hall where negotiations on the schools’ fate were taking place.

On both these occasions we were told that this demonstration is a “*markering*” and not really the kind of demonstration to show civil disobedience but solidarity among the deaf. Solidarity was also expressed in the simultaneously synchronized events in the big cities. We were told this was a “silent march” we would march together in silence.

The Silent metaphor is not coincidental but used as a metaphor and a symbol of deafness representing invisibility and form of political repression (Davis 1995). The deaf are silenced by paternalistic attitudes of making decisions on their behalf. The deaf are muted by not consulting them and giving them “voice” in matters that concern them.

The use of ‘muteness’ is a way of taking back power and reclaiming the right to self-define who they are in taking the previously derogative term, embodying and wearing it, thus transforming it into a symbol of pride. As such, it becomes a potent symbol and political revitalization strategy and defiance of oralism and imposition of speech (Jankowski 2002, Wrigley 1995, Breivik 2005).

## **Conclusion**

This chapter has explored the ways in which the Deaf have created a community founded on their common understanding and experiences of Deafness. It has also looked at ways they govern themselves within their biosocialities. In presenting both the NDF and HLF I have tried to illustrate how both deaf and Deaf existences are doubly represented, negotiated and

legitimized. HLF has traditionally been seen as collaborating with the oralist tradition due to their historical and tight relations with the medical community but yet with deafness as a common uniting factor and the wish for a prejudice free society where they can enjoy equal rights. They do share some common goals and at times work together in achieving those common goals. I have also exemplified arenas for practicing and engaging in biosociality through an account of the Deaf cultural days. The cultural days not only serve as an arena to celebrate deafness and renew friendships, it also serves as an arena for inspiration and political engagement. Through own institutionalization of Deafness, NDF legitimizes Deafness and participate in organized political negotiation. The revitalization of Deafness is given momentum by identifying with other marginal groups and borrowing strategies like on language domination. SL use and purity can be seen as a gatekeeping concept that is employed in demarcating boundaries around the deaf community as well as producing an internal hierarchy. Language rights are used as a tool for negotiating and putting deafness on the political agenda.

# 5

## **Representing and self-representation in the judicial institution**

### **Practicing Law and being deaf in court**

In this chapter I examine how deaf are treated within the legal justice system of Norway. More specifically, this chapter problematizes language and interpretation while examining how language and cultural identity are expressed. This chapter also aims at showing the importance of “understanding and to be understood” and the effect communication barriers have within the confines of law and the court context. I also argue that there is an element of vulnerability and powerlessness that lies behind the ambivalent attitude of linguistic minorities (deaf included) towards the justice institution. Contrastingly, however, there is immense power that is vested in the court authorities those seen to guard the law, this authoritative power can also be used to reinstate and empower the deaf or further marginalize them and their minority counterparts. As such the court can be seen as a productive arena for negotiating deafness.

This chapter’s focus of law is crucial not only as its workings and issues regarding communication are important to my informants but also as there are corollaries between the domain of law and the struggles the deaf have under taken regarding their treatment within other institutions and their struggle for changing these. Starting, therefore, with a brief review of the high profile case of Fritz Moen that arguably exemplified the Norwegian justice system’s miscarriage of justice, I thereafter proceed to examine some current cases and practices. Choosing the case of Fritz Moen is not coincidental but as my informants related to it, it has been incorporated in their collective memory and history of the treatment of Deaf people.

In order to show that communication problems are not unique to the deaf but also prevalent to other linguistic minorities, I include a comparative case of another cultural and linguistic minority to reflect on the problematic themes of interpretation, credibility and

cultural barriers that are at play in the court space. The theme of law and the deaf in this thesis is going to be discussed over two chapters; this chapter is based on my own ethnographic observations in court proceedings while the following chapter is drawn from my informants own experiences and reflections on how the legal system works for them.

### **The case of Fritz Moen – Understanding deafness and the law in Norway.**

During fieldwork, I had the opportunity to participate in a seminar on evidence evaluation that was arranged by the Norwegian courts administration (*domstoladministrasjonen*) directed towards judges and jurors.<sup>41</sup> During the seminar they closely examined the case of Fritz Moen which was used as a blueprint and point of departure for the seminar. As is now well known in Norway, Fritz Moen was a deaf man who was wrongfully convicted of sexually assaulting and brutally murdering two young ladies in the 1978 and 1981 respectively. He was given the absolute maximum jail sentence the Norwegian law could allow. After reopening the case he was found innocent for the first murder in 2003 and the second in 2006 after his death. Although he was eventually cleared of all charges, he had already served 18 ½ years of his sentence and he died a convicted man. An official apology was issued by the then justice minister Knut Storberg on behalf of the Norwegian government for the greatest miscarriage of justice in Norwegian history and the state had to pay compensation for the wrongful conviction<sup>42</sup>. It was even suggested to raise a statue of Fritz Moen in front of the Justice Department in his memory and symbol for all victims of wrongful conviction in the Norwegian justice system. Moen's story was described by Tore Sandberg to be the "darkest chapter in Norwegian judicial history" and modern European history.<sup>43</sup>

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<sup>41</sup> Titled «*Seminar om bevisvurdeing*» that examined jurors evidence evaluation (*domenes bevisvurdering*), witness psychology, analysis of evidence under jurors deliberation (*domkonfereranse*) and police interrogation techniques in gathering evidence as well as classifying relevant – irrelevant evidence.

<sup>42</sup> He passed in 2005 and never lived long enough to see it this and be a free man, this occurred post mortem. The beneficiary was the Conrad Svendsen center a home for the deaf elderly where he spent his last days. The center established a research fund in his memory that gives grants on research on deaf and other disabled minorities treatment in the legal institution, a fund to which I owe my own research.

<sup>43</sup> <http://www.signo.no/Fritz-Moens-forskningsfond/historikk/>. Tore Sandberg is also one of the journalists who covered the case in the 1970s and it is he who pushed for the reopening of the case many years later in 1998 because he felt there was something not right in the conviction.

At the seminar the case was discussed in detail looking at how the events unfolded and were handled. The main presentation was held by John Henry Mæland, a law professor who was also leader of the so-called *granskingsutvalget* (re-investigative committee) on the Moen case. We were taken back in time through the different stages of the investigation and events that led to the incriminating of Fritz Moen. Fritz Moen's character is also cross examined it becomes clear to me the fact that being born deaf had somehow predisposed him to being victimized. Although they were elements that pointed to his innocence like lack of biological evidence to place him to the crime scene in addition to 18 witness accounts that would prove he was out of town at time of the crime, these issues were made irrelevant and the focus was rather put on fitting him to the "deviant criminal character". He had a troubled childhood, born of a German father<sup>44</sup> and Norwegian mother he was neglected, unwanted and grew up in institutions. In adulthood he had behavioral problems including rowdiness, alcohol and had prior been punished for minor misdemeanors as well indecent exposure and fondling himself in public.

We were briefed on how judges and jurors evaluate evidence presented to them in court. A senior police officer, Asbjørn Rachlew gave us a lecture on investigative interviewing and interrogating techniques used by police investigators and "how to get a confession". The law states that one is presumed innocent until found guilty. Questions should never be posed in such a way that assumes guilt. Fritz Moen was interrogated for 15 hours before he was coerced into a "confession". In spite of the interpreter's absence, the interrogator insisted on continuing via lip reading through which he got a confession. Fritz Moen later on said he felt pressured that he eventually went along making up the details and assuming responsibility of the murderer's actions<sup>45</sup> victimizing him.

Equipped with this insight on how the legal procedure operates in terms of proper investigative interviewing and behavior as opposed to manipulative interrogation, evidence evaluation both during the investigation as well as in court, I was able to participate in two court sessions as an observer. Importantly, this provided me an opportunity to observe law in

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<sup>44</sup> One of the many German soldiers that had children with the locals during the occupation of Norway. These offspring were often despised, called degrading names like *tyskerbarn* (equivalent to German bastard) and their mothers were looked at as a disgrace and traitors. Many of these children were neglected and sent to orphanages as the case of Fritz Moen.

<sup>45</sup> While in custody he read the newspaper report on the murder details

practice in relation to marginal groups. Both cases took place in the Bergen court house in the spring of 2011. The first case, in late March, was a criminal case involving an Iranian man accused of possessing narcotics with possible intent for selling and distribution in a public park. Although this case is not a deaf issue, I found it instructive to follow due to the fact that it also falls in the category of cultural and linguistic minorities similar to deaf and could help shed light on the deaf stand point.

### **Minorities communicating via an interpreter – the Kurdish case**

The court proceedings were carried out in Norwegian which the accused could not comprehend and communication was therefore facilitated by a foreign language (Kurdish) interpreter. While the proceedings went on in Norwegian, the interpreter jotted down in his notebook and he sequentially later translated them into Kurdish to the accused and from the accused to the court (consecutive interpreting). The statements he relayed back and forth seemed shorter, for example from a couple of sentences in Norwegian; the translated Kurdish version a few very short statements. There were moments as an observer I wondered if the translation had the exact content from its original statement; it seemed more like resume interpretation to me. Languages are understandably structurally different but how does one who doesn't comprehend either (one) of the languages evaluate the exchanges and quality of interpreting? I was in no position to judge the quality of interpretation but I felt there was something amiss.

Other questions that can be are in relation to the issue of belonging to different cultural backgrounds than the court participants. The interpreter and the accused belong to a cultural background different from the members of the jury and plaintiff. Can this fact influence perceptions and attitudes of those involved in the court proceedings?

Doubts and prejudices can, of course, be found both sides of the interpreter; the jurors can be suspicious of interpreter "helping" the accused and leaving out statements (from Kurdish - Norwegian) that could make him ( the accused) look bad or further incriminate him. Kristiansen (1996) has also raised this issue. She also observed court proceedings involving minorities. She reported that 46% experienced being identified with the person of minority they are interpreting for. This was made more explicit on incidences when the interpreter was

referred to as “you<sup>46</sup>” (“*dere*”) in addressing the interpreter and client placing him/her in the same category and creating binary positions of “them”- “us”. I also related it to the moment in the hall way just before this particular court hearing when I was asked if I was the interpreter. I am of immigrant origin and my physical appearance is not the typical ethnic Norwegian and I was not the only person standing in the corridor outside the courtroom<sup>47</sup> yet I was the one asked that not once but twice! This incident implies two things; firstly, in minority cases the interpreter is expected or assumed to be foreign looking. Secondly, foreign looking in an ethnic Norwegian court could mean the “others”. So if the accused is also an “other”, then it is probable that they could be subconsciously grouped and identified together as “similar” in other words – one of the same. Associating the interpreter with the accused threatens his/her status as a neutral party which can also have unfortunate outcomes for the minority. This problem was also addressed at the seminar on interpretation and legal protection I attended in Trondheim seminar. At the seminar that was considered as an improper use of an interpreter and considered ignorance on behalf of the public service officials on the interpreting function and interpreter’s neutrality while people in public service in need of an interpreter need to be instructed on in proper etiquette in communicating via an interpreter.

The accused on the other hand might wonder if the interpreter is translating the message exactly the way it is conveyed.<sup>48</sup> It is common knowledge that police and immigration usually have some interpreters they use often (because of their qualification or perceived good interpreter from previous assignments) who in turn can be perceived as “police interpreters”. The court usually assigns a recommended interpreter either the police or Municipal council interpretation services (*Kommunens tolketjenester*). Other times for they also use their “regulars” recruited on the same principle of the “police interpreters” or pick certified legal interpreters from the official interpreters register. This ambiguous relationship can be looked at with suspicion and partial lack of trust by the minority through contrarily aligning the interpreter with the authorities.

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<sup>46</sup> Plural form

<sup>47</sup> Waiting with me were 3 research colleagues on ‘deaf in court’ from the Rokkan center

<sup>48</sup> The interpreter services are covered by the court and interpreters are selected from the state interpreter register but also some interpreters are preferred over others e.g. because they are recommended by other authorities or frequency of use also professionalism.

The man in this case, I will call Reza<sup>49</sup>, was an asylum seeker and had only resided in the country for 2 years. Accused of peddling drugs, he claimed in his defense that he purchased the heroin for self-medication. He further tried to evoke the sympathy from the judges by constantly also referring to a past in his war ravaged country, a sense of alienation by the system here in Norway, by feeling overlooked, and finally that nobody sees his suffering. In sum, he pleaded to be looked at as a sick man in need of attention rather than a drug dealer. He was sentenced to 45 days in prison and 3 days in custody.

What this case illustrates is the kind of problems that can arise in situations where the court has provided access via an interpreter but it is still in danger of violating legal security. Different languages may not have concepts to describe legal terms. The interpreter, who was also not a native Norwegian speaker in this case, plays a very crucial role in relaying messages back and forth. It is difficult to quality control an interpreter in a foreign language one does not comprehend. Doubts can discredit the person on trial creating a sense of helplessness on his part that can result in the loss of trust in the system.

### **The Sign Language interpreting case**

The second court observation, later in June involved a deaf party. Although this particular case differs from the criminal one above, it is still important to consider it as exemplifying the interaction that goes on in the court space. Unlike the above case of the foreign language interpretation where quality control can be questioned, the deaf on the other hand enjoy a more professionalized kind of interpretation quality control is ensured and interpreting errors minimized through the practice of engaging 2 sign language interpreters interpreting simultaneously. While one actively interprets, the second ensures the quality and correcting any misinterpretations, alternating roles every 15 minutes.

In this case both interpreters are ethnic Norwegian and experienced legal interpreters. Similar to the above case, they used consecutive interpretation. On some occasions, they asked the speaker to repeat something that seemed unclear, I also observed the controlling interpreter correcting the active interpreter or contributing a sign. This created an impression

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<sup>49</sup> Fictive name



of good control of the situation and delivering high quality interpretation. However, even with this level of professionalism, the lack of concepts can be worrying.

At the seminar in Trondheim, Patrick Kermit and Mjøen Odd Martin presented the finds of their research on ‘Signs, Confidence and Credibility’.<sup>50</sup> They reported a higher degree of professionalism than others in the interpreting profession. They appeared more trustworthy in their professionalism, were tidy and predictable, organized, competent and authoritarian for example took charge to demand for a conducive environment for interpretation like proper lighting and acoustics. They also demanded information on what they would be interpreting to enable them to prepare for the assignment. SL interpreters also have established an informal “juristic” team within with experience in legal interpretation and these contribute in the professional development of their colleagues. However the interpreters reported experiencing barriers in the vocabulary of the judicial language that demands a lot in translating in such a way that it retains its original meaning. The interpreters also express insecurity on a few of the deaf could be lacking some vital information<sup>51</sup> that is familiar and taken for granted in society and other parties in court for example current affairs. Like indicated in the previous chapters, some deaf children growing up in hearing families do not fully participate in the communication by getting only the bare necessities and not always the whole context and details surrounding it. Moreover as such, they also miss other dynamics like incidental learning where knowledge is acquired or stumbled upon through passively listening to conversations in their environment like regular kids. The interpreter might see the knowledge gap but as an interpreter, and not cultural conveyor, such situations make them feel hopeless when they know that they have to remain impartial yet they know it is not right. Cultural and social distancing is hard to communicate yet crucially important. Other problematic communication hole is broken language due to different language proficiencies level that could be very demanding to adjust to.

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<sup>50</sup> «Tegn, tillit og troverdighet» 2010 Research on legal protection and interpretation for the deaf and hard of hearing. The research team comprised of Olsen T, O.M Mjøen, H.Rønning and P.Kermit.

<sup>51</sup> Due to communication barriers in the society, the deaf may not be informed on current affairs that are common knowledge to the rest of society transmitted through multimedia channels like TV and radio. In addition some children growing up in hearing families miss out on crucial information that regular kids learn through incidental learning.

In the case I observed, the deaf man I call Elias<sup>52</sup> was appealing to the court to overturn an earlier decision by a medical committee to forcefully institutionalize him. He was at that stage diagnosed with paranoid schizophrenia and was placed under supervision in a psychiatric hospital. The medical authorities insist that he is better off in the institution while he personally feels he doesn't need to and he can manage himself quite well with reminders to take his medication. His caretakers at the hospital argue that he is not ready to be released yet and report disturbances in his day rhythm, sleeping most of the day and spending a lot of time on the internet and not respecting agreements made on conditions for day outs. He on the other hand complains of boredom and isolation having no one to talk to. He communicates with SL which none of the staff uses. He agrees and accepts that he needs to continue his medication and follow upon his progress but opposes his institutionalization preferring to be an outpatient. With reminders to take his medication, he is optimistic he can live a regular life. He lost the case. The judges ruled in favor of the medical boards' decision to keep him under the care of the psychiatric hospital but with better accommodations. The hospital was asked to provide two sign language assistants to ease communication.

### **Judged by equals or incommensurate worlds?**

Norway has adapted a legal system that ensures equal treatment by including jurors and jury members from all walks of life, ethnicities, sexes, age groups, etc. that reflects on the population composition (Nilsen 2005:61). Implementation of this system is meant to curb discrimination and guarantee a fair trial by being "judged by equals".

In both instances observed the Iranian suspect - Reza and the deaf plaintiff - Elias in their respective cases seem to live in a parallel universe from the jurors although to varying degrees. Reza is a foreigner, an asylum seeker who lives in an institution - the asylum seeker residential center (*asylmottak*). In his testimony, he constantly referred to a past in his home country and life in refugee camps in neighboring host countries where he claims he was provided strong medication by the UN health officials to relieve his physical pain – a source of his current proclaimed self-medication. He also talks of his current status in Norway in the *asylmottak* where he waits on the immigration authorities (*Utlendingsdirektoratet*) to grant

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<sup>52</sup> Not real name

him legal stay and the medical staffs who refuse to prescribe him the medication he needs he argues he needs. He paints a picture of a sick man lost in a maze of bureaucratic systems as well as a target of misfortune. Here the court had clearly asked him to explain what his intention of being in the park he was arrested from. This park, *Nygårdsparken* is also renowned for being a hangout for drug addicts and pushers in Bergen.

The turn of events I observed were very similar to what one informant - a court judge (not related to any of the cases) had told me in a conversation earlier on in February at the judges' seminar. I had asked him how he experienced immigrants and people from other cultures in his court room and if they differed from the ones involving ethnic Norwegians. He told me that they were very "colorful" usually with stories including many details like their extended families, neighbors and the like that may be unrelated to the issue at hand in court. He also jokingly added when he gets into the courtroom, going on in his mind is: 'what is the story today?' He went on to say one has to be a good listener to try and make out the connections or pick out elements in these unrelated stories that could be relevant to understanding the background of the person in question. On some occasions he (the judge) said he was forced to cut the story short by asking the person to stick to issues concerning the matter on trial. He sometimes experienced these sessions as chaotic - the colorful stories disrupting to the flow of the events and time consuming. With ethnic Norwegians in court there are fewer considerations to be taken into account. Cultural backgrounds are familiar, easy to decipher in addition one can cut straight to the point and hence more orderly as well as time saving.

Despite being ethnically Norwegian, the procedure may not necessarily be straightforward in Elias' case. Though an ethnic Norwegian, being deaf positions him, he experiences the world differently from most of his Norwegian counterparts. He uses SL as his primary language and similar to Reza, also resides in an institution where he is stripped of the power to control his own fate and matters concerning him. There was no layman or expert on deaf issues on the panel of jurors who could relate to/understand Elias view of the world. Vis-à-vis the jurors, there is a perceived asymmetrical relationship. From his earlier experience in court, jurors tended to side with fellow experts.<sup>53</sup> According to Elias, they might as well be in the same class of "people who think they know what is best" (corresponding to what I termed

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<sup>53</sup> This was his second appearing in court. He lost the first appeal the year before.

above as “knowledgeable experts”). As such the previous category of knowledgeable experts is expanded from medical experts to also include the jurors “who know best”.

Prior to this court hearing, a colleague<sup>54</sup> and I interviewed Elias. The interview took place at the institution he lived. His lawyer was also present on behalf of his client to ensure that we were not taking advantage of Elias. In fact, once or twice his lawyer broke in when he perceived the question we posed as “leading” or “irrelevant”. We inquired about why he decided to take his case to court and his experience through the process. He told us how he felt alienated in the way he was portrayed in the first hearing. He claimed the state attorney used a lot of “big words” and used up a lot of time trying to convince the judges. Elias felt that the way the attorney portrayed him was one sided based on the attorneys understanding and not on Elias own understanding and experience by positioning it as such that this portrayal painted another image of Elias that alienated him. Elias hopes in the new appeal he can show a more realistic image that can open up for new ways of understanding. He claims that what bothers him most is in his words, “those who think they know best and adhere to their treatment”. They also fail to see things in new ways and accommodate changes by sticking to their beliefs.

When at the control commission (*Kontrol kommisjon*)<sup>55</sup>, he lost the case because his lawyer then did not argue hard enough on his behalf and was kind of withdrawn during the process. Elias also later came to discover that this particular lawyer is often used by the hospital in many different cases – a fact for Elias underlining why the lawyer did not commit fully. He went on to tell us during that time, he was also institutionalized and was not given the chance to get his own legal counsel although the hospital offered to provide one which he accepted not knowing any better. He says that he suspects that the lawyer is probably on the hospital’s payroll and possibly his act of not arguing hard enough might be related to his collaboration with the hospital.

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<sup>54</sup> Breivik who heads the project on Deaf in court at the Rokkan institute, led the interview.

<sup>55</sup> The control commission is the where the case is first presented and if the party is not satisfied, the case can then be sent to court for hearing.

## **Knowledgeable experts and credibility**

Elias' perspective on the way he was represented can be understood in light of the role of the medical experts as part of the biomedical discourse explored in Chapter 3. Particularly, this is reflected in the way he refers to them as "those who think they know what is best" which imposes authority over him and the way he sees himself. His own world view is not taken into consideration. Moreover, the first lawyer who was supposed to represent him by presenting this (Elias) world view failed serving merely to reinforce the existing and dominant view according to Elias.

Elias' complaint about the state attorney use of what he calls "big words" and dominating the hearing shows us a superimposition of hierarchy through the dominance of the wider phonocentric society, also shown in previous chapters. This dominance is further strengthened by the choice of words that are used that are familiar to the other experts but challenging to Elias. To a lay person, the language of law is challenging as well however, the challenge becomes a double challenge if combined with SLs lack of signs to visualize the concepts. This is further reflected in the formalized language use of legal terminology, and references to medical laws or articles in law journals and judicial laws. There is a clear divide in the kind of language used, the jurors and attorneys use a more formalized kind of language in the way they address themselves whereas Elias and Reza use everyday language. In Bourdieu's (1986) article "forms of capital" he classifies education and academic achievement as forms of cultural capital. Therefore these experts by virtue of their education and expertise have acquired a considerable amount of cultural capital which in this case is used to dominate expressed in their eloquence and choice of words.

Another interesting observation is their body language and the way they carried themselves. In Reza's case, the state attorney appeared over confident, arrogant, almost looking bored when Reza was telling his side of the story. He had this "cut to the chase" attitude and appeared impatient. For example when he was cross examining Reza and not getting the answers he wanted, he violated the code of conduct in regards to speaking via an interpreter when he burst out asking the interpreter in third person to tell Reza to give a 'yes' or 'no' answer. He also failed to slow down his pace when he was requested by the interpreter which can be interpreted as a dismissal of and disregard the interpreter's role. It can also imply that Reza's opinion or right to be informed is irrelevant. In stark contrast, Reza's body

language was very humble; his head bowed down most of the time hardly looked straight towards the judges. The point I'm trying to get at is that looking at the way the parties comport themselves also reveals and reflects on how they view themselves *vis-à-vis* each other also in court.

However in Elias' case, his new lawyer was cool-headed did not appear arrogant or put on airs of overconfidence. At the judges seminar I learnt that lawyers also take on roles as strategies in court like being "aggressive", "cool headed", "meek", "dominating", etc. Their job is to convince the judges who in turn claim to be neutral and evaluate cases according to what evidence is presented to them and judging credibility of the presentations. When we interviewed Elias, he had warned us about the arrogance describing him as having a "cold face like the Hitler type". Elias' lawyer argues for Elias' view of himself (in contrast to the previous lawyer who represented him at the control commission) and how he experiences institutionalization and how it affects him. His life is put on hold and Elias cannot plan for the things ahead like further education because he is grounded. In addition to that he is stigmatized by the schizophrenic label and has lost friends and is isolated in an environment that is not adjusted for his social welfare like SL communication. While this argument is grounded on the psychosocial aspect and its implications of institutionalization and quality of life, the opponents on the other hand ground their arguments in the medical implication of his institutionalization as the most effective treatment and for Elias own good. To put this in another way, these arguments and contra arguments can all be reduced to the same old conflict central to this thesis: the social versus the medical.

### **Symbolic power in the court setting.**

Lundeberg 2008 analyses the court and its formalities as a ritual as well as a cultural staging of justice (2008:124). The ritual courtroom space initiates and structures a particular form of social practice of conflict solving between people (ibid.128). Societal norms are both expressed and reinforced through written laws and regulations that govern it. Lundeberg points at the specific arrangement set of the courtroom as expressing distinct forms of hierarchy. The placement of the different participants in the court hearing reproduces certain hierarchical relationships between them. Inspired by Bourdieu, the height, size, distance and symmetry symbolize and represent unequal power relations. She problematizes the courtroom

sitting arrangement as triangular with the jurors placed at the apex which is elevated and distanced from the plaintiff and defendant on each of the lower sides. Distance expresses respect (ibid 129). Lundeberg goes on to state that the placing of the jurors at the head creates distance, authority over as well as an overview of the court. Others in the court have to raise their gaze above to meet the jurors'. She also indicates how previous statuses and power relations (out of court) are leveled out; all men being equal before the law, also expressed in the placement on the same level regarding the plaintiff and defendant.

Similar to Lundeberg's argument, ordinary citizens like Elias, Reza and others especially the powerless or those from the lower ranks of society get the opportunity to face those with power over them in court as equals. Elias faces the medical board which has power to decide over what they see is best for him. However, in the context of the court he, nevertheless is given a platform to resist and challenge that power over him, speak for himself. The medical board is seemingly disempowered and reduced to the same level as its subject (Elias) as they meet face to face before the court. While Elias is empowered and the medical board disempowered, absolute power is invested in the judges and jurors ruling over the court for it is them who decide the final fate of these competing parties on trial before them. The final fate will either recognize Elias' plight (empowering him and subsequently altering previous power relations with the board) or alternatively, reinstate the power of the medical board.

Reza also uses the platform to air his grievances. His accuser is a representative of the state (police attorney). Much as he is on trial for possession of narcotics, he brings in the stories of all the injustices he experiences in Norway not connected to the actual accusation that brought him before the court. This may not be coincidental since the state through its immigration bureaucracies and its representatives the immigration workers and asylum center authorities are also partially to blame for his misery that in turn drove him to seek alternative remedies for his problems. His accuser, the police attorney, is also a representative of the state therefore Reza sees the opportunity befitting to plea to a "more understanding" court that could hear him out and hopefully possibly having the power to alter their relationship between Reza and the authorities.

The "costumes" in court can also be viewed as symbols of status. The "law people" including the attorneys and jury wear the traditional black gowns differentiating them from

the lay people who have their ordinary clothes. Although in court, all the parties are supposedly equal, it is clear that the courtroom is also the playground or perhaps showroom of these law people. Here competing attorneys show off their eloquence with different tricks up their sleeves to counter each other's moves. Elias and Reza appear like pawns in the game.

Besides differentiation in costumes, court traditions and rituals also reinforce distance and asymmetry. Nobody enters the courtroom before the judges arrive although they enter last. They have a separate entry door into the courtroom that leads to their special seats at the head of the courtroom. When we got into the court room, we had to rise up at the judges' entry into the court room and could only sit after the judges had sat and were not allowed to speak unless spoken to. As observers, we were to be motionless and not allowed to leave our seats or the courtroom for that matter unless it was recess.

Already mentioned, the intricate language used in court can be difficult to understand for the layman. Constant use of juridical terminology and reference to paragraphs in their law books also excludes the layman not familiar with them. Reza and Elias also face an extra barrier of talking via an interpreter. The language to be translated into by the court could lack these terminologies making it difficult for them to understand and as an effect, make them miss out that information.

### **The interpreter anomaly and 'matter out of place'**

As the cases above have shown, the interpreter is an ambiguous figure in court – 'a matter out of place' to borrow Mary Douglas' term. Nominally and formally his/her role is to facilitate communication by acting as a mouthpiece. However this role can become problematic when others are ignorant about who/she is representing at every given moment. It is a common fallacy to assume that the interpreter is the "minority's interpreter" instead of a facilitator for mutual communication. Moreover, the burden of not being able to communicate in the given language is placed on the minority person. In Reza's case, the placing of the interpreter on the same bench with him can contribute to his mistaken identification with Reza. On one occasion, the state prosecutor seemed frustrated over Reza's answers by addressing himself to the interpreter "ask him to give a YES or NO answer". As such the judge is addressing the interpreter in third person instead of in first person a problematic Kristiansen (1996) calls "pronoun confusion" ("*prenomen forvirring*"). In Elias' case, the interpreters sat facing the



court with their backs to the judges above them. This interestingly disrupts the order of the court space tradition of specific sitting arrangement. I also suggest that the placement of the SL interpreters at the front of the courtroom also serves as a boundary marker that distances the interpreter from the other parties emphasizing their neutrality.

Interestingly however, during the recess we sat and ate lunch with Elias and the interpreters whereas others went their separate ways. The same observation was made at Reza's trial, during the recess, Reza was with the interpreter. This serves to add further confusion in the fallacy of "whose interpreter" and the assumption of the interpreter as the minority's and for the minority's sake rather than a neutral party facilitating mutual communication.

Not only does their positioning disrupt the court but their presence is an additional factor to take into consideration. The three-way communication system is most of the times perceived as time consuming. Hearings involving interpretation are often also perceived boring when one has to break off after every 2-3 sentences to allow interpreting that some interpreters are requested to only interpret the most important points (Kristiansen 1996:37). This interruption disturbs the flow of the court. For that matter, simultaneous interpretation (whisper interpretation) is also preferred to save time but it is also more demanding work situation for the interpreter (ibid.). Reza's case seemed to reflect the time saving strategy - what seemed like the interpreting the most important although I cannot really be certain because I do not know any Kurdish to judge that.

## **Conclusion**

Through looking at the judicial institutions treatment of deaf and other linguistic and cultural minorities, this chapter illustrates the effects of communication barriers. Even with the provision of an interpreter, the legal protection of the minority person is in danger of being violated when information is lost in translation. Prevalent attitudes towards these minorities can also prove challenging to overcome. Previous asymmetrical relationships between the parties in appearing in court are seemingly evened out. The court appeal is an opportunity to challenge hierarchical structures, however, and new asymmetries are expressed and produced in the symbolic power in the court settings. While the court is seemingly a neutral institution, as these cases have shown they also reflect prevalent attitudes in society at large vis-à-vis

minority groups such as immigrants and deaf. Social distancing is also experienced in the language used the formal language of the court in contrast to the informal language used by the minority. Minorities experience alienation in one sided portrayal that doesn't consider their lived experiences.

## 6

### Equality: Limits and Navigation

In this chapter I develop further other stories told by the deaf of their own experiences in court. To avoid over generalization from Elias' case, I also interviewed other deaf who had experienced going to court to be able to compare their experiences. Thereafter I attempt to uncover general views and attitudes toward the Norwegian judicial system through holding discussion groups with the deaf youth to get their perspectives.

The chapter will then proceed to highlight the problem of equal access to information through an account of a hard of hearing professional<sup>56</sup>. In most cases deaf parties appear in court usually as victims, accused or at times as witnesses. I have not come across a case with the deaf party on the side that represents a client, in other words the "expert" and "knowledgeable expert" until I met my informant Pernille. This case moves away from the traditional depiction of the deaf as powerless and the ones whose legal protection lies in the hands of others although, as we shall see, Pernille meets similar challenges like most deaf due to her visual orientation and rigid court rituals and traditions. Her story is a valuable insight into a relatively new field of research.

The case points out to a more general development in which deaf people are increasingly adapting and moving towards bilingualism and accommodating the compromising duality of -"*ja takk begge deler*". Ideologies of emancipation and technological developments have opened up for new roles as a good number of them taking on higher education and entering the professions, new career opportunities in fields that were previously unimaginable for deaf or hard of hearing. Nevertheless, as also made clear by cases here, while the scope of deafness is transforming, societal prejudices are still persistent.

#### Experiencing and imagining law

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<sup>56</sup> I am including the hard of hearing category in this instance into the general category of deaf. Although my informant is not from the Deaf community, the severe hard of hearing within the community usually identify themselves as deaf unless they are specifying their degree or category of deafness/hearing.

In the fall (October- November) I had two extra discussions with some deaf youth at Nordahl Grieg high school on what they thought about the legal justice system of Norway. As I already mentioned in the previous chapter, the story of Fritz Moen is incorporated into Norwegian Deaf common history to the extent of adding it to the syllabus of deaf history and social studies. Knowing that the youth were very familiar with the story, I used it as my vantage point to explore their perspectives. I opened the discussion by referring to the case of Fritz Moen and questioning: Is the situation better for the deaf today and if there is any chance that a similar miscarriage of justice could ever happen again? What challenges do deaf encounter in the justice system today?

All of them agreed that they believe a situation like that would never happen again. One said that perhaps elsewhere but not Norway. He went on to add that there are many ways of controlling. Firstly, the professionalized SL interpretation system that uses two interpreters at any given assignment ensures high quality and accurateness of the interpreting. Secondly, people are more aware and enlightened about SL as a language. The time of Fritz Moen's trial and incarceration was during the era when the oral method was more influential and SL was not common. Today there is more respect for the one who prefers to communicate via an interpreter much as she/he can also communicate orally which was not the case with Fritz Moen during interrogation. The officer interviewing him did not respect the absence of the interpreter but rather carried on interviewing Fritz to get a confession in a language he was not competent in.

In addition, his multi-handicap was not made explicit in the case, the focus was drawn to his character depicted as a "psychopath", "deviant", "monster", etcetera. Physical appearance can also influence perception. The beautiful can be seen as more credible an example given was the US presidential elections of 2004 where Bush was "cool" and more appealing therefore the more credible candidate. Fritz Moen was not a sympathetic man with his handicaps and tough history, he was easily ascribed negative and unfavorable characteristics.

Another important point raised was the increasing number of bi-lingual CIs today. Although some might prefer to use SL in court because it is the language they are more comfortable with whereas they are also competent in spoken Norwegian and have mastered the art of lip-reading. To an extent, these are also able to control and hear what is being said about them.

However, before the case makes it to court they have to go through a chain of events and procedures. The first procedure involves reporting of the case, followed by the investigation of the claims to verify a crime/breaking of the law which leads to the arrest of the culprit.

When other means of settling the case are ruled out, the case is sent to court. Another channel to court is via unresolved conflicts. Such cases where the parties disagree and fail to come to terms with each other through mediation so they involve the court to come to a final decision opposing parties have to abide with.

### **Reporting cases**

According to research by Kwam (2004), deaf children are more vulnerable to assault than their hearing counterparts and yet they were hardly any cases I could find. While looking for upcoming cases involving deaf at the court house we could observe, there were no cases except for one civil case. It is general knowledge that many cases go unreported or find other ways to be settled than reporting. Studies including Barrow (2008), Vernon & Miller (2005) and Olsen et.al (2011) have showed the problems deaf encounter in reporting cases and ambivalent attitudes towards law enforcement officers. I stirred the discussions with the youth towards reporting cases asking if they experienced any difficulties in reporting to the authorities.

Not surprisingly, this discussion started with problems in communication which everyone all testified. As law abiding citizens it is a civil duty to report any breaking of the law and misdemeanors to the authorities and the people who keep order in the society. How does this affect deaf people if they expect communication problems? Given a scenario of crime scene with many eye witnesses including a deaf person, would that person voluntarily give his/her version of the story without being asked to do so? Research by social psychologists Latané & Darley (1970) showed that when there are many bystanders in the event of an emergency, the chance for individuals to assume responsibility is reduced compared to when they are lone bystanders (Myers 2004). I wondered how this plays out if a deaf person was among hearing bystanders. I posed the question: “Would you report or contribute your version of an event like an accident or crime when there are many other witnesses around?”

Two of the youth said they would, one did not know how she would react while others said it depends on the situation. They were more likely to report if the person affected (victim) was close to them than if it was a random stranger. However, they also reported difficulties if both victim and perpetrator were from within their

community. The Deaf community is small and everyone knows each other and one can face sanctions from within. One mentioned an incident that happened few years back where a girl was beaten up and nobody came to her rescue despite the fact that there were many witnesses present. When I asked why, they went on to explain that many feared being called an “audist” though they felt bad for her. The boy went on to explain further that the dilemma is that when you do not take action against the wrong doing then you are also supporting the perpetrator in a way. Sometimes the perpetrator is strongly positioned within the community, it makes it harder to react so many remain passive to the situation because they would not want to get on his bad side which was the case here.

The Deaf community does not make it easier to report and makes it harder on the contrary because the rumors go round and can make their lives difficult(for the reporter). “You cannot move on to another circle like the hearing. Reporting is probably easier within the wider local community in general than within the Deaf community so it is hard to escape” contributed one youth. Reporting also becomes problematic when the perpetrator is “set free” and does not go to jail or get punished. Being a small community it is hard to avoid each other and in most cases it turns out to be a back lash.

Apparently, just a few days before one of these discussions, a deaf man accused of rape had made national newspaper headlines for getting a reduced sentence claiming that because he was deaf he misunderstood the presupposed victim. The story caused outrage within the Deaf community who meant that deafness should never be used as an excuse. Many felt that he had disgraced them and such people “give deaf a bad name”. Maren Oriola an outspoken regular blogger from the Deaf community exclaimed how the man did not only rape his victim but also raped<sup>57</sup> the Norwegian justice system, their language SL, culture and pride (Oriola 2011<sup>58</sup>). In our discussion group one girl quoted Maren and explained how the hideous act violated their community and how no one wanted to be associated with him. It was a major drawback to the work of their d/Deaf organizations that continuously fight for equal treatment. The deaf do not expect special treatment and want to be treated equally. One of the youth clearly stated that “they are not above the law, when one choses to break the law then he/she should face the consequences”.

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<sup>57</sup> Rape= violate but in the Norwegian term for rape as in sexual assault – *voldta* is the same. I choose to use it in the Norwegian sense to retain the heavily laden content it carries.

<sup>58</sup> [www.marenoriola.no](http://www.marenoriola.no), blog entry 13.nov.2011

In another incident in which deafness was used as an excuse is taken from a 2008 case where a severely hard of hearing man was also given a milder sentence because of the challenges he faces due to his condition<sup>59</sup>. The man was arrested and charged for possessing narcotics and driving under the influence. His previous sentence involved losing his driving permit for life due to the seriousness of the charge. He appealed to the high court and had this reduced to a more lenient 2 years only. In his defense, he claimed he needed his license to be able to commute to work which was his livelihood. As a hard of hearing man, getting a permanent job was hard to get, losing his license would also mean losing his independence.

The above example illustrates the kind of misplaced compassion from the authorities' side, a tendency that arises from a form of paternalism through the viewing the deaf as less fortunate and to be pitied mentioned in the introduction of this thesis. A milder version of this behavior is for example minor misdemeanors like rowdy behavior, upon arrest, some officers might be sympathetic to the deaf and letting them go off with just a warning whereas they would be tougher to a hearing with the same offence. Some officers let them go because they do not want to go through the bother of looking for an interpreter (Vernon & Miller 2005). Deaf people are very aware of this weakness and a few of them use it to get away with law breaking. Some hearing people also use the "playing deaf" trick which is probably why some law enforcement officers at times do not easily believe it. Consequently, this becomes problematic and frustrating for people who actually deaf but experience not being believed and feel mistreated by the police. However it is also important to point out that it's a few individuals who opt for this, the majority of deaf people abstain from this kind of behavior they say gives deaf a bad name and stress that they want equal treatment. Misplaced compassion and pity from others is viewed as part of the paternalistic attitudes towards them.

However, the youth also express that even deaf law breakers have a right to accommodation and humane treatment. This reflection was made in reference to Hauland's (2011) research on the living conditions of deaf inmates who she described as facing "double isolation" as a result of the extra communicative barrier they face in addition to the physical aspect of ordinary prison isolation as well as lack of accommodation in prison facilities that prevent them from participating in regular inmate recreational activities that also isolates them from the fellowship with other inmates. Communication needs of deaf are usually ignored by

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<sup>59</sup> An appeal to the high court HR-2008-00039-A, (sak nr.2007/1682) , straffesak,anke

police and criminal courts (Gardner 1985) also exemplified by Fritz Moen's experience. During Fritz Moen's time serving his prison sentence, he suffered from isolation psychosis (Haualand 2011). Although he was an exemplary inmate with impeccable behavior, he never stepped out of the prison for over 10 years even though he was entitled to.

### **Interrogation, custody and police work**

A number of research conducted in other places show that one of the major complaints of deaf peoples' encounter with the police is the perceived brutality and inhumane treatment when for instance an individual who relies on signing is handcuffed upon arrest (Barrow 2008, Vernon & Miller 2005, Olsen et.al 2010). To a signer, this act is equivalent to dumb folding a hearing person and asking him to explain himself. Other complaints relate to accommodation (providing an interpreter) and general ignorant attitudes about deafness. Norway is not exempt from such cases. Earlier in 2011 a newspaper article based on the research of Olsen et.al (2010) giving a deaf man's encounter with the police<sup>60</sup>. The police officer in question did not believe he was deaf but rather "playing deaf" and threatened to put him in custody if he did not "cooperate" in other words "start talking". It took 2 hours of this tormenting before he got a chance at getting an interpreter. The man felt he was mistreated since he was the supposed victim of an unwarranted attack and yet on encountering the police, he was being depicted as the troublemaker, presumably drunk and rowdy (ibid.).

In case an interpreter is needed, it could take a while before the interpreter arrives at the scene or police station. This also means that the deaf person will have to be detained or remain in custody before the arrival of the interpreter (Vernon & Miller 2005, Olsen et.al 2010). Similar to Olsen et.al, Vernon & Miller's (2005) case involved a deaf man who was brutally arrested in front of his children for an incident he was apparently oblivious of because he had not witnessed it. Even after he informed the officer he was deaf, she refused to let him communicate through writing and she neglected calling for an interpreter and instead called for police back up. He was brutally slammed down in handcuffing him with hands behind his

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<sup>60</sup> <http://dagbladet.no/2010/12/01/nyheter/justismord/funksjonshemmede/forskning/14400135/> accessed 15.11.2012



back and justifying their use of force in claiming he was resisting arrest whereas he was attempting to use his hands to sign. The officers also refused to wait for his wife to arrive at the scene to interpret before they hauled him to the station.

### **Trine's experience.**

Earlier on in April I interviewed Trine, a woman in her late thirties, who has appeared in court twice first as a witness 18 years ago and secondly as the accused 2 years ago. She generally described both experiences as "bad and affected her negatively". First she explained about being a witness - the deaf eye witness is the last one to be consulted or asked to give her statement, she had wait in turn at the scene until after everyone else had spoken. Secondly, she was discontent about the court experience which affected her negatively. I asked her what bothered her she replied "the attitude of the 'hearing'" Several times during the interview she stressed they lacked competence on deaf. She felt ignored; "they talked to the interpreters instead of addressing themselves to me. In court, the 'hearing' talked and whispered to each other". She also says she never got enough time to express herself. She also pointed out that the two interpreter system did not work for her in saying "it was distracting with multiple persons to relate to; sometimes the interpreter would use a term/dialect she is unfamiliar with making it hard to comprehend at times". She narrated to me that the family dispute she appeared in court for ended up being settled out of court, although she was not satisfied, it was easier that way. I asked her if she would consider appealing, she responded "I would consider it but I would not want to go through the whole process again, it was very exhausting".

Both examples of Vernon & Miller and Olsen et.al above are classic extreme examples of inhumane treatment experienced by deaf but Trine's witness experience illustrates a more subtle form of treatment. Common to all these experiences above, the 'hearing's view was always considered first while the deaf party had to wait. Trine's experience illustrates some the views of the youth presented earlier and also explains the ambivalent attitudes towards reporting cases. It explains why the deaf first and foremost expect communication barriers and then having to deal with the dominant attitudes of placing them second in line after the hearing. It is no wonder that the youth meant that they would only report if the person was close to them. Contrarily, Trine was not hesitant to give her testimony but putting her last was not the case of "saving the best for last" but rather an act - as Trine experienced - that shows her contribution as less important. However this practice can have negative consequences like

criminalizing and victimizing the deaf party as in the case of Olsen et.al and Vernon & Miller's cases. Moreover, this creates a situation as the first narrative as the primary dominant one and all the following narratives as secondary to be used to confirm or refute the claim which then comes down to the situation where the it is deaf's word against the hearing's.

### **Alternative justice and its limitations**

The ambivalent attitudes towards the law enforcement institution open room for new means of disciplining and regulating crime. The Deaf community is small as the youth expressed with rampant rumor mongering. Although this is seen by the youth as an obstacle to reporting, it can also be seen as a productive means of preventing crime in fear of being excommunicated from the community. According to the rational choice theory of victimization, an offender engages in careful risks of punishment against the possibility of achieving pleasure (Barrow 2008: 47). Likewise a potential offender from in this would have to evaluate the risk the sanction of excommunication against self-gratification.

Barrow also reports that deaf are also generally reluctant to share info that might embarrass them or other deaf bring shame upon their community (2008:126). Bringing shame upon the community and deaf who try to use deafness as an excuse to get away with crime are shunned as expressed by the youth. However the reluctance to share info can have a downside by acting as a shield to harbor offenders. Both Barrow (2008) and Kvam's (2004) research revealed that a significant number of abuse cases reported by deaf adults took place within the confines of the community for example at the residential deaf school, friends' homes and own homes (Barrow 2008:248, Kvam 2004:249). Deaf victims are targeted especially if the offender is a superior like for example a hearing or bullies at school because they have nowhere to turn and some who have reported experienced not being believed (Kvam 2004: 247).

However, at the discussion the youth also reflect on the limitations of their close knit community. When I asked them on what could change this tendency, the boy who had been most engaged in the discussion reflectively suggested "we should not spread rumors or easily believe them...especially false rumors and labeling others as 'jail birds'" He went on to express hope for a more lenient community that takes care of even those that have defaulted

for example a support system (*tilrettelagt støttekontakt ordning*) that would help reintegrate them in the community after serving their sentence.

These kinds of experiences with and perceptions of police, the law and how deafness as well as deaf individual are treated, are in stark contrast to other groups who navigate, so to speak, the domain of law. It is to one of these we now turn.

### **The deaf professional and “knowledgeable expert”**

Pernille is a severe hard of hearing social worker who has appeared in court on several occasions on behalf of the child protection services and the County appeals board (*fylkesnemda*) in custody cases. Privately she has reported a case to the police (personal case not related to her line of work). She hardly has any contact with the Deaf community and was raised in a hearing family. She communicates via speech, lip-reading and uses hearing aids though she also signs (signed Norwegian not NSL) now and then especially when her hearing aids are off. When she is home, she prefers to remove her hearing aids hence becoming, literally, deaf then.

I interviewed Pernille at her apartment. She met me at the airport and drove me home to her place. We drove in compatible silence. I was afraid not to talk too much because she had warned me that she could hardly see me when she is driving. I would see her watching me through the driving mirror as I talked. When we got to her apartment, she showed me to a cozy well lit corner where I would sit. Everything was immaculately set even the snacks and glasses. As if she read my mind she said people always think she is strange because she is always extra prepared and usually first in line for anything. Since I did not have an interpreter, I warned her of my signing that is not too good which she responded would not be a problem because she mainly reads lips. I was also worried because I'm not a native Norwegian speaker I could have a weird accent or unusual tongue and lip formation from the native speaker while speaking. She instructed me to just speak clearly and not too fast then we are good.

Her actions further made sense to me as she unfolded her story. Pernilles' appearances in court were all carried on without any accommodations. Normally in her day to day work, she does not use interpreting services. She has adapted ways of meeting her challenges for

example prefers physical presence contact instead of telephone conversations. She tries to always control her surroundings and readjusting them to suit her just like the room was pre-arranged before my visit. She turns up early before her meetings to get the best seat with favorable lighting. She recalls from her childhood when she always wanted to sit in the front row in order to see the teachers' faces clearly. Before appearing in court, she is thoroughly and mentally prepared. She goes through the case until she almost knows it by heart.

### **Conflicting powers**

She is empowered by virtue of her position and status as a professional to represent and speak on behalf of others. She is a representative of an institution. Unlike Elias in the previous chapter, she belongs to the others – the people with authority-, “the people who know best” also what I termed the “knowledgeable other”. According to that line of thought, the expert in this case and assumed to be more credible. However she also meets challenges that make her feel disempowered.

In the cases where children were to give their testimonies, the child witnesses are not called to the witness stand but instead interviewed by the judges separately prior to the hearing. These hearings/testimonies are tape recorded and replayed for the court when in session. However, the tape is played for the court only once. In these particular instances, she feels challenged because she becomes “deafened” by this court procedure. As mentioned earlier, she prefers physical presence of the communicator in which she can also lip-read as well as decode body language to support the information she hears. She is then forced to rely on her council and lawyer to fill in the gaps. She has also devised ways of controlling that she is well informed making sure that she has heard well and not misunderstood but also does this in a natural way that does not draw attention to her hearing or expose her insecurity. For instance during the breaks, initiates further discussions asks about things she's unsure about in a way that does not draw attention to her like for example “what did he/she said...?” Luckily enough, she is known for being thorough and effective in her work that probably nobody has ever noticed her insecurity. What to others may seem like a normal light discussion in the corridor is a very important ritual for her to pick up missed out information.

Another challenge she faces is the sitting arrangement in the courtroom. She has no power to rearrange her environment to suit her like she normally would and asking the court

to accommodate her is not an option for her. The sitting arrangement as problematized in the previous chapter is symbolic in creating distance and hierarchy in statuses. When she sits on the lawyer's side, she cannot lip-read him/her properly because he addresses himself to the judges at the head of the room. She then sees him by his profile view with his mouth in a difficult side angle to read and does not see his eyes and facial expressions. The same applies to the side angle from the witness box that at times makes it difficult to get the visual cues as well in order to get holistic information.

I asked if she knew that SL interpreters in court actually request for rooms with proper lighting and acoustics prior to the hearing which she was surprised to hear. She then told me that she gave up asking for accommodations at work because her superiors are reluctant and blame it on the economics and the nature of her work dealing mostly with matters of confidentiality making that would make involving another individual (interpreter) problematic and less effective. She went on to say that they keep telling her “but you hear quite well”, “you speak well” so on that note they do not think it is necessary but she personally feels it would make her work much easier. For example while playing the child witness tapes, running a script in addition or even give a written copy if possible.

However she also had reservations on asking for accommodation. The downside of asking for accommodation is risking drawing attention to her hearing. Part of her mental preparation before attending the court session is the fear that one day somebody will confront her hearing abilities. She braces herself for the event when her hearing comes into question. It is common knowledge that in the event of miscommunication between a hearing person and a deaf person or a person who hears badly, the blame is usually placed on the person with the bad hearing. Put differently, there is also in professional settings, an asymmetry in the relation between hearing and non-hearing also at the level of communication between the two parties. And Pernille is well aware of that fact. It becomes apparent when she represents another party that the focus is on the case she is presenting and not distracted by the fact that she is hard of hearing. The danger in that lies in when her credibility is put in question and that “maybe you miss-heard since you are hard of hearing”. If her credibility is questioned, it poses a possible threat to her client's legal protection. Interestingly about this scenario is that unlike the majority deaf who are usually on the vulnerable side, tables are turned. It is the legal protection of her client that is in danger of being violated but rather than the usual vulnerable deaf party.

This case illustrates a situation where the deaf party is empowered by her status and expertise while yet at the same time the circumstances in the courtroom and its procedures are not conducive enough for her to let her do her work effectively making her vulnerable.

She does not have equal participation and access to information in the courtroom. Her information is not received and processed at the same time with the others present in the courtroom but rather delayed and second hand. It is delayed because she has to wait to compare notes with her partner before she confirms what she heard. Secondly, she cannot react immediately to the information but is forced to put it on hold until the exchanging of notes therefore also experiencing a delayed reaction. Thirdly, secondhand information may be colored by the conveyors perception and interpretation of the situation which may not necessarily reflect the original version but instead reinterpreted to relay another meaning altogether. She relies on others memory and how they remember which she finds disturbing. It is a burden for her when she has to always doubt herself if she heard right and relying on others. Unlike everybody else, the case is not finished after the courtroom, she continues to search for information to confirm and reassure herself.

### **The Paradox of equality**

Pernille's experience is not only relevant in professional settings but also a very important insight as representative of the classic hard of hearing /oral deaf experience. Lisa's story in chapter 2 shows how much effort and dedication parents invest in ensuring their child will function as normal as possible a process that involves rigorous training in childhood. Pernille can be viewed as a product of such dedication; she still has to work twice as hard and has mastered the art of perfection.

However, the case also shows tendencies of the societies' attitudes of overlooking and making deafness invisible. On the occasions Pernille has requested for accommodation at work, it was brushed off saying she speaks well and does not really need it. With this, they are avoiding the difference of not hearing like them while emphasizing the similarity of 'speaking well'. The notion of equality as sameness is also a stereotypical attribute of the Norwegian society where differences are deliberately avoided (Gullestad 2002). Paradoxical of this imagined equality, avoidance also signals unwanted social characteristics that she has to cover up in order to participate in this 'sameness' as shown in the court experience.

## **Conclusion**

This chapter to a greater extent explored the perspectives of some deaf youth on the law enforcement institution and how they relate to it in accordance to the treatment they experience. The youth report a more sensitized generation that is benefiting from the improved quality of interpreting. They also reflect on the changing scope of deafness that is gradually shifting towards biculturalism through embracing the dualism of both elements from the previous oralist tradition and the SL tradition. This generation is not passive deaf but active agents that even with the accommodation of an interpreter they are also active in controlling (within their capacity) what concerns them.

Societal attitudes reflected in the law enforcement representatives' treatment and lack of knowledge concerning deaf are still prevalent. Police practices render deaf speechless and their views less important in relation to the hearing which in turn breeds distrust. However general loss of trust has opened up for alternative ways of policing and preventing potential offenders within the community through the habits of rumor mongering and punishment by excommunication.

However, as Pernille exemplifies, the deaf are increasingly becoming active agents in navigating and trying to change their given circumstances by attempting to transform her environment to fit her. In order to participate on an equivalent level, deaf have to compensate by working twice as hard in order to overcome her limitations. Pernille devices techniques that allow her to do so like searching for the missing information while underplaying her challenges. In other words, her dilemma is that to achieve equality, she has to cover up the aspect of her hard of hearing identity that is perceived as discrediting.

## Conclusion

The overall objective of this thesis has been to explore how the deaf have established themselves as a community based on the common identity of being deaf. I was also interested in uncovering the dynamics involved in the changing scope of deafness and the roles different institutions play in transforming and perpetuating deafness. I have shown how deafness can be explained both unified field of internal solidarity or egalitarian virtues in terms of disability as well as a cultural orientation. The view of deafness is not unified and stable but rather a conflicted territory with its own conflicts and perpetually produced hierarchies – for instance those pertaining to the valorization of different categories of deaf. By juxtaposing these conflicting views, I have attempted through several chapters to capture the dynamics of the uneasy relationships, how these relationships are navigated and negotiated, notwithstanding the ambiguities involved.

The genealogy of deafness in modern European history and the changing attitudes towards the deaf is revealed in some historical detail in chapter 1, a trajectory also accounting for why language is a central contested feature in the construction of deafness. More specifically, I have shown how the deaf schools as language learning institutions and centers for what one may call acculturation into deafness have also taken center stage in the deaf self-identification, and thus serve as primary battlegrounds for asserting deaf rights. In this light, today's trends of mainstreaming/normalization, as well as the right to choose the language mode of instruction may be seen as contemporary expression of the historical conflict between 'oralist' and 'manualist' ideologies. However, as I also argued recalling, remembering and re-narrating history occupies a significant role by providing a common uniting force, inculcating a sense of historically derived similar experience undergirding a body of deaf collective suffering.

Similarly I have shown in chapter 3 how the medicalizing of deafness and ideology of normalizing produces a stigma in Goffman's sense. Simultaneously, novel forms of medical categorization have also led to group polarity in rejecting and challenging the ascribed 'disabled' label in a new paradigm that moves the disabling problem from the individual onto the society that they claim disables them. Again, as also shown in other chapters, a new reflexive positive group identity is born and valorized in the formation of their own Deaf community that confirms and validates the existing self-identity. In analyzing the identity



formation through what I have described as the “Ål initiation” I have also shown how shared rituals transform individuals by investing them with sociality. Likewise, I have demonstrated how social events and annual rituals like the Deaf cultural days serve as arenas for celebrating themselves as well as renewing and confirming their individual identity. However, they are also arenas for inspiration and politicizing deafness.

This thesis has analyzed language – SL- as a multifaceted and intangible symbol of deafness that has been used to negotiate boundaries of deafness. First and foremost the Deaf owe their existence as “D”s to the establishing of SL as a proper language that rendered them educable and imbued them with the capacity to communicate with other human beings. Secondly, it legitimizes the claim to uniqueness in their visual orientation while also redefining the meaning of language as not exclusively speech production. Thirdly SL use is a cultural deaf expression given that SL is their natural language and for that reason, it is the most important criteria in attaining membership in the Deaf community as I showed in chapter 4. It is based on these criteria that they can lay claims to linguistic minority rights to language recognition, right to have SL as a language of instruction, as well right to interpreters and visual access. In sum, language is a stake to claim to be Deaf. However it is also used in demarcating internal boundaries through its purist and nativist hierarchy.

Language within the deaf community as in other groups is both inclusionary and exclusionary. Access to Norwegian language is also important in participating in the wider society; the use of interpreters and making language visible facilitates access and equal participation. However, interpretation can also be problematic and even fatal as I illustrated in the last two chapters. The case of Fritz Moen in chapter 5 demonstrated how problematic interpreting or lack of it coupled with victimization through prejudice and ignorance about deaf led to the greatest miscarriage of justice in modern European history. Lessons learnt from this incident has led to heightened awareness as expressed in arranging cross disciplinary seminars and crash courses like the judges seminar on evidence evaluation and the Trondheim seminar on interpretation and legal rights protection in the same chapter. Although interpretation has greatly improved in having become more professionalized and quality controlled, challenges are still experienced in the lack of signs to make the terminology and concepts frequently used in professions like law and medicine visually accessible. I further demonstrated full accessibility is important in inclusion and equality as well as equal participation of minorities.

Pernille's story in chapter 6 not only highlights this problematic of but also uncovers new insights in an emerging field of study I call "the invisibilizing of deafness in public service" that calls for further research. As education becomes more accessible, deaf are increasingly taking on higher education and mastering the art of negotiating and maneuvering the hearing world and taking on new professions moving away from the traditional menial jobs, transforming the scope of deafness but the wider society is slow in changing their attitudes. Pernille's dilemma illustrates this well. In her strife for equality and credibility, she is forced to avoid making reference to her hearing that is perceived as a discrediting attribute (causing stigma). Moreover, characteristically individualist egalitarian, the Norwegian society deliberately avoids references to difference and 'imagining sameness' likewise people with a 'difference' will down play this difference to participate in the 'sameness'. This implies that due to the stigma related to deafness, there could be many people facing her dilemmas daily but are afraid of coming out as hearing impaired and their deafness made invisible either by society or the individual own choice.<sup>61</sup> Take for example aging magistrates who will not refer to their bad hearing to be able to change the court traditions like playing witness tapes without making the information visible as well. An example of how hearing loss is made invisible is a recent case of a hard of hearing jury member who was asked to take a sick leave because the court could not make information visible by providing an interpreter (*stemmetolk*)<sup>62</sup>. With that said, discussions with the youth of Nordahl Grieg School expressed the transforming, reflective action centered kind of deafhood.

### ***“Ja takk begge deler”-Towards a bicultural and bilingual orientation***

There have never existed so many deaf as today because CIs are technically deaf without the external piece of the aid (Holten & Lønning 2010:78). As I started out with in this thesis, this number is still on the rise with the expected increase of people with noise induced hearing loss. Yet at the same time there is a sense of foreboding in the changes taking place in the community; - with all the latest technology the new generation of deaf is allowed to participate in other arenas like cyberspace where there are no handicaps, in addition to

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<sup>61</sup> Many people beginning to lose their hearing usually go through a phase of denial until it really becomes inevitable when they begin to lose important information.

<sup>62</sup> <http://www.bt.no/nyheter/lokalt/Horselshemmede-Inger-65-ble-bedt-om-a-sykmelde-seg-2846995.html>

trending mainstreaming of deaf in regular schools producing new hybrids of “hearing deaf”. For that matter, the survival of the Deaf identity relies on its reinvention to accommodate previously inconceivable alliances.

Put differently, previous rigidly upheld hearing-deaf boundaries are blurring fast with increased contact and due to the fact that the majority of the deaf children born today get CI. Recognition of SL as a language of instruction and electing representatives to the Norwegian language council are steps towards a more visible language with the promising potential if implemented on the influential policy making level. There thus seems to be a need to redefine deafness. Otherwise it may end up in capsulated in a sealed off entity suffering from possible ossification.

Bicultural and bilingual orientation is a reflexive attempt to reconcile differences and incorporate ambiguous categories like CODAs, CIs, and the deafened and the fact that most deaf are born in hearing families and also socialize in other circles other than the primary Deaf circles. It also provides ample opportunities for collaboration across the deaf-Deaf divide to fight for the greater common good.

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## APPENDIX I

*«Av og til får jeg lyst til å legge CI'en min på bakken og trække over den. Ikke trække over. Trampe på. Hoppe på. Knuse. Sparke vekk. Pulverisere. Uten CI er jeg en feil. Med CI er jeg noe man har forsøkt å reparere. Jeg er lei. Jeg vil bare være Berit Emilie.*

***Jeg er Berit Emilie. Jeg er et menneske. Et menneske har 12 organer.***

*Hjerne. Hjerte. Hud. Kjønnorgan. Lever. Lunge. Mage. Nese. Nyre. Tunge. Øye. Og øre.*

*Det meste trenger man for å leve. Uten øyet blir verden svart, men man kan fortsatt høre, smake og føle. Uten øret blir verden ganske stille, men man kan fortsatt se, smake og føle.*

*Jeg kan kjøre. Jeg kan forstå og gjøre meg forstått. Jeg kan arbeide. Jeg kan engasjere meg i frivillige og politiske organisasjoner. Jeg kan danse. Jeg kan le. Jeg kan plukke blomster. Jeg kan møte "sånne som meg" fra alle verdensdelene og kommunisere med hendene uten et felles språk som f.eks. engelsk. Jeg kan ta av et fly hvis jeg får lov. Jeg kan ta vare på meg selv. Jeg kan ta vare på andre. Størst av alt; jeg kan leve. **Jeg føler meg hel.***

*En av mine 12 organer mistet deler av sin funksjon. Et dør ble delvis lukket. Kroppen omorganiserer seg. Nye dører åpner seg. Fantastisk. **Jeg føler meg hel.***

*Overformynderiet til meg: Du. En feil.*

*Overformynderiet til andre "sånne som meg". Du. Feil. Du. Feil. Du. Feil. Du. Du. Du. Feil. Feil. Feil.*

*Feil kan man ikke ha. Alt må være riktig. Alt må være i orden. Perfekt. Alt som er forskjellig fra meg er feil. Alt som er annerledes som jeg ikke forstår. Er feil. Hørselshemming. Døv. Tegnspråk. Deafhood. Jeg forstår ikke hva dette er. Stakkars dem. Det må være forferdelig for dem. Kan ikke høre. Katastrofe. De må få hjelp. De må få være som meg. Alle må få være slik som meg. Hva er normalt, sa du? Det er meg det. Jeg er normal. Jeg er svaret på alt. Når alle er slik som meg. Reparere. **Genocide.** Reparere. **Språkdrap.** Reparere. **Kulturutryddelse.** Reparere. Da kan jeg lene meg tilbake og slappe av. Funker ikke for alle, sa du? Nei. Enkelte feil er ugjenopprettelige. Bare å finpusse til neste generasjon. Til generasjonen etter det. Til alt er rett og alt feil er borte.»*

