

**VI**

**A LANGUAGE POLICY FOR  
THE SOUTH AFRICAN  
SITUATION?**

# Bilingual and trilingual language policies for South Africa

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In principle the language policy of a country can include many languages. One could say that South Africa is a multilingual nation since 11 languages are commonly spoken, namely Afrikaans, English and nine African languages. However, most government offices are only bilingual or trilingual and pupils are not obliged to learn 11 languages at school, but at most two or three. South Africa's current language policy for white, coloured and Indian pupils is in principle bilingual, namely English and Afrikaans; and trilingual for black pupils, who study English, Afrikaans and an African language. This is a language policy based on apartheid. Other language policies have been proposed for future implementation, but the proposals are still of a bilingual and trilingual nature. No political party has proposed a unilingual policy. The aim in this paper is to compare the bilingual and trilingual policies, in terms of first the present procedures and then the proposed ones.

## THE CURRENT BILINGUAL POLICY

In terms of sections 35, 89, 90, 91 and 99 of the Republic of South Africa Constitution Act, No. 110 of 1983, Afrikaans and English are the official languages of the central government, the provincial authorities and the local authorities.

The bilingual policy for Afrikaans and English also applies to education for white, coloured and Indian pupils. The Education Affairs Act, No.

70 of 1988, provides that the official language which a pupil knows best should be the compulsory medium of instruction up to and including the ninth year of school, after which the parents may choose between Afrikaans and English as the medium of instruction. The same act also stipulates that Afrikaans and English should be compulsory language subjects until the final year of school.

Similar provisions on the two languages also apply to Indian and coloured pupils.

## **THE CURRENT TRILINGUAL POLICY**

There are several trilingual exceptions to this bilingual rule, however. Section 89(3) of the Republic of South Africa Constitution Act, No. 110 of 1983, provides that in the homelands, one or more African languages may have official status in addition to Afrikaans and English. Today each of the six national states and Bophuthatswana have three official languages: Afrikaans, English and an African language. The African language is the home language of almost all the inhabitants of the region concerned, namely Tswana in Bophuthatswana, Zulu in KwaZulu, Southern Ndebele in KwaNdebele, Northern Sotho in Lebowa, Tsonga in Gazankulu, Swazi in KaNgwane and Southern Sotho in Qwaqwa.

A trilingual policy is also used for black education as well as state affairs. The Education and Training Act, No. 90 of 1979, as amended in 1991, decrees that parents have joint say in the choice of the medium of instruction from the first year of school. This means that the parents can choose among Afrikaans, English and an African language as the medium of instruction. In practice the general choice is an African language up to and including the fourth year of school, and then English. This was the pattern still prescribed in 1990. Where language subjects are concerned, an African language, English and Afrikaans are compulsory school subjects until the ninth year of school and then two of the three languages are compulsory. In practice almost all the pupils choose all three languages until the last year of school. The education departments of the six national states and the four TBVC countries follow an identical or similar trilingual policy.

A limited trilingual policy is also followed in primary schools for white pupils. Besides Afrikaans and English, an African language is a compulsory non-examination subject taught for one hour a week. In the schools for Indians an Indian language such as Hindu or Gujerati can be chosen as an optional non-examination subject. In a few schools a foreign

language such as German is the medium of instruction and is a compulsory language subject in addition to Afrikaans and English.

## **THE DIFFERENCE BETWEEN THE CURRENT BILINGUAL AND TRILINGUAL POLICIES**

The difference between the current bilingual and trilingual policies is that, besides Afrikaans and English, an African language has been added as a third language. However, the compulsory use and study of this African language is limited to the homelands, the black schools and to one hour a week in the white primary schools. The Conservative Party and other right-wing parties wish to perpetuate apartheid and apparently also the current language policy.

## **THE BILINGUAL PROPOSAL OF THE DEMOCRATIC PARTY**

The other political parties are in favour of a new language policy. The proposals are generally rather vague. The Democratic Party and the National Party have made the clearest statements.

The Democratic Party has proposed that one language be the 'language of record', in other words that English should be the official language of the first tier of government. Furthermore the party proposes that the federal state, in other words the second tier of government, should have the right to assign other official languages in addition to English. If the regional governments represent the population in the proposed regions and the second language is decided by ballot, this may mean that most second-tier governments will choose only one additional official language, for example Afrikaans plus English in the Western Cape (Region A), Southern Sotho plus English in the Orange Free State (Region C) and Zulu plus English in Natal (Region E).

The policy of using English plus one other language has already been applied in Ciskei, Transkei and Venda:

- The Ciskeian Constitution provides that Xhosa and English be the official languages of Ciskei.
- The Transkeian Constitution states that Xhosa is the official language and that Southern Sotho, English and Afrikaans may be used for official purposes. In practice English is frequently used and Southern Sotho and Afrikaans are seldom used. One could say that English is the second official language of Transkei.

- The Venda Constitution prescribes Venda as the official language with English and Afrikaans as permissible languages. As in Transkei English is in practice the second official language.

Where education is concerned the Democratic Party proposes that communities with a common language should be entitled to have their mother tongue as the medium of instruction. This could mean that alongside English, the mother tongue would become a compulsory school subject. The Democratic Party therefore proposes in principle a bilingual policy: English plus one more language.

## THE TRILINGUAL PROPOSAL OF THE NATIONAL PARTY

Like the Democratic Party and all the other parties, the National Party has not yet fully spelled out its language policy. According to newspaper reports, however, several ministers have already stated that the present official status of Afrikaans and English ought to be retained and that the position of the African languages demands new consideration, for example as regional languages (*Beeld*, 5 September 1991). This implies that Afrikaans and English would be the official languages of the first tier of government, and Afrikaans, English and an African language the official language of most of the second-tier governments, for example Afrikaans, English and Southern Sotho in the Orange Free State (Region C); Afrikaans, English and Tswana in the Western Transvaal (Region J) and Afrikaans, English and Xhosa in the Eastern Cape (Region D).

As regards schools, the South African Law Commission has proposed that every school pupil should have the right to instruction in the mother tongue or another language as the language of choice. The curriculum proposals published recently by the heads of the education departments (CHED 1991) include a proposal that all school pupils take three languages from the fifth to the seventh year of school, and then take two of the three languages to the eleventh year of school. The three languages are Afrikaans, English and an African language. It may be deduced from this that the National Party is in favour of a trilingual language policy: Afrikaans, English and an African language.

## THE DIFFERENCES BETWEEN THE PROPOSED BILINGUAL AND TRILINGUAL POLICIES

The bilingual and trilingual proposals are similar in that they raise the status of an African language to an official regional language and make English a compulsory official language and a compulsory school subject.

The difference between the two policies affects the position of Afrikaans in particular. In the bilingual policy Afrikaans is no longer a countrywide official language or a compulsory school subject.

However, the differences also affect the position of the African languages and the perpetuation of the apartheid policy. In the bilingual policy an African language is not a compulsory subject for all pupils and this system perpetuates the apartheid policy. Black pupils do have to learn a white language, but the whites, coloureds and Indians do not have to learn an African language. As in the past, they can continue studying only Afrikaans and English. The only difference is that black pupils would no longer have to take Afrikaans at school.

The African National Congress and the Inkatha Freedom Party have apparently not yet made a choice between a basically bilingual or trilingual approach.

In its constitutional proposals the ANC has stated only that Afrikaans, English and the nine African languages should be promoted at school and that one or more of these languages could be assigned for particular purposes at national level or in any region or area where it was widely used. In addition the ANC's constitutional committee has declared that the question of language rights would be dealt with not on the basis of depriving people of their existing language rights, but of giving recognition to the many South African languages that have been moved aside or have been recognised only in the homelands (ANC 1990:4). These statements indicate a trilingual rather than a bilingual approach.

The IFP has made no pertinent statements about the language policy. If the IFP is still in favour of the proposals formulated by the KwaZulu/Natal Indaba, then they too are more in favour of a trilingual than a bilingual policy.

One of the basic questions that should be considered is whether schoolchildren should learn two or three languages at school. In 1990 there were more than 7,6 million black pupils, most of whom had learned three languages at school: an African language, English and Afrikaans. In the same year there were 2,1 million white, coloured and Indian pupils, most of whom had learned only two languages at school, namely English and Afrikaans. The question now is whether the 7,6 million pupils will drop Afrikaans. What value does an African language have for the 2,1 million pupils and what value does Afrikaans hold for the 7,6 million pupils? English is not the difficulty here, because virtually everyone – even the

Conservative Party and the HNP – agrees that all children should take English at school.

## **THE VALUE OF THE AFRICAN LANGUAGES FOR PEOPLE WHO DO NOT SPEAK AN AFRICAN LANGUAGE**

The value of the African languages for people who do not speak such languages lies mainly in the ability to communicate with African language speakers and to foster mutual understanding. There were about 40 million people in South Africa in 1991. The home language of about 30 million of these people is an African language and of 10 million, Afrikaans and English. But knowledge of one another's languages is still very limited. Many black people know Afrikaans and English, but in the other population groups there are very few Afrikaans and English speakers who can also speak an African language.

There is an enormous language gulf in the workplace. According to the 1980 census, 25 per cent of all workers, in other words of all economically active people, cannot speak Afrikaans or English and 33 per cent cannot speak an African language. Consequently 25 per cent and 33 per cent of workers – a total of 58 per cent – cannot communicate directly with one another. The remaining 42 per cent form the bridge that has to maintain communication between the two groups. And this bridging group comprises mainly black people. Only 4 per cent of the whites, coloureds and Indians can speak an African language (Schuring & Ellis 1987). Afrikaans-speaking and English-speaking people still make only a minimal contribution to mutual communication and mutual understanding in South Africa. It would be of little use to make the African languages the official regional languages but not teach them at school. The African languages are already a compulsory non-examination subject for white pupils. Making an African language a compulsory examination subject for all pupils, not just for three years but for at least five or six years, would foster mutual understanding in South Africa.

## **THE VALUE OF AFRIKAANS FOR BLACK PEOPLE**

Afrikaans has value for black people because it is the best-known language in South Africa and is indispensable in most work situations.

According to projections based on 1991 figures, Afrikaans is the home language of the third-largest language group, with more than 6 million speakers. The largest groups are those who speak Zulu and Xhosa followed by the three Sotho languages and English.

Afrikaans is the most widely distributed of all the languages in South Africa. More than one and a half million Afrikaans-speaking people live in the Cape metropole and a further two million in the rest of the Cape Province. In the PWV area there are more than 1,6 million Afrikaans speakers and in the rest of the Transvaal, more than half a million. Less than half a million live in the Orange Free State and about 150 thousand in Natal. Afrikaans is both a rural and an urban language.

There are millions of people who speak Afrikaans as a second or third language. It is the best-known lingua franca or commonly spoken language in South Africa. In 1980, 13,3 million people could speak Afrikaans and the estimate for 1990 is 18,1 million. Similarly to its distribution as a home language, Afrikaans as a lingua franca is widely distributed over the Cape Province, the Orange Free State and Transvaal. Even in Pietermaritzburg and Durban, more than 40 per cent of the population can speak Afrikaans.

English is predominantly an urban language. More than 3 million or 88 per cent of the estimated 3,6 million English-speaking people live in the four metropolises (1,2 million in the Durban–Pinetown–Pietermaritzburg complex, 1,1 million in the PWV area, 720 000 in the Cape metropole, 143 000 in Port Elizabeth–Uitenhage, and a further 73 000 in East London and environs). The rest of this group, numbering 360 000, is sparsely distributed over the other cities and areas of South Africa.

As in the case of Afrikaans, there are also millions who can speak English as a second or third language. The number in 1980 was 12,3 million and the estimate for 1990 almost 17 million. The great difference between English and Afrikaans, however, is that those who can speak English are predominantly city dwellers. Again they reside mainly in the four metropolises: the Natal metropole, the PWV area, the Cape metropole and Port Elizabeth–Uitenhage, and in addition in other urban areas such as East London, Bloemfontein and Kimberley. Compare this again with the distribution of Afrikaans.

Afrikaans is not only the most important lingua franca but compared with English is a very important language in the workplace. In only two of the eight occupational categories do more workers speak English as their home language than Afrikaans. These two occupational categories comprise industrial managers and sales workers. These two occupations have high visibility, but together account for only 7 per cent of all workers. The high visibility in commerce in particular and the use of English in the media create a false impression that it is quite adequate to study only English. But industrial managers and sales workers would not be able to do their work if they did not know Afrikaans.

Moreover, in all the other occupational categories there are more Afrikaans-speaking people than English-speaking people. Afrikaans completely overshadows English in the three largest occupational categories:

- In the production and transport occupations, 20 per cent speak Afrikaans compared with 9 per cent who speak English.
- In the service occupations, e.g. waiters and domestic servants, 17 per cent speak Afrikaans compared with 5 per cent who speak English.
- In farming, forestry and fishing, 16 per cent speak Afrikaans compared with 2 per cent who speak English.

These three groups are the largest of all the occupational groups and include 74 per cent or three-quarters of all the economically active population. For practical reasons Afrikaans cannot be ignored in the workplace. Someone who has taken only English at school would probably have more difficulty in finding work than one who has learned only Afrikaans. The best solution would be to learn both English and Afrikaans because this would open nearly the entire labour market to someone living in South Africa.

This means that it makes sense for black pupils to continue to study three languages at school and not to lower the language standard to two languages. It is not the knowledge of languages among black people that should be reduced, but the knowledge of languages among whites, coloureds and Indians that should be upgraded.

The overall impression created by an overview of the language situation in South Africa is that a basically trilingual policy would suit South Africa better than a basically bilingual one. This does not mean that every pupil should take three languages every school year. Most pupils, for example, could study one language for twelve years, a second language for ten years and a third language for five or six years. It also does not mean that every official letter would have to be written in three languages, but that, for example, a government office in Natal that has received a letter in Zulu, should be able to write a reply in Zulu, not only in English and Afrikaans. I hope that in future South Africa will have not a rigid policy, but a very flexible trilingual one that allows scope for only two languages or even for only one language in certain circumstances.

# The position of English in law: the new South African legal order

A. E. Stewart-Smith

This paper seeks to examine the possible future of English in the South African legal system, especially its position as a mandatory language requirement for qualifying legal practitioners. This will entail examining the assumptions underlying language requirements (which stipulate English and Afrikaans qualifications), the reason for the current status of English, and the link between language use and national identity. The changed role and function of English in the legal sphere will also be considered.

An indication of how the status of languages may change was seen in the statement released by the Constitutional Committee of the ANC.<sup>1</sup> The ANC's bill of rights states that eleven languages will be recognised in the new South Africa.<sup>2</sup> It is unlikely that all eleven languages can be accorded equal recognition, but recognition will be given to languages hitherto devoid of any official status. At present, of course, there are only two official languages so this change must have significant and disturbing implications for the status and application of these languages. The roles which English, Afrikaans and African languages play in South Africa will change for both in- and out-group users.

Apartheid South Africa fostered the idea that there was a link between language use and nationality.<sup>3</sup> In the nation-building momentum the development of Afrikaans to full status during the period 1870-1919 predated official apartheid. Although this national consciousness was

very much informed by a desire for independence from Britain, English remained significant in law. This apparent paradox has its origins in the preferential status which English has historically enjoyed because of its perceived associations with an admired, and often aspired to, cultural origin. This was particularly true of its status in law; yet ironically it is in this regard that its applicability must now come under serious consideration. A new constitution can logically be expected, *inter alia*, to insist on a more accessible legal regime in order to rectify the discrimination of apartheid.<sup>4</sup>

This notion of accessibility, in terms of both rights and comprehensibility, is a crucial aspect of language planning. English is not the home language, or even the *lingua franca*, for the majority of South Africans and therefore any system based on this belief is bound to be challenged by the new order.<sup>5</sup>

At present English is one of the two languages in which legislation is debated, formulated and preserved.<sup>6</sup> In legal theory neither text is merely a translation of the other.<sup>7</sup> Obviously this system would be unworkable if more languages acquired official status (there are problems already with the present situation),<sup>8</sup> and therefore the principle of statutory equality will have to be reconsidered.

In addition to its position as one of the two official languages of the country, and thus its role in legislative proceedings, English is also a language requirement for aspirant advocates, and for attorneys at a slightly lower level of qualification.<sup>9</sup> The assumptions underlying this requirement will have to be assessed alongside the competing claims of other languages, and the actual function of English in legal use will have to be evaluated. For instance, standard documents most frequently encountered, such as leases, could be made available in the official languages of the area.

A language requirement frequently acts as an umbrella for certain implicit assumptions about the skills or qualities yielded by the language concerned. The present system attributes certain skills to English users and puts the onus on less proficient users to acquaint themselves with English or suffer the consequences of impaired knowledge and competence. The English legal system has long served as a model for South African legal practice and training, and the rulings on compulsory English qualifications for admission to practice as an advocate predate any other requirements, either on language or curriculum subjects.<sup>10</sup> From this it can be deduced that English law, encoded in the English language, is perceived as valued and as something to be emulated. This emulation in-

volves English language usage as the vehicle which conveys these abstract qualities.

The stipulations and discussion on the language requirement when the Admission of Advocates Act was introduced in 1921<sup>11</sup> make clear this reliance on assumed qualities associated with language use.<sup>12</sup> Mr Close (MP Rondebosch) emphasised the superiority of the English Bar *vis-à-vis* any other<sup>13</sup> and commented significantly that Roman-Dutch law no longer existed in Holland but only in the British empire, a fact which underlies the promotion of both English, the language of empire, and Afrikaans, the language which gives access to Dutch-origin law. The Minister concurred.<sup>14</sup> He had no objection to South African students going to Holland as it was the cradle of Roman-Dutch law but he 'foresaw difficulties in regard to a proper knowledge of the South African languages if men from all the continental countries came to practise here'. It is clear that the reference to the South African languages is to English and Afrikaans, thereby using language to define nationality and displaying an attitude to this link between language and national identity that is tantamount to xenophobia.

This is made explicit in section 1 of this Act which, in addition to the qualifications for admission to practice as an advocate reiterated by the numerous previous Acts, Ordinances and Proclamations,<sup>15</sup> permitted the admission of any British subject domiciled in any province of the Union, provided he was in possession of the listed qualifications obtained from certain British or European universities. Roman-Dutch law was essential and although there is no mention of the English language requirement, it seems to be assumed in the endorsement of the English model and tradition, since the universities named had to conform to the Rules of Court. The second section dealt with the essential requirement of Roman-Dutch law and statute law of the Union, but with exemptions for certain British subjects.<sup>16</sup> Because it is valid to assume that being British meant English-speaking, English was given significant status on account of the exception thus made for its users.

Two important issues emerge here. First, it is clear that British qualifications were perceived as so desirable that concessions had to be made to accommodate them. This was not altogether surprising given the establishment of British courts as models and British advocates as almost the sole source of practitioners.<sup>17</sup> Nonetheless the hostility before and after the Anglo-Boer War might have been expected to dilute such admiration. That this does not occur in the legal system is because of the second significant aspect of this Act – the attitude to the associated qualities of the English

language.<sup>18</sup> Given the amount of previous legislation which derived from the British system,<sup>19</sup> and that English remained one of the two administrative languages, despite severance of ties from Britain, the inference seems to be that the language of this British-origin system acquired associated value.

The emerging importance of Roman-Dutch law was indicative of a developing South African national identity, albeit an identity based on a very limited population group, the enfranchised. This was connected with, not in opposition to, the role of English in South Africa, because the Minister of Justice found that both a sound knowledge of Roman-Dutch law and 'a proper knowledge of the South African languages' were necessary.<sup>20</sup> In this manner English was seen as integral to South Africa because it was an official South African language. In this and all future debates on language issues no mention was ever made of the role of African languages, so it is unlikely that the Minister referred to any languages other than English and Afrikaans.

The incorporation of English into South African law was again made explicit in the Admission of Advocates Act 1964.<sup>21</sup> In this Act bilingualism in the two official languages was clearly made mandatory. Section 2(a)(i) stipulated that 'not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language' were required for aspirant advocates. Future legislation increasingly separated the Latin requirement from the other two listed languages<sup>22</sup> culminating in the present situation<sup>23</sup> in which Latin is no longer a non-negotiable requirement. This suggests that Latin performed functions different from English/Afrikaans. (The Latin qualification is not part of the issue of bilingualism, i.e. in the active application of languages.)

The Minister of Justice at the time regarded a sound knowledge of the two official languages as 'indispensable to an advocate' and was 'gratified that, as regards both the attorneys and advocates, we have at long last reached the position where bilingualism has been accepted as a prerequisite'.<sup>24</sup> The language requirement was seen as an essential test of bilingualism. In the debates which followed the Minister's statement and in later amendments to this Act, these views of the Minister were accepted by both Houses. The principle of bilingualism was lauded because of its nationality-defining function. South African advocates were to be trained in South African law for a South African administration of justice.<sup>25</sup> Official bilingualism empowered users of English and Afrikaans and successfully disempowered any other language or the nationality associated with any

other languages. The history of official English and Afrikaans has been one of inclusion and exclusion; it is this method of control, not the languages themselves, which must be challenged.

English is not doomed, nor is such an idea even remotely possible. English is an international language; it is less tainted by the hostility which associates Afrikaans with the domination of apartheid; and it remains the language of a significant proportion of the populace whose right to use it is as valid as the right of any indigenous language speaker. It is the notion of bilingualism (as opposed to multilingualism) implying the acceptance of language, culture and nationality as group-exclusivity factors which must be abandoned.

Africa is a multilingual continent and the European ideal of monolingual boundaries is not applicable.<sup>26</sup> In Africa in particular it is clear that a state is not synonymous with a single nation or language because so many African states were the artificial creations of European colonialism. Nearly all African states are of mixed ethnicity, religion, language and culture;<sup>27</sup> accordingly factors determining how languages relate to one another within and among states are likely to differ markedly from those which operate where language and nation or state are more closely equated and 'where linguistic unity and national identity are regarded as primary symbols of statehood'.<sup>28</sup>

In South Africa ethnic separatism has long been used as a form of control to marginalise those without power and to create a national identity centred on the two official languages and their users. In readdressing the problems inherited from this system, the ideology of cultural relativism, which permits the coexistence of various cultures, rather than the domination of one culture, may be a solution.

There is obviously a connection between a language and the sense of identity which its users derive from that language.<sup>29</sup> But is this sense of identity necessarily, or irretrievably, connected with ethnic or national identity? The linking of language with national identity is, in large part, a product of late eighteenth-century German romanticism.<sup>30</sup> 'Nationalist beliefs, like all societally patterned beliefs, are language dependent.'<sup>31</sup>

Fishman is explicit on the crucial role that language plays in national identity<sup>32</sup> and the way in which vernacular languages are 'glorified' by nationalism.<sup>33</sup> However, his definition of nationality as 'sociocultural units that have developed beyond primarily local concepts, concerns and integrative bonds'<sup>34</sup> indicates that such nation groups are drawn from mixed origins, and therefore can be assumed to contain more than one language.

The problem in South Africa will be deciding which language(s) and whose nationality(ies) have what function and/or official status. Any policy which does not accommodate both the significance of language to its community and tolerance of language-differentiated groups will be as divisive as the present system.

Language commonality is a group-enhancing feature and even artificial languages such as Esperanto and Novial are not free of symbolic nuance<sup>35</sup> so it is unrealistic to seek a language totally devoid of symbolic associations. English, however, because of its global spread, is not strictly attached to a specific group of people.<sup>36</sup> Facility in a language conveys some sense of self which begins with the individual and is communicated to the group precisely because of communication; but this participation is not, and should not, be seen as a constraint. A speech community can be a social group defined on non-linguistic grounds possessing common norms of language use, so membership of such a speech community is not synonymous with all members being speakers of a certain language. Linking language to nationality is divisive. Official language status creates an artificial hierarchy with associated superiority and inferiority accorded to those nationalities with competence in the higher status language(s). Under these conditions nationalism can bar both economic and social progress. 'Official nationalism is really a bastardisation, by dynastic and aristocratic forces, of the original ideological thrust of the concept, in order to sustain monopolistic interests.'<sup>37</sup> Solutions to the language problem in South Africa lie in ending the connection between language and nationality.

What are the language options for the future? These options divide off into two general categories: pluralism or assimilation. The principal objections to assimilation<sup>38</sup> are that, if English remains a dominant language, this could lead to Anglo-conformity in which ethnic groups are induced to adapt themselves to the prevalent culture, or a melting-pot effect occurs with resultant loss of identity. This is certainly true of amalgamation in which all groups mingle or even fuse, but in South Africa it is unlikely and undesirable given our large number of non-English speakers. There may emerge a new identity which is not Anglocentric but which uses English as a medium. Assimilation usually does involve the achievement of sufficient cultural homogeneity to make progress in a larger society, but again in the new South Africa the character of this larger society is unlikely to be English based. 'Multivariate assimilation' allows for assimilation to proceed in different ways and at different rates; this seems a more reasonable approach.

Cultural pluralism allows for the continuation of group distinctiveness with emphasis on the transmission and maintenance of the original culture. This has been successfully achieved in Guinea, for instance, with a language policy which maintained the foreign language, French, but promoted eight of the twenty local languages.<sup>39</sup> The answer, in general terms, is to relocate English in terms of the scale of language values. In Zimbabwe there have been significant changes in the role English plays in domestic and international affairs. Broadly speaking, there has been a development in the prestige of indigenous languages but not at the expense of English, which remains a language of wider communication.<sup>40</sup> Power remains discretely veiled, however, because English competence empowers. The decision by Kenyan, and subsequently Namibian, ruling parties (with English competence) to make English the official language was underwritten by those parties' proficiency in that language. The language policy of the new South Africa must be proactive, promoting other languages in order to avoid the power accrual which results from limited language expertise.

Notwithstanding the attractiveness of a pluralist policy, a feature of language coexistence (in which prolonged contact leads to some form of reduction of differing terms) should not be ignored: that is, inevitably they will influence each other linguistically. This is not to be dreaded. English is likely to develop characteristics that will mark it more clearly (with no detrimental effect on its quality) as South African. In the role of a lingua franca English is already used by non-mother-tongue speakers with resultant effects on vocabulary and grammar.<sup>41</sup> The degree to which this South African English is acceptable will depend on the tolerance and feasibility of multiculturalism. It cannot work if multiculturalism is seen as enabling the transfer of hitherto low-status cultures and languages into a new place and time.<sup>42</sup> Successful nationalist protoélites (groups who are, or feel, excluded from power, but who possess the skills and resources to change sociopolitical groupings)<sup>43</sup> 'form an increasingly coherent intellectual community activated by the ideal of a culturally united and socially solid national society'.<sup>44</sup> In Canada multiculturalism is seen as workable if the ethnic groups can maintain a clear sense of the contribution of their group to Canadian society, a form of 'participationist pluralism'.<sup>45</sup>

Cognisance of cultural pluralism, and a desire to achieve assimilation inform Neville Alexander's proposal for standardised forms of Nguni and Sotho.<sup>46</sup> Within Nguni and Sotho, the two main African language families in South Africa at present, there is relatively easy communication in terms of comprehensibility. This supports Alexander's point that communica-

tion is what is important, not exact language fluency.<sup>47</sup> With ever-increasing global communication via the media there is an increased sharing of other people's cultures and therefore improved chances of comprehension. This is not at the expense of national or lingual identity. To work in another language, with whatever amount of proficiency, does not inevitably lead to a destruction of national identity because the various markers of national identity are not all simultaneously affected. Less visible and more private markers can remain unchallenged even though more public activities, of which communicative language is one, change because the process of communication is active and dynamic, not protectively symbolic.<sup>48</sup> Change does not entail destruction; rather exposure and use develop languages, working on their accretive aspect. Acceptance of this, with all its consequences, makes mandatory comprehension of one, or a few, debatably representative languages unnecessary. 'That all languages must be permitted to flourish is not based on sentiment or myth but the fact that no language is inherently superior or inferior to another.'<sup>49</sup> Language prioritising leads to division based on competence – nationalism is only a convenient disguise of intention – and halts the progress of those less proficient in the empowered languages.

By replacing the term 'the official language' with 'an official language' English retains its valuable status but not its divisive function, as other languages may be included in the categories of official languages. This is the positive sense in which the English language may be retained and utilised, not in the sense of Achebe's lament about 'the fatalistic logic of the unassailable position of English'.<sup>50</sup>

This relaxation of language dominance would productively coincide with the revisions to the academic curriculum which some legal practitioners are calling for. There is an even greater need for lawyers to be representative of the people they represent. Moeke and Davis concur on this,<sup>51</sup> envisaging a far more practical thrust to legal training. Davis cites the practice in most American states in which law students can, under supervision, represent clients, with very encouraging results.<sup>52</sup> This provides a significant break from the perception of the lawyer as a middle-class professional and therefore limited by middle-class experiences.<sup>53</sup> The shift is necessitated by changing demands, not by a drop in professional standards. Moeke is insistent about this in his concern that law courses produce 'law architects' not 'law parrots'.<sup>54</sup> Lawyers in the new South Africa will be more involved in developing a legal system than in maintaining the old order.

For this to be possible in any legitimate sense there has to be communication. The mandatory imposition of any particular language obstructs communication therefore the status of English must be adjusted in relation to hitherto under-valued languages. The language requirements must be adjusted to ensure that language representation occurs; that is, English, and possibly Afrikaans, will remain but a local or mother tongue must also be acknowledged and used in legal situations.

Quite obviously it will be impossible to assign equal status to all the eleven languages proposed in the ANC's bill of rights; a workable number seems to be three,<sup>55</sup> possibly working regionally with English plus two more languages appropriate to a given region. Even this, however, would involve a change in the linguistic operation of legal procedure; for example translation will achieve greater significance. Translation is a two-way process, from one language into another, and English is one of the more appropriate languages for one component in this exchange. This pragmatic function is certainly one in which English would seem to play a more neutral role once its stigma of authority has been removed. Afrikaans is spoken by many (although not with equal demographic concentration),<sup>56</sup> has historical validity,<sup>57</sup> and has enjoyed literary development, but is ideologically problematic.<sup>58</sup>

Since the thrust of language planning is towards multilingualism the processes of law will have to incorporate greater language flexibility. Official status conferred on other languages will require officialdom's competence because of the necessary interaction between English and/or Afrikaans and one or more African languages. Until such remote time as the education system has achieved multilingualism, translators are obviously going to be very important in the courtroom and legal firms. But beyond the mechanics of working in a linguistically extended environment it is the change in attitude to English which must be considered. Its most vital role is that of the linking language, both in the transitional period and for communication outside South Africa. Its shift in status would not mean a loss of status; communicative competence in more than one language involves knowing which is the more appropriate language for a particular function or context. As English sheds institutionalised privilege, it must utilise its accretive characteristics to become better suited to being a productive South African language.

With regard to the future of English in the legal system it seems inarguable that English must remain, but with two important extenuating factors. English must be supplemented by at least one other language which is a regional mother tongue or is fully comprehensible to the

majority of local speakers. Given this, translation will become far more significant in courts and lawyer-client situations. Other countries in which this has been achieved can provide guidelines.<sup>59</sup> It is, of course, somewhat ironical that just as much of Eastern Europe is moving towards separatism, South Africa is aiming at greater unity among the population. This, however, is imperative for the productive continuation of the country, as long as this unifying spirit involves rather than coerces. English must retain its official language status but with the cognisance that it must coexist with and adjust alongside other African languages.

## Notes

- 1 It must be noted here that this statement was released to the press by the Constitutional Committee and not the Language Commission, a body rather inactive in 1991. Whatever the status of these groups within the ANC the statement may not come to be endorsed by whoever constitutes the new government. The significance of the reference is to indicate that regardless of present dissension (in fact evidenced by it), changes in the language policy are definite.
- 2 Article 5(5) of the ANC Constitutional Committee's *A bill of rights for a new South Africa* (1990).
- 3 This facilitated the fragmentation of South Africa into the self-governing and independent states. For instance, ss 7 and 8 of the Transkei Constitution Act of 48 of 1963 provided that Transkeian citizenship would be attributed to persons on the grounds of race and language only. See W. H. B. Dean 'A citizen of Transkei' (1978) 11 *CILSA* 57-67.
- 4 See articles by G. Budlender and N. Steytler in J. Hund (ed.) *Law and Justice in South Africa* (1986) 1, 17 and 25.
- 5 Less than 5 per cent of the world's 4 000 to 5 000 linguistic groups live in a country where their mother tongues are official languages ... By definition, official monolingualism means that, in the majority of cases, linguistic minorities (defined here in terms of power, not number of speakers) experience violations of their linguistic human rights'. T. Skutnabb-Kangas 'Language, literacy and minorities' quoted in Z. Desai *Praat or speak but don't theta: on language rights and education*. Desai makes the point that monolingualism, even bilingualism, seriously affects people's potential to participate in the political, economic, social and cultural affairs of their country.
- 6 Section 35 of the Republic of South Africa Constitution Act of 1983 gives statutory expression to bilingualism. It also allows this bilingualism and interpretative function. See G. Devenish 'Statutory bilingualism as an aid to construction in South Africa' (1990) 107 *SALJ* 441-453.

- 7 The choice of which will be the signed text is arbitrary; both are considered authentic: Devenish *op. cit.* 443.
- 8 Where there is irreconcilable conflict, the signed version prevails, a problematic situation when an amendment to an Act is signed in a language different from that in which the principal Act was signed: Devenish *op. cit.* 444.
- 9 Admission of Advocates Act No. 74 of 1964 s 2(a)(i) refers to the university qualification language requirement. The Attorneys Act 53 of 1979 consolidated measures which regulated and governed the attorney's profession. Section 16 of the Universities Act No. 61 of 1955 thus incorporated refers to the curriculum for aspirant BProc graduates. The four-year university course must contain at least four non-law courses of which 'at least one shall be in the second language (Afrikaans (Afrikaans/Nederlands) or English) which a candidate passed at matriculation level' (section 16(1)(c)).
- 10 See 1834 Charter of Justice, 1858 Act 12, 1892 Act 30, 1896 Act 39 (N), 1902 Proclamation 14 (TVL), 1902 Ordinance No 4 (OFS), 1902 Act 39 (OFS), 1909 Act 14 (OFS), 1909 South Africa Act, 1921 Act 19. 11 Act No. 19.
- 12 House of Assembly Debates 12 March – 4 July 1921.
- 13 House of Assembly Debates 12 March – 4 July 1921 on the Admission of Advocates Act 1921.
- 14 Minister of Justice, Mr de Wet, in the House of Assembly debate *op. cit.* on Act No. 19 of 1921.
- 15 See note 10.
- 16 The exemption covered those who had previously enrolled at an institution that made provision for a course of study, the successful conclusion of which, but for this Act, would have entitled him to admission as an advocate without further examination.
- 17 Act 4 of 1858, the Public Examiners Act, established the Board of Public Examiners. Section 9 refers to two classes of certificate in literature and science, the qualifications for which are to correspond 'as far as the circumstances of the colony will admit' to degrees in a Faculty of Arts granted by the universities of the United Kingdom.
- 18 Mr Close (Rondebosch) in the House of Assembly debate *op. cit.* on Admission of Advocates Act 1921.
- 19 See note 10.
- 20 Minister of Justice, Mr de Wet, in the House of Assembly debate *op. cit.* on Act No. 19 of 1921.
- 21 Act No. 74.

- 22 Admission of Advocates Act No. 74 Amendment Bill 1965 200.
- 23 Admission of Advocates Act No. 74 Amendment Bill 1991, sections 1(i)(a) and (b). See further: A.E. Stewart-Smith 'The value of Latin in the legal curriculum' (1991) *De Rebus* 503–507.
- 24 Debate in the House of Assembly 9 June 1964.
- 25 Minister of Justice, Mr B. J. Vorster, in the House of Assembly Debates 9 June 1964 on the Admission of Advocates Act No. 74 of 1964.
- 26 The idea is notional anyway as all European countries have had speakers of more than one language within their boundaries for centuries. The nomination of a single, official and national language in some countries only distracts from this reality of multilingualism, as can be clearly seen in Spain, Belgium, Ireland and Switzerland.
- 27 A study in 1971 found that of 132 political states only 12 were true nation-states in which everyone had the same native tongue. In 39 of the states there was a relatively unstable position in which the largest ethnic group comprised less than half the population: D. Crystal 'The Cambridge Encyclopaedia of Language' (1987) cited in P. Stalker 'Say, write, scream: language lives' (1989) 4 No. 2 *Language Projects Review* 21–23.
- 28 R. Wardhaugh, *Languages in competition* (1987) Blackwell 13.
- 29 B. L. Whorf, *Language, thought and reality*.
- 30 J. Edwards, *Language, society and identity* (1985) Blackwell 23 and Wardhaugh *op. cit.* 4.
- 31 J. A. Fishman, *Language and nationalism: two integrative essays* (1973) Newbury House, Massachusetts 54.
- 32 Fishman *op. cit.* 48–50.
- 33 *Ibid.* 50.
- 34 *Ibid.* 3.
- 35 At the very least these languages were emotionally charged for their proponents and adherents, and 'this is surely reminiscent of nationalistic attachment to natural languages': Edwards *op. cit.* 36.
- 36 According to the Unesco Statistical Yearbook 1987 there are some 350 million English first-language speakers. The inclusion of second-language English users inflates this number to over a billion. English is used as an official language in 60 countries. Cited in P. Stalker *op. cit.*
- 37 B. Anderson, *Imagined communities: reflections on the origin and growth of nationalism* (1983), London: Verso, cited in Edwards *op. cit.* 40.

- 38 This term and those which follow are used by L. Driedger 'Ethnic and minority relations' in R. Hagedorn (ed.) *Sociology* (1980) Holt, Rinehart & Winston, cited in Edwards *op. cit.* 104–105.
- 39 The national languages of Guinea are not 'second-class' languages. They are used in communication between the government and the public; on all official sign boards and documents; 95 per cent of the radio broadcasts are in the national languages; competence in one of the national languages is a *sine qua non* for employment in the civil service and in order to progress in the socioeconomic sphere. B. Heine, 'Language policies in Africa', at Sociolinguistics in Africa Conference (1990), University of the Witwatersrand.
- 40 K. Heugh cited in N. Alexander, *Language policy and national unity in South Africa/Azania* (1989), Buchu Books 42.
- 41 N. Ndebele, 'The English language and social change in South Africa' in Alexander *op. cit.* 60.
- 42 J. Burnet 'Myths and multiculturalism' (1979), 4 *Canadian Journal of Education* 43–58.
- 43 Fishman *op. cit.* 15.
- 44 *Ibid.* 16.
- 45 Burnet *op. cit.* 58.
- 46 Alexander *op. cit.* 32.
- 47 Alexander *op. cit.* 9.
- 48 Edwards *op. cit.* 112.
- 49 *Ibid.* 52.
- 50 C. Achebe in Alexander *op. cit.* 28.
- 51 R. B. Moeke, 'The role of law schools in developing societies with specific reference to the position in South African black states' (1981), 98 *SALJ* 425–427 and D. Davis, 'Legal education in South Africa. A re-examination' (1978), 95 *SALJ* 424–429.
- 52 *Ibid.* 429.
- 53 Davis *op. cit.* 427.
- 54 *Op. cit.* 426.
- 55 See Bill of Rights point 6 and ably discussed by G. Schuring 'Towards a new language policy for South Africa: the status of the indigenous languages' at the LiCCA Conference (1991) Pretoria 8.
- 56 National Language Project 'NLP response to De Klerk' (1990), 5 No. 2 *Language Projects' Review* 25.

- 57 A. Sachs, *Cape Times*, 15 Feb 1990, refers to Afrikaans as a possible language of liberty for all because it is rooted in the creole kitchen Dutch of the slaves, because it was the language of resistance to British imperialism and because Afrikaans literature evolved around suffering and passion. 'The language has been hijacked by proponents of racial domination to support systems of white supremacy, and as such been projected as the language of the baas.'
- 58 'We just have to rid ourselves of the racist points of departure and the confusion of Afrikaner nationalism with the Afrikaans language. If we can get rid of that, then there will be no problem with Afrikaans. Together, all the variants of Afrikaans constitute the Afrikaans language, and not only the so-called *Algemeen-beskaafde standaardafrikaans* (Generally civilised Afrikaans).' N. Alexander, 'The teaching of Afrikaans in a democratic South Africa' (1990) 5 No. 3 *Language Projects' Review* 14.
- 59 See Edwards *op. cit.* 171–190 for a global résumé.

# Namibians: linguistic foreigners in their own country

A. D. de V. Cluver

Before independence on 21 March 1990, Namibia had two official languages, Afrikaans and English, with English playing an insignificant role in the administrative and educational systems of the country; German functioned as a partial official language and medium of instruction and was used in the domains of commerce and agriculture. Namibia also has 21 indigenous languages of which nine were codified and developed as educational languages up to primary school level. This means that speakers of indigenous languages had fewer rights than speakers of Afrikaans and English since their languages could not be used in all domains and particularly not in court where untrained interpreters had to be used.

The Republic of Namibia now has a new language policy which is enshrined in the constitution. Article 3(1) of the constitution of the Republic of Namibia states that: *The official language of Namibia shall be English.*

With the acceptance of the new constitution in Namibia a language that is known by less than 10 per cent of the population became Namibia's only official language. This was the language of the liberation organisation (Swapo), and the United Nations Institute for Namibia which was situated in Lusaka taught this language to Namibian refugees. This means that the returning refugees and resistance fighters know English better than many of their countrymen who were taught in Afrikaans under the South African regime.

Article 3 of the constitution is clearly not a language policy, but the departure point for one. A language policy should derive certain implica-

tions from such a legal departure point and should identify how these implications could be transformed into objectives and methods and how to achieve these methods. Some of these implications have been spelled out in various other documents by Swapo (e.g. UNIN 1981). I will identify only two at this point:

- to unify Namibians in one nation; and
- to enable Namibians to have access to the world community via a world language.

A third implication is more implicit and therefore more difficult to formulate. There can be no doubt about the frustrations and animosity towards the apartheid regime and its symbols amongst Namibians. Those who were exiled or who participated in the war against South Africa would particularly like to see Afrikaans disappear.

But as Afrikaans has shown earlier this century, its speakers seem to have a tenacity and language vitality that enables the language to survive under difficult conditions (e.g. the successful resistance against attempts to germanise the Boers in Namibia at the end of the previous century and attempts by Lord Milner to anglicise the Boers in South Africa at the beginning of this century). In contrast to its earlier history, the main area of resistance to decline now seems to be its black and brown mother-tongue speakers. However, Afrikaans is not the only national language in Namibia that is threatened by the new language policy.

The new government of Namibia inherited three destabilised languages, Nama/Damara, Otjiherero and the San varieties. These languages were underdeveloped by the previous regimes and many of their speakers were in continuous contact with German and Afrikaans. It is predictable that a minority language will begin to decline under these circumstances. The high priority that is now given to the spread of English is accelerating the decline of these languages. One cannot introduce a new official language in a multilingual country and stress that its function is to unify the people in one nation without at the same time creating the impression that the minority languages are not necessary. Villacorta (1991:36) points out that 'the national language and an adopted foreign language cannot develop with equal quality and at equal pace'. If these languages are not actively promoted this impression spreads and language decline sets in.

The problem that I wish to address here is not new to Africa. The question is: What are the language rights of the speakers of national (minority) languages in a multilingual country in which the creation of national unity is of the utmost importance? Do the minority cultures and

languages have a moral obligation to die if they are seen as obstacles to the achievement of the national objectives or if there is no money to promote them? Conversely, do governments have a duty to actively promote these languages when the finances could be used in other urgent domains? A second question that I wish to address is: How does the language system adjust to the implementation of a new language policy? I want to analyse this question by looking at how the Namibian legal system has (temporarily) adjusted to a situation in which the accused cannot understand the court proceedings.

I will begin by outlining what language planning is and then I will look briefly at some views of language rights. I will then analyse the language situation in Namibia and look specifically at the language problem of the Namibian courts. I will try to identify some of the conflicting trends in language development in Namibia. The overall objective is to show how language planning in one domain (the introduction of a new official language) can lead to unplanned changes in other domains (e.g. the minority languages) of a complex multilingual society.

## LANGUAGE PLANNING

The selection of an official language is usually seen as the 'choice among competing languages or language varieties for various roles ...' (Cooper 1983:18). The problem of selecting an official language for a nation is one that clearly belongs in the domain of language planning which can be defined as follows:

Language planning is a government authorized, long-term, sustained, and conscious effort to alter a language's function in a society for the purpose of solving communication problems (Weinstein 1980:56).

From this quotation it is clear that these changes are usually introduced by politicians. However, this definition does not reveal the political nature of language planning objectives by governments. Governments of multilingual and multicultural countries try to unify people, and language planning seems to be one instrument in this process.

Scotton (1978:730) justifies the introduction of English as official language in a multilingual developing community as follows:

Choosing English as the official language is 'unfair' in that it is foreign and must be acquired by every citizen outside his home. But the key point is that choosing English is uniformly unfair; no one ethnic group is favored. Therefore, no one ethnic group can feel that it is a

more integral part of the nation than another group because of official language policy.

In reality some members of the population are better situated than the rest to take advantage of such a policy. Those who are living in the cities probably already know some English and are therefore at an unfair advantage over those who will never come into contact with a mother-tongue English speaker. The children of city dwellers also have easier access to higher education. In Namibia the returning expatriates are at an obvious advantage over many of the Namibians who had to learn Afrikaans (cf. Villacorta, 1991:37 on reasons why the elite defend the retention of a foreign language as official language). It is clear that the introduction of a foreign official language in Namibia is not uniformly unfair and one wonders how such a policy will help to foster feelings of national unity.

Arguments against the idea that one language will promote national unity are now being voiced. Kashoki (1982:287) states explicitly: 'National integration is not achieved by the mere mastery of the official language of the state.' Adegbija (1989:25-26) states the argument against the use of English as the only official language in developing countries directly when he says that Nigeria's continued predominant use of the English language at almost all levels of education as the language of instruction, as well as the absence of a functional language policy, dwarfs its growth as a nation, cripples the creative initiative of the citizenry, and belittles and ridicules its supposed national independence.

This comment shows that language planning that attempts to unify people or to give them access to the world community can easily be counter-productive and infringe on the language rights of minority communities. These communities have unequal access to the official language and therefore unequal access to power.

## LANGUAGE RIGHTS

These are formulated in official statements (often in the form of laws) determining the situations in which a particular language may be used. Language rights may refer to

- the right to use a language at home, but not in public;
- the right to use a language in public, but not with officials or in the government schools (e.g. the Indian languages in South Africa);

- the right to use a language as medium of instruction in primary schools but not in secondary schools (e.g. the black languages in South Africa);
- the right to maintain a language or create institutions to do so;
- the right to use a language in all domains and to elaborate and modernise it as necessary.

In the legal domain language rights would include (cf. Scweda-Nicholson, 1992:39, 42):

- the right of equal treatment for accused who do not speak the language of the court;
- the right to participate in one's own defence;
- the right to communicate with counsel;
- the right to confront witnesses against oneself.

Each of these rights includes a language right, that is, the accused should be able to participate in his own defence in a language he/she understands. From this discussion it is clear that language rights usually only concern minority languages such as the language of immigrants.

Unesco and the United Nations have stated that all ethnic groups have the right to maintain their languages. Tollefson (1991:187) points out that this right is often granted only to those who have the power to insist that these rights be granted. However, the language rights of immigrant communities remain one of the central issues in this domain. It is not clear whether one abandons all language rights by immigrating to another country, or how large an immigrant community must be before the government must acknowledge their language.

Szépe (1988:184–185) distinguishes between

- territorial language rights, which allow speakers to use their mother tongue in education, work and public life in a particular territory where the speakers are concentrated in large numbers or where they can claim to have been the first settlers or where their language enjoys the highest prestige;
- personal language rights, which are attached to the individual irrespective of where he lives; and
- community language rights, which cover the rights of individuals in the community but also of those living outside the main group.

Language rights are aimed at minimising linguistic inequality and form part of more general group rights or human rights that include the right to organise people in ethnic organisations, to practise certain group customs, to practise religion, to govern the area in which the group lives, and to have representation in the central government.

Article 3(2) of the Namibian constitution seems to guarantee certain rights for the national languages:

Nothing contained in this Constitution shall prohibit the use of any other language as medium of instruction in private schools or in schools financed by the State, subject to compliance with such requirements as may be imposed by law, to ensure proficiency in the official language, or for pedagogic reasons.

However, guarantees are not enough to prevent speakers of minority languages from getting the impression that their languages are of no importance and that they had better join the majority speech community. A constitution cannot prevent a language from declining.

## LANGUAGE DECLINE

The opposite of language rights can take the form of an outright ban on the use of a language. One could call this type of legislation language genocide or linguacide (Kloss 1969:177). This does not occur very often. However, more frequently languages are subtly encouraged to die by being stigmatised or consciously underdeveloped. In Namibia the German missionaries stigmatised Nama/Damara as a language of turkeys with 'smack tones' and wondered if such a language could ever express so-called 'higher concepts'. The result was that the Nama chiefs refused to allow the missionaries to teach or preach in Nama – they had to teach in Dutch. The underdevelopment of the Namibian languages by the South African regime (until recently, many of them could be studied only as subjects at primary school level) helped to confirm the predictions of the missionaries that these languages could not function in the modern world. Today Nama/Damara, Otjiherero and the San varieties are declining languages. They show the influence of massive borrowing, including concepts for which they have adequate terminology; they have limited access to the media (the San varieties are not used at all in the media); and many urban speakers have switched to Afrikaans as their main language.

But the wheel of fortune of languages changes and since independence Afrikaans has joined the club of declining Namibian languages. Before independence Afrikaans was stigmatised as the language of the

oppressor although it is also the language of the oppressed, for Afrikaans is also the mother tongue of brown and black Namibians. Afrikaans has been labelled a restrictive language that denies Namibians access to the world although it gives direct access to the knowledge and expertise of the most advanced country in the region and gives easy access to Europe via Dutch. The success of this stigmatisation can be seen in the decline in the number of students who enrol for Afrikaans at the University of Namibia. A few years ago there were 300 students in the Department of Afrikaans – today there are fewer than fifty.

When stereotypes such as these spread among the population, we are at the beginning of a process of language decline. Linguists have shown that once it has set in, language decline is just about impossible to stop (Fennell 1981:39). In a small economy with extremely limited linguistic resources the implementation of the new language policy in Namibia could well place all the Namibian languages on the declining list because there does not seem to be enough money or expertise to develop the national languages. Without this development the chances are good that the population will stigmatise their own languages as 'restrictive' and 'unable to express higher concepts'.

The question is, why was Afrikaans not selected as the official language?

## THE PROBLEM WITH AFRIKAANS

The linguistic reality of Namibia dictates that Afrikaans should be the official language of that country. More than 85 per cent of the population have some knowledge of it (Prinsloo *et al.* 1982). It is, furthermore, a fully developed standard language, there is a strong Afrikaans press, all state documents are in Afrikaans, the education system is Afrikaans oriented and there is a strong Afrikaans mother-tongue community that counts as part of the original (brown) settlers in this country.

One variety of Afrikaans was brought into the country by the Oorlam at the beginning of the previous century. The Oorlam were acculturated Khoekhoen of mixed origin who fled from the expanding white Cape farming community and who spoke a variety of Afrikaans (cf. Elphick & Giliomee 1979:326) that is now known as Orange River Afrikaans (Van Rensburg 1989). Because of their superior weapons the Oorlam soon dominated the southern and central parts of Namibia and imposed their language on the indigenous Nama and Herero tribes. By 1850 Orange River Afrikaans was widespread in its use by traders, missionaries and the

indigenous population of the central and southern parts of the country. Peace treaties between warring Nama and Oorlam groups and between the Ovaherero and the Oorlam were concluded in a creolised variety of Dutch (Ohly 1987:6). The constitution of the Rehoboth Bastards of 1868 was written in Cape Dutch (Carsten 1983:139). Orange River Afrikaans was further strengthened in the southern and central parts of the country by the gradual influx of migrating farmers ('Trekboere') towards the end of the previous century.

The German occupation disturbed the expansion of Orange River Afrikaans and closed the more formal domains of language use to this language. However, another variety of Dutch was kept alive by the missionaries who, as pointed out earlier, used it as school and liturgical language. The South African occupation after 1915 brought a new variety of Afrikaans into the country, namely Standard Afrikaans, again closing the more formal domains of language use to Orange River Afrikaans.

Although Standard Afrikaans soon spread throughout the country, its very explicit link with apartheid and the role it played in the underdevelopment of the indigenous languages made it an easy target for stigmatisation. The fact that white Afrikaans speakers totally ignored the Afrikaans language movement in the seventies by their black and brown countrymen also helped to alienate brown and black Afrikaans mother-tongue speakers of their own language. Some of Namibia's best poets, such as Kameeta, who started off in Afrikaans, now publish only in English.

Swapo used language planning in its attempt to oust the South African regime and branded Afrikaans 'the language of the oppressor', thereby forgetting that one variety of Afrikaans, Orange River Afrikaans, is the language of the oppressed. At the same time English was relabelled 'a language of national unity' and a 'language of economic and social upliftment'. Nevertheless the antipathy of the elite towards Afrikaans increased to the point where all political parties with the exception of the 'Aksie Christelik Nasionaal' (a conservative white-oriented political party) were prepared to accept that English would be the new sole official language of the Republic of Namibia.

Swapo's language policy, as far as Afrikaans is concerned, is a very good example of the language as a problem approach. Thus, instead of exploiting the advantages of Afrikaans, it was stigmatised as the language of the oppressor and a restrictive language designed to keep Namibians ignorant (the last argument is valid for all minority languages in the world).

Within a few years an exiled movement undid the careful language planning of the South African government by using the one weapon that language planners have no answer for: language stigmatisation. The South African language policies were labelled divisive: they divided the Afrikaans speech community into two and attempted to increase the ethnic differences between the other speech communities thus thwarting any attempts at nation building. The other effects of apartheid are well described in sources such as Wellington (1967 and Moleah 1983).

## **THE PROBLEM WITH ENGLISH**

In the euphoria of independence there was talk of giving 'a blow to Afrikaner pride' (Harlech-Jones 1989:12) by reducing Afrikaans to the status of a national language. However, two years after independence the realities of the new language policy are making themselves felt. A small economy not only has to replace all school and reference books but must also introduce a new medium of instruction, reorganise and upgrade the education system. As pointed out, the limited resources are clearly being stretched to the limit and the slow progress in the spread of English is not helping to increase its popularity.

One of the main problems holding back the spread of English is the shortage of competent English teachers and the scarcity of suitable English teaching material. Apart from this, there is no English-speaking infrastructure (such as shopkeepers or administrators) outside the main city.

This is a dangerous situation: if English is not spread quickly and efficiently, it runs the risk of becoming stigmatised as well. In such a case the speakers will drift back to the national languages and Afrikaans. There are some early indications that this might well be taking place.

## **THE PRESENT SITUATION**

An obvious problem is that at the moment the majority of the population cannot understand the English broadcasts of the Namibian Broadcasting Corporation nor can they understand the proceedings of parliament. Villacorta (1991:37) states that under these circumstances 'the citizenry who are most handicapped in that language, are unable to fully participate in national decision making because of their inability to comprehend the proceedings and to articulate their needs and interests through the appropriate channels'.

However, since each of the major Namibian languages has its own broadcasting channel, information can be disseminated via their own

languages. One problem on this level is that the translators have all been trained to translate from Afrikaans into a national language and very few know enough English to translate efficiently from English to an indigenous language.

At the middle and lower levels of government administration Afrikaans is used as a spoken language and it is the main language of shop assistants. Thus the country is slowly moving to a new type of diglossic situation in which English is used in the top government and business echelons while Afrikaans is used in the middle and lower echelons. English also seems to be the language that is used when any Owambo is addressed. It must be remembered that the Owambo are the power base of the present government and that the movement to English was more explicit amongst them than amongst other groups. This picture clearly shows that the domains in which Afrikaans and German are used are gradually shrinking and that English is replacing them there.

The heavy emphasis on the introduction of English and the downgrading of Afrikaans, however, has taken attention away from Namibia's other languages – as predicted in UNIN (1981:41). The limited official development of these languages that took place under the previous regime seems to have come to a virtual stop. This cannot but add to the destabilisation of these languages and detract from the language rights of these speakers.

## **LANGUAGE RIGHTS IN NAMIBIA**

Article 19, Culture, of the Namibian constitution states:

Every person shall be entitled to enjoy, practise, profess, maintain and promote any culture, language, tradition or religion subject to the terms of this Constitution and further subject to the condition that the rights protected by this Article do not impinge upon the rights of others or the national interest.

This article allows the development of the national languages but does not prescribe it. Communities with no expertise in modern language development and no financial resources to hire such expertise are unlikely to develop their languages in any significant way. The effects of underdevelopment of minority languages have been outlined. Van Dyken (1990:43) points out that in many African countries 'the minority languages got lost in methodologies and approaches for teaching the more dominant languages (for example French) as second languages'.

The promotion of English is actually progressing in a way that seems to clash with the intention of article 19. All schools (including private German and Afrikaans high schools) are required to use English as the medium of instruction after the fourth grade. The national interest is now clearly concerned with unifying Namibians, spreading English and providing a more equitable education for all Namibians.

## LANGUAGE IN THE COURTS

The reaction of Namibian society to the new language policy can be seen by analysing the language use in the Namibian courts. The constitution of the Republic of Namibia contains at least two articles that are directly relevant to language used in arrest and trial procedures:

Article 3(1):

(1) The official language of Namibia shall be English.

Article 11: Arrest and Detention

(2) No persons who are arrested shall be detained in custody without being informed promptly in a language they understand of the grounds for such arrest.

One of the implications that follow from article 3(1) is that the language of the courts is English. Since a high percentage of the population do not know English there is an urgent need for court interpreters. Alternatively, the officers of the courts should be competent in various Namibian languages.

Article 12: Fair trial does not refer to language although article 12(d) gives the accused 'the opportunity of calling witnesses and cross-examining those called against them'. This would clearly be very difficult for a San speaker who is accused by an English-speaking Namibian since there are no competent San-English interpreters.

At the moment there are very few interpreters available and young attorneys are sometimes used as interpreters in the more serious cases. Since the remuneration for this task is very low, these attorneys may need some explicit encouragement from their senior partners to do this task. There are obviously not enough qualified interpreters and serious communication problems occur in some of the cases.

About 70 per cent of all cases fall in the domain of criminal procedure. Private practitioners are not usually used in criminal cases. As in all other cases, the court must be sure that the accused understands the nature of

the trial. If the accused does not understand the language of the court (English), an interpreter must be provided.

Most of the indigenous accused cannot speak English. Many of the court translators or interpreters also do not speak English. Thus about 25 per cent of the trials are still conducted in Afrikaans with translations into the indigenous languages. With one or two exceptions, the prosecution and the judges all understand Afrikaans. The witnesses and the accused usually also understand Afrikaans. In this situation the court has little choice but to use Afrikaans. The trial might start in English but then the prosecution will state that the accused and the witnesses speak indigenous languages and the interpreter can interpret only from an indigenous language to Afrikaans. The court is then asked to hold the case in Afrikaans. In this way justice is done since the case is held in languages that everyone understands. The final verdict, however, must be given in English, since that is the only recognised language of the court.

It would seem that the Namibian legal system uses Afrikaans as a resource instead of viewing it as a problem. This is also the case in the shops and lower echelons of the government where the realities of the Namibian language situation dictate that one should use the language that serves as effective means of communication.

This system is obviously not conducive to the promotion of English and the revisionary court has refused to accept verdicts in Afrikaans. This situation is not an attempt to revive Afrikaans, but an attempt to function in a situation that the language planners did not foresee: without well-trained translators, interpreters and lexicographers the implementation of the new language policy of Namibia will necessarily suffer setbacks.

## CONCLUSION

An important initial objective of language planning in Namibia was to generate resistance against the South African regime. This meant stigmatising Afrikaans and changing the status of English so that it became one of the symbols around which people could rally against South African oppression. After independence English was to be used to unite Namibians into one nation. The problems associated with the spread of this new language in Namibia clearly form a major obstacle that prevents this important objective being achieved.

The stigmatisation of Afrikaans might not have been intended to lead to its death, but it might well turn out to be the case. In this case Namibian language planners have lost an important resource in the implementation

of the new language policy. Afrikaans can easily be used as a 'bridge' to English, but it is clear that Afrikaans is seen as a problem rather than as a resource. An implicit message underlying language planning in Namibia is that Afrikaans seems to have a right to decline so that the other Namibian languages may live. Unfortunately it seems that the less developed languages might die before Afrikaans. The introduction of a new official language has contributed to the destabilisation of at least three indigenous languages and could contribute towards their decline.

Social engineering is always a dangerous activity. When attempted by politicians it often gets out of hand or they fail to see the full consequences of their plans. For instance, major changes in a language policy are dependent not only on teachers, but also on translators, editors, lexicographers, terminographers, and journalists (collectively known as 'the language professions'). The members of the language professions need to be fully trained and informed of the goals of the new language policy before its implementation begins. Politicians generally do not seem to be aware of the language professions or their role in language planning as the Namibian example clearly illustrates. The result of partial planning can be seen in Namibia where a very large group of Namibians have become linguistic foreigners in their own country thereby losing the ability to appeal to language rights.

The language situation in Namibia has the potential that all its national languages may become declining languages despite all the goodwill reflected in the constitution. What is needed is a vigorous effort to spread the new official language and at the same time develop the indigenous languages. Ohly (1987:76) identifies at least three institutions that are necessary to achieve some form of language equalisation:

- a Ministry of Culture and Youth dealing with language promotion;
- a National Herero Council (and one for each of the other languages) dealing with the development of terminologies and literature (in each of the national languages);
- selected schools with each of the indigenous languages as medium of instruction up to Standard 7 in order to prepare a staff of language promoters.

At the moment there seems to be neither the expertise nor the finance available for such a project. Minority languages have the right to exist and to develop and this also holds for Afrikaans in Namibia. If this language

is given the opportunity, its indigenous speakers can play an important role in reconciliation in Namibia.

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