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LANGUAGE CONTACT, CONFLICT, COEXISTENCE, COOPERATION

From language contact to language coexistence through language law

Yvo J. D. Peeters

INTRODUCTORY WORDS IN AFRIKAANS

Taal is sonder twyfel een van die belangrikste elemente van die individuele en kollektiewe identiteit van mense en volke en dit wel onder sy twee fundamentele verskyningsvorme: die representatiewe en die kommunikatiewe funksie (Bionckart 1985).

Soos die groot Duitse wetenskaplike Wilhelm von Humboldt reeds meer as 'n eeu gelede gesê het: Iedere taal stem ooreen met een welbepaalde siening op die wêreld (Humboldt 1836).

Om aan 'n volk se taal te raak is bygevolg 'n besonder gevaarlike aangeleentheid, want dit raak ook die hart en wese van daardie volk self. Geen taalbeplanning mag bygevolg ligsinnig uitgewerk word nie, want die gevolge daarvan kan op lang termyn onherstelbaar wees. Die verantwoordelikheid van wetenskaplikes en politici in hierdie domein is totaal.

Suid-Afrika staan nou op die drempel van 'n nuwe era, gebaseer op 'n nuwe nie-rassistiese politieke bedeling. In hierdie bedeling sal ongetwyfeld 'n belangrike opdrag wees om 'n reëling uit te werk wat moet voorkom dat die onvermydelike taalkontak in 'n meertalige situasie ontwikkel tot taalkonflik, maar eerder sal lei tot taalsaambestaan en indien moontlik selfs tot taalsamewerking.

Om daartoe te kom is 'n duidelike regsraamwerk ('legal frame') noodsaaklik. Nou kan taalregte op drie verskillende maniere verseker word:

- Eerstens kan reëlings uitgewerk word wat die tale self betref – dit is wat ons taalwetgewing noem.
- Tweedens kan die regte van sprekers van bepaalde tale verseker word. In hierdie geval plaas ons ons in 'n perspektief van menseregte (individueel en kollektief).
- Derdens kan politieke (territoriale) strukture uitgewerk word waarbinne bepaalde gedifferensieerde taalreëlings deurgevoer kan word.

Ten slotte is dit natuurlik moontlik om 'n kombinasie van twee of drie van hierdie sisteme aan te wend.

ASPECTS OF LANGUAGE LEGISLATION

Generally, today, linguistic laws are embedded in the constitutions of states and consequently implemented through their own laws, decrees and regulations. Very rarely it is done through jurisprudence and only Switzerland offers us an example of that system. Once you have a constitution that recognises the linguistic diversity and have defined the legal instruments which you will use, then it must be decided to which languages they will apply. As simple as this question may seem, in reality it is often a very difficult one, regularly abused by politicians – particularly those who refuse to accept the concept of language rights itself. They will start the discussion on the distinctions between languages and dialects, and we will be confronted by systems of artificial standardisation, such as Corsican, Galician, Moldavian (which ceased to exist last year), Luxembourgian, Macedonian and all those other so-called languages which are examples of politicisation of the language issue.

This aspect, of course, does not interfere with the legal aspect we have mentioned before or with the typologies of statutes which we will describe later. However, the contested language situation will be harmful to the credibility of the language legislation itself. What situations and what statutes can one have in a state in which multilingualism is recognised?

First of all, a state can declare itself to have an official language in which state organs are functioning, justice is rendered and education is given. In this model, a state can also have two, three or more official languages, such as Switzerland, Canada, Belgium and Finland. Such an official language can sometimes be spoken by only a very tiny part of the population – for instance, only one per cent of the population of Belgium speaks German.

The second possibility is the concept of a national language. This is the language which historically determined the identity of the people and is given a particular status by the authorities, although it may also sometimes be spoken only by a very small part of the population. We know all of the examples of Ireland with the Gaelic language, Switzerland with the Romansh language and Malta with the Maltese language. After decolonisation, it was also the case of many African and Asian states which declared some of their local languages as national languages, while the former colonial language continued to function as an official language (for instance French, English, Portuguese and Spanish).

In the third place there is also the possibility of what is called the auxiliary language. Some states have declared (or not declared) an auxiliary language which is neither national nor official. The best example is Luxembourg, which declared its local German dialect to be the national language and a foreign language (French) to be the official one, and downgraded the former official language (German) to an auxiliary one.

If you have considered all these different possibilities for language statutes then you have also to decide where they have to apply.

Consider a territorially restricted statute with two subtypes (hierarchical and non-hierarchical). Non-hierarchical means that all the languages are official but each is used in a particular part of the state (Switzerland, Belgium). In the hierarchical system, a particular official language for the whole state is supplemented by another language which is official only in a part of the state (Italy, Spain). In this case, the state language takes precedence over the official language of that part. There is only one example in Europe, and probably in the world, in which the official language of the part takes precedence over the state language, and that is the statute of the Aland islands in Finland, in which the Swedish language takes precedence over Finnish.

The question that follows is whether we will apply these languages, classifications and hierarchies territorially or personally. Either the state is multilingual in its totality and the citizens identify themselves with one of the languages (this is the case in Malta and Ireland), or the state is divided into territories each of which has its official language (Belgium, Finland, Switzerland, Czechoslovakia and whatever existed of Yugoslavia until now). The two systems may coexist, as in Belgium, where the bilingual territory of the capital, Brussels, belongs to the first category and the rest of the country to the second one.

HUMAN (MINORITY) RIGHTS PERSPECTIVE

Having described the various possibilities which one can reach through language legislation, I would now like to deal with the possibilities we can achieve through the framework of establishing a human rights system. In the field of minority protection, the main question is whether such a system is one of collective or individual rights. If we touch this problem we have to try to define the concept of collectivity. It is obviously much more difficult to define the concept of a group than the concept of an individual – although even that is not so simple as it appears, because in the last century there were individuals who were considered to be slaves, not people. And in the question of abortion, the discussion is when the human being starts to be a human being. So it is too simple to say: 'Just everyone knows when a person is a person.' With the minority, the ethnic group, or the people, it is as with the elephant: everyone knows what it is, but you cannot describe it so easily.

It would, of course, be a sign of weakness to accept that rights cannot be granted to groups because we are not able to define the group. I would like to stress that the concept of people used by the UN since 1948 in numerous documents has never been defined. This has not prevented the UN from giving the right of self-determination to peoples. So if peoples can have the right of self-determination without knowing what a people is, then the minorities can have minority rights without knowing what a minority is. And so the refusal of certain states or even international organisations to stabilise a fundamental system of minority rights, because we cannot define 'minority', is just a dilatory tactic, because they do not want minority rights. In December 1989, Unesco for the first time organised a group of experts who concluded that the organisation was very surprised that they were not able to define the concept in one meeting. That Unesco had the illusion that they could have defined it in just one meeting clearly shows how even these eminent organisations sometimes lack a degree of seriousness.

For the purpose of this conference, I am willing to give it a try myself. To be a group, a collectivity needs three characteristics: first, it needs a proper existence which is distinct from the existence of its components; second, a group must have a subjective appreciation of its own difference in respect to the others; and third, the group must be convinced that the wellbeing of all is necessary for the wellbeing of the individual members. Obviously, in reverse, the group must be convinced that what is dangerous for the group is dangerous for its members. If we have these three basic elements (and probably others), we can speak about the presence of

collectivity. Moreover, each group is a combination of a diachronic and synchronic existence. The diachronic existence is what one can call the collective memory, and the synchronic existence is what we can call the environmental consciousness.

If we accept that language collectivities are groups in the society, then the main thing to establish is the relationship of the language to the group. In most cases, the language is just the essential criterion of determining the identity of the group, not only objectively but also subjectively. For instance, objectively in the former Czechoslovakia, there was no Czech language and no Slovak language. It was a subjective (historical, cultural, and sociopolitical) division of one language system. The important thing is that the Czechs and Slovaks are convinced that they speak Czech and Slovak; likewise, there is no Serbian and no Croatian language, but Serbians are convinced they speak Serbian and Croats that they speak Croatian. This demonstrates that language rights cannot always be a matter of rigid scientific, linguistic assumptions. The language as an essential criterion of determining the group is an external as well as an internal criterion. Externally it makes it possible to distinguish the group from other groups, and internally it allows identification of all the members of the group. I want to stress very strongly that every group is simultaneously inclusive and exclusive, otherwise it is the negation of the group concept.

The observation by certain political leaders that people who defend minority rights are divisive is irrelevant. If they divide here, they assemble over there. If language is a very important element, it is also a fragile element. In contrast with other identification criteria (such as how tall you are and if you are black or yellow or whatever), it is a variable criterion because, clearly, one can change one's language. As long as that change of language is strictly the consequence of an autonomous decision of the individual, there is no further observation to make. But from experience we know that this is never the case and that it is always external pressures (direct or indirect) which make language change.

The possibility of changing your language has as a consequence the creation of mechanisms and systems to induce this language shift. Even theoretical individual decisions are still the consequence of exogenous factors. For instance, if you decide to change language in order to get an important job, it is not your own decision. You think that you have taken this decision, but it is the person who offers you the job who effectively has taken the decision. These external factors are precisely the source of conflicts between individuals and the group and between the groups them-

selves. In reality there are no dominant languages or dominated languages. There are only languages of dominant peoples and languages of dominated peoples.

Now that we know that language is a very important element of the group, we have to see what rights a group may have. The group must have the right to defend itself. This is not possible only through individual human rights, because the group as such is the bearer of rights which are more than the sum of the rights of the individuals who compose it. The rights of the group are different from the rights of the individual. Individual human rights are based on the great principles of the American and French revolution, philosophers such as Emmanuel Kant and Thomas Paine, and have an important characteristic: the almost absolute limit which is the freedom of other individuals. Our whole democratic system rests on that. It is particularly on that principle that the majority group in the state bases its demands for language liberty (of the numerical majority). In a homogeneous group, the decision of the numerical majority is a democratic decision. In a non-homogeneous group the decision of the numerical majority can be a dictatorship. I like to quote, in this connection, the famous French revolutionary who said: 'In any policy which has to handle elements of unequal dimension, it is the law that sets free and freedom that oppresses. So between the strong and the weak, the law guarantees freedom and freedom can mean oppression.'

Since we know that all relations between individuals, peoples and groups are unequal relations, we need the legal system to organise the relations and we cannot accept so-called freedom, because that freedom is the dictatorship of the numerical majority.

Consequently, a non-homogeneous or plural society can be managed only in the framework of a very strictly established legal system which aims to guarantee the maximum of equality for each citizen and for each component group. This can be done only through a combination of individual and collective rights.

If one admits that there is a collective right, then one must also admit that the individual right can be limited by the rights of the collectivity to which the individual belongs, and other collectivities. And the different collective rights also limit each other. This is nothing other than applying the principle of Kant to the combination of individual and collective rights.

Let us now turn to one of the most basic differences between collective and individual rights. It is not a matter of numbers, as one could assume, but of relations. The model implies that every citizen exerts his

individual rights wherever he happens to be – he carries them, it may be said, in his luggage. His collective rights, on the contrary, can be exerted only in the collectivity to which he belongs (or by which he has been accepted by mutual agreement in the case of migration). In other words, it means that no-one can claim any linguistic cultural rights (in a public manner) outside his own group, except with the explicit agreement of the group into which he has been accepted.

The attentive reader will have noticed that as far as possible in this paper we have avoided speaking about minorities (and majorities). This is because it is the aim of the system of collective rights to apply to all groups. In reality, it will eventually be 'minorities' which will claim the rights, because the majority – some rare exceptions aside – usually do not need specific collective rights to assert their demands.

Admitting a collective right as a separate category of rights has a paramount consequence. When in a given legal system (which a state really is) there exists a variety of ethnolinguistic groups (peoples, nationalities, minorities), the simple system of democracy (one (wo)man, one vote) does not secure equality among the citizens.

Acknowledgement of collective rights therefore implies that alongside the 'one (wo)man, one vote' principle one accepts also the 'one group, one vote' principle.

The combination of the two principles is the main challenge of the legal system which has to accommodate plural societies.

STRUCTURAL GUARANTEES FOR GROUP RIGHTS

It is evident that these situations are not 'floating' in the atmosphere, but take place somewhere on our globe. Non-territorial group rights are thus a rare exception, although they could be useful in such cases as the Jews and the Roma/Sinti. In reality, examples of real implementation of non-territorial linguistic/cultural/ethnic rights are very rare and the known attempts (Cyprus, Lebanon) are not very promising. It may thus be useful to present briefly some systems of government which can be usefully implemented to accommodate minority situations. It is evident from the outset that the centralised state is least adapted to a plural society since it does not allow for a diversification in the treatment of administration or territorial organisation.

Of course, such states can create exceptional statutes for certain areas because of their special geographical situation as islands (e.g. Madeira, Sicily), their ethnolinguistic identity (Wales, Friesland), or even both (Cor-

sica, the Faroe Islands, Aaland, Greenland), but this may create certain tensions with the mainstream areas and populations, which may feel, in a sense, 'discriminated' against, be it justified or not.

What general systems of government can thus be proposed, which are also beneficial to linguistically differentiated or plural societies?

They are of three kinds:

Decentralisation

It may be self-evident that in ethnically very mixed areas the decentralisation of decision-making power to local and regional authorities can be a workable tool to ease tensions between communities.

Particularly in the field of education and administration – which are the two main domains in which language rights have to be secured next to the areas of justice and the media – solid municipal autonomy can already give useful solutions. Let us take the simple examples of birth, marriage and death certificates, building permits, commercial registers, etc. If they can be delivered by municipalities (according to a centrally defined model or not) they can easily be provided in the language of the people. The same goes for the kindergarten and primary school, or even secondary school in the case of larger municipalities. To a lesser extent even local radio and television today can be organised and/or subsidised by municipalities or other local authorities.

Regionalisation

A lot of matters are of such dimension, however, that they surpass the municipalities' capacities. This does not necessary mean that they absolutely have to be dealt with on the central government level.

This problem can be handled through various systems of regionalisation. These regions can be given well-defined competences by the state to carry through their own policy. This may be very adequate, for example for health services and social services such as a regional employment agency, a transportation company or television.

The regional model is very diverse. It can range from mere territorial division without much power or means to quite well-structured units with elected assemblies, taxation powers, own administration, etc. However, the weak point of the model is that those powers are 'granted' to the regions by central state authorities, so that they may be subject to pressure

of political blackmailing by conjunctural majorities or power groups at central state level.

Federalism

This brings us to the most sophisticated form of political organisations – federalism. The main difference with the previous model is that the relationship of the centre and the parts is based on a solemn contract which is negotiated and, once accepted, can be changed only with the agreement of a democratic majority of the whole and of the parts.

This gives the system a great degree of stability. It is completed with a federal court which can rule on differences arising between the state and the parts or between the parts. Furthermore a mechanism of financial compensation is built in so that the richer parts transfer wealth to the poorer parts. Each part has its own basic law or constitution, which may not of course contradict the federal constitution. Thus each part can also have its own language legislation as well as institutions.

In relation to the language one can strive to form monolingual units. Where this is not possible, the second option is to have units with a clear linguistic majority. In that case all other language provisions and/or right mechanisms can be organised on that level. The characteristic, however, resides in the fact that the chances are great that the minority in unit A will be the majority in unit B, and vice versa, so that the government of unit A will be a kind of guarantee of the rights of its kin-minority in unit B and act as such on the federal level. The federal system thus implies a number of checks and balances which make it counterproductive for any language community to oppress or harm another because it could be given the same treatment in another part of the state.

CONCLUSION

Let us be clear in our conclusion. Language contact will always lead to conflict because it is in the nature of the speakers of the languages to be competitive. A non-competitive language would be a death language. However, the issue is not language conflict but the regulation of it. One has to reduce the concept of conflict to its most basic meaning, which is a difference of opinion. Only when language conflict is not regulated can it become dangerous. To achieve this regulatory function, one needs permanent rules and institutions adapted to every situation.

This plainly means that complex multilingual, multi-ethnic plural societies cannot be democratically governed through simple institutions.

This is the reality with which 90 per cent of the states of the world are confronted, but which unfortunately their leaders are not often capable of withstanding.

Repression, obnubilation or ignorance of linguistic diversity seems to be so much easier. The human cost of this shortsightedness is high, however, and one day the bill will be presented.

Having participated in various language conferences or symposia in South Africa in the past three years and having considered what I have heard here these last three days, I have become somewhat more optimistic. Positions seem to have become more refined and more flexible. There seems to be more understanding of other positions in all sections of society. This, together with the growing awareness that language rights and legislation are fundamentally a *non-racial* issue, opens a new perspective for a democratic and just language dispensation in South Africa.

The Nederlandse Taalunie and its role in the international contacts between Dutch- and Afrikaans-speaking countries in the world

L. Simons

THE TERRITORY OF THE DUTCH LANGUAGE

It is not a unique phenomenon in Europe, or in the rest of the world, that the geographic territory in which a language is spoken lies across the border of two adjacent independent states. German, for instance, is the official language of Germany, Austria and part of Switzerland. Even in Belgium German is the third official language because it is spoken by about 70 000 people in a small region in the east of the country. It is a small language in relation to the total population of 10 million, and its sphere of influence is therefore very limited. The German community has its own government structures, however, and it manages its own cultural affairs without intervention from the two large language communities, viz. the Dutch language community and the French language community.

The French language community which lives in Wallonia and in the French-language part of Brussels is of course closely allied culturally to its big neighbour, France, with which it shares a large common border. The Dutch-speaking community living in Flanders and in the Dutch part of

Brussels in turn is closely allied to the Netherlands, with which it forms the Dutch-language region. There are about 15 million Dutch and 6 million Flemish speakers; altogether approximately 21 million Dutch speakers living in one of the most prosperous territories in Europe: the Rhine, Meuse and Schelde deltas located on one of the busiest seaways in the world, the North Sea, where the harbours of Rotterdam (in the Netherlands) and Antwerp in (Belgium) handle a large portion of the trade in northwestern Europe.

Since the Middle Ages Dutch has been the only language used in government and in public life in the Netherlands. In Flanders things were different, however. From the fifteenth century, when dukes from the French duchy of Burgundy began their rule over Flanders, the French language began to play an important role. In the sixteenth century, during the reign of Emperor Charles V, the Northern and Southern Provinces were reunited to form the Seventeen Provinces. Soon after, during the Eighty Years War in 1585 they fell apart; afterwards the South remained under Spanish rule and the North developed into an independent republic. This development was formalised in 1648 with the Treaty of Westphalia. In the eighteenth century the Southern Netherlands fell under Austrian rule; in 1794 the region was invaded by the French who remained there until Napoleon was defeated at Waterloo, near Brussels, in 1815. During the eighteenth century the French language reigned supreme in the whole of Europe and was even spoken at the court of the king of Prussia; it maintained its favoured position in the Southern Netherlands where its position was reinforced during the period of French rule between 1794 and 1815. In Flanders the Dutch language was relegated to a minor position, and consequently split into a group of dialects which had no official status, practically no literature of their own and with no contact with the Dutch language spoken in the Northern Netherlands.

After the fall of Napoleon the European politicians decided to reunite the Northern and Southern Netherlands including Wallonia to constitute the Dutch Kingdom under the Dutch King William I. The intention was to erect a barrier against any future expansionist plans by the recently defeated French. King William I was the prototype of an enlightened autocrat, and he initiated a rigorous programme of changing the prevailing culture of Flanders and also of Wallonia into a Dutch one. As a result of this he made himself so unpopular that in 1815, after 15 years, he was evicted from Belgium by a group of rebellious French-speaking Belgians, aided by French revolutionaries. Belgium declared its independence, and chose a German prince, Leopold of Saxe-Coburg and Gotha, as their king.

In 1830 Belgium was outwardly a French-speaking country, despite the language policies of William I. The Belgian constitution of 1831 was a very liberal one; according to it the use of any language was permitted in Belgium. In practice, French was the language of the state, diplomacy, industry, trade and culture. Flanders was mainly an agricultural area with a port which was not usable since the Dutch controlled access to it via the Schelde. This part of Belgium had an upper social and economic layer who spoke French; below this a middle-class group spoke one of many Flemish dialects; below this was a social layer of illiterates, people who likewise spoke a large number of dialects. Dutch was the language of the much-hated King William I, and solely for this reason it was suspect after 1830.

In these circumstances a number of men arose in Flanders who deliberately started writing in the much-maligned 'Flemish', like Hendrik Conscience with his famous *Lion of Flanders*, which dates from 1837. They once again drew attention to the forgotten past when Flanders was really 'Flemish', and like Conscience they sang the praises of the struggle of the Flemish 'gemeentenares' against the army of French knights in 1302. Others, like the philologist Jan Frans Willems, re-issued old Middle Dutch manuscripts to demonstrate that 'Flemish' also had a rich cultural history with its own literature. Others, such as Ferdinand Augustijn Snellaert, attempted to re-establish contact with their peers in the Netherlands in order to reforge the broken links with the North and thus to rejoin the fragmented 'Flemish' with the Dutch cultural language to the north. The first Dutch Language and Literature Congress was held in Ghent; at this occasion a number of Flemish and a few Dutch persons renewed discussions on their common language and literary heritage.

The rest of the story can be summarised in a few sentences. After a struggle which lasted for more than a century and which is called the Flemish Movement, the Dutch language became the official language in Flanders for purposes of government, the judiciary, education, the army, the world of business and also of cultural life at all levels. About 60 per cent of the 10 million Belgians use Dutch on a daily basis in private as well as in public life. Only in Brussels, where the vast majority is French-speaking, the Flemings are obliged to use French regularly. As a matter of course the Flemings receive a thorough grounding of French as their first foreign language, although English and German are gradually being accorded higher priority in language instruction, especially since the reunification of the two Germanies.

DUTCH IN THE NETHERLANDS AND IN FLANDERS: ONE LANGUAGE

The Dutch spoken in Flanders is the same language as the Dutch spoken in the Netherlands; this means that the two languages share the same grammar, the same vocabulary and the same spelling. Of course the separate political and cultural development naturally led to different ways of expression, different turns of speech and different official terms in the North and in the South. The word for mayor, 'burgemeester', is the same in the Netherlands and in Flanders; however, the persons governing the city with him are called 'wethouders' in the Netherlands and 'schepenen' in Flanders. In order to express that something is not far away in the Netherlands one says 'dat het op een steenworp ligt', and in Flanders 'dat het op een boogscheut ligt'. The same phenomenon is found in the different German-speaking countries, and even in regions within Germany: a butcher is a 'Fleischer' in one region, a 'Schlachter' or a 'Schlächter' in another region and a 'Metzger' elsewhere. All these expressions are found in the German dictionaries, where the regional extent of the different variations are also indicated. In the Dutch language territories the situation is similar.

In the nineteenth century, after the revolutionary events of 1830, it seemed possible that an own Flemish 'language' could be founded; in the end this did not materialise. In the course of the years the view emerged that linguistically and culturally only one language existed, namely Dutch, and that the two components grew apart only as a result of their separate development. For more than a century now both Dutch and Flemish contributors have been working side by side on the large *Woordenboek der Nederlandse Taal*; the *Woordenlijst van der Nederlandse Taal* which gives the definitive spelling of words was commissioned in 1954 by the Dutch and the Belgian governments; the definitive work on Dutch grammar, the *Algemene Nederlandse Spraakkunst* (ANS), was published in 1984 under the editorship of two Flemish and two Dutch linguists; since 1950 each successive edition of Van Dale's *Groot Woordenboek der Nederlandse Taal* had a twin editorship – Dutch and Flemish. This will also be the case for the twelfth edition which has been announced this autumn. Moreover, the Dutch and Belgian governments (at that stage there was no Flemish government) signed the Treaty regarding the Nederlandse Taalunie (Dutch Language Union), in terms of which the responsibility for the communal language and literary heritage was entrusted by means of an international agreement to an intergovernmental body. This body was

governed by two ministers of each country and was seated in the capital of one of the two countries, viz The Hague, in the Netherlands.

This concept is unique in Europe as well as in the world, and therefore it is worthwhile probing further into its background.

The Taalunie was a step forward for the members of the Flemish Movement who, long before Europe became an economic unity, felt that Flanders would maintain itself better in Europe if it formed a united front with the Netherlands. This view was held by Johan Fleerackers, who studied for a year at the University of Stellenbosch in 1957. This influenced him for the rest of his life to regard the Dutch and Afrikaans language territories in the world as one whole. Fleerackers pleaded that Flanders should not rest on the laurels of its growing economic and political power in the former French-speaking Belgium, but that it should use its newly acquired status as an autonomous cultural nation to fit in its cultural policies with those of the Netherlands. His vision, which would have appeared utopian just a few generations ago, came to fruition in 1980 when the Treaty on the Taalunie was solemnly signed.

THE NEDERLANDSE TAALUNIE

According to the Treaty the purpose of the Taalunie is 'the integration of the Netherlands and of the Dutch community in Belgium in the areas of the Dutch language and literature in the widest sense'. To further this aim, the Taalunie will inter alia assist in the communal development of the Dutch language, the communal promotion of Dutch literature and the communal promotion of the studies of the Dutch language and literature in foreign countries. In regard to the last point the parties undertook inter alia 'the execution of a common policy in regard to the Dutch language and literature in an international perspective'. In addition, both parties, 'where they deem it necessary', would jointly 'promote and organise the teaching of the Dutch language, literature and culture in foreign countries'; they would also 'promote the distribution in foreign countries of Dutch literature either in its original form or in translation'.

Obviously it was a very ambitious programme, also as regards its international dimension. As a result of a number of structural and circumstantial reasons, to date only a small part of the programme has been implemented. I will elaborate on these reasons only to the extent that it is necessary for my exposition.

As I mentioned before, the Taalunie is governed by a Committee of Ministers consisting of the two Flemish and the two Dutch ministers of

Education and of Culture. The preparatory policy work and the execution of policy is undertaken by a General Secretariat. The Secretariat consists of a Flemish general secretary and a Dutch deputy general secretary as well as approximately fifteen associates; this body is located in The Hague. The Raad voor de Nederlandse Taal en Letteren (Council for the Dutch Language and Literature) at present consisting of 27 experts (formerly 45) acts as an advisory body. The Raad voor de Nederlandse Taal en Letteren is subdivided into three committees, viz. the Language Committee, the Literature Committee and the Foreign Countries Committee. The overall function of the Taalunie is controlled by an Interparliamentarian Committee consisting of a group of parliamentarians from the Dutch 'Staten-Generaal' and the Flemish Council. The responsible ministers report four times per year to this Committee.

Obviously in such a radically reorganised international structure which had to take care of previously national responsibilities, matters would not run smoothly right from the start. These I label the structural problems of the Taalunie. The circumstantial problems on the other hand comprise the political implications of the international actions of the Taalunie, for example the support of Dutch studies in countries like South Africa, or more generally speaking, maintaining relations with those countries in which the Dutch language played an important historical role such as Indonesia, Surinam or, once again, South Africa.

THE NETHERLANDS AND SOUTH AFRICA

In 1985–1986 the responsibilities for Dutch teaching posts in foreign countries as well as the financial means associated with them were transferred to the Taalunie by the two governments. For political considerations, two countries, viz. Indonesia and South Africa, were explicitly excluded from this arrangement. As we all know, the cultural agreement between the Netherlands and South Africa had been terminated, and the cultural agreement between Belgium and South Africa had been suspended. This situation, which still prevails, makes it difficult if not impossible for a government institution like the Taalunie to actively conduct any cultural initiatives in South Africa. The Taalunie can only execute that which its ministers agree upon, and these ministers can only undertake that which their respective governments allow them to undertake.

During the past years the Interparliamentary Committee of the Taalunie has repeatedly argued for it to act on the fast changing political situation in South Africa and to reinstate its ties with this overseas part of the historical Dutch language territory. The replies from the Committee of

Ministers contained only vague promises; therefore the Flemish Council (the parliament of the Flemish community with autonomous powers on inter alia education and culture) decided to organise an international colloquium in Brussels in October 1991 with the title 'Dutch in the World'. This colloquium was attended by delegations from all the countries in which Dutch, or a language related to Dutch, is spoken, viz. the north of France, Surinam, the Dutch Antilles, Aruba, Indonesia, Namibia and South Africa. Contributions were made by all of these countries. The South African report was compiled by Professor Tony Links, Head of the Department of Afrikaans and Dutch at the University of the Western Cape, Dr Theo du Plessis, manager of the Centre for Pre-school Education Development in Bloemfontein, and Dr G. K. Schuring, Chief Researcher at the Human Sciences Research Council in Pretoria.

I do not intend to summarise that report or to comment on it because you are much better informed on the situation surrounding Afrikaans and the other languages in South Africa than I am. Moreover I am in South Africa for the first time, and I do not presume to be able to judge the stormy developments currently taking place in your vast country. As a Fleming and a member of the Dutch language community, I do recall the sentences in the report emphasising the importance of permanent language ties between South Africa and the Dutch language countries. The South African delegation wrote in its report that: 'Afrikaans permits access to a language spoken by at least 20 million people in Western Europe; and this makes Afrikaans a very important resource. Dutch presents a window on Europe for South Africa.'

In the Final Stipulations of the Treaty on the Taalunie it is stated in article 20: 'If permission prior to the closing of the agreement has been obtained from the Parties to this Treaty, other governments may close agreements for associate membership of the Taalunie in order to participate in the activities of the Taalunie. The agreement determines the nature and the conditions of this cooperation.' The Explanatory Notes simply state: 'First and foremost this is intended for countries with close relations with the Dutch language and culture.' For reasons that were self-evident in the political context of 1980 no names of countries were mentioned. It is obvious that South Africa is one of the countries with 'close relations with the Dutch language and culture'.

To date no country has made use of the opportunity for associate membership of the Taalunie mentioned in article 20. Nor do I plead that South Africa should take such an initiative at this point in time, for two reasons. First, because the functioning of the Taalunie is being thoroughly

revised at present; second, the sometimes turbulent political developments currently taking place in South Africa entail that your country probably has other priorities than aspiring for associate membership of the Taalunie.

I would like to extend a hand of friendship on behalf of the Dutch-speaking community in Europe to all democratic organisations, associations and persons in South Africa who are convinced that the historical and language ties between the delta region in Europe and the country on the southern extremity of Africa are far too important and too unique for us to callously sacrifice them to the vagaries of history. In South Africa there are, according to a well-known brochure, '13,3 million reasons to speak Afrikaans'. If this is true, and there is no reason to doubt this, then there are also 13,3 million reasons for the Dutchman and the Fleming to actively interest themselves in the culture of their language partners on the other side of the equator. By implication they should interest themselves in the destiny of the country as a whole since 43 per cent of the population speak and understand Afrikaans, a language closely allied to Dutch. Obversely, to Afrikaans speakers Europe offers 21 million reasons for them to keep cultivating their mother tongue. This situation implies the existence of a worldwide Dutch-Afrikaans community consisting of nearly 35 million speakers. Admittedly far more people in the world speak and understand English; by cooperation the 'small' languages can, however, 'contribute greatly to combat the advance of the Anglo-American imperialism'. Dr Theo du Plessis, to whom these words are ascribed, thinks that in this way 'the democratisation of the South Africa society can be abetted constructively'. I would like to add that it would not only assist in the democratisation of South Africa, but it would aid in maintaining a finely nuanced and subtly shaded network of cultures which remains one of the primary conditions for a democratic world order. In my opinion South Africa has a key role to play in this process. After the groundwork that has been laid by the Flemish Council in this regard, I could wish for nothing better than for the Nederlandse Taalunie to understand the signs of the times which would manifest itself in an urge to establish contact with the new South Africa.

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How to handle language disputes through implementing equality in multi-ethnic countries

Silvo Devetak

There are at least 5 000 identifiable and distinct languages in the world. Language is a variable that depends on changing social and other circumstances. In the hundred years between 1800 and 1900, the number of full-fledged national languages in Europe increased from 16 to 30, that is, at a faster rate than in any of the preceding ten centuries. And in the 37 years between 1900 and 1937, Europe's standard languages further multiplied to 53, adding almost as many to their number as in the entire thousand years that went before (Deutsch 1979).

The number of ethnic groups must be considered to be much higher, because of the variations and the often tenuous line between languages and dialect. A great number of ethnic groups have obtained their sovereignty at the same time. After the dissolution of the Soviet and Yugoslav federations new states have joined the family of nations.

Although language is not inevitably stressed in all ethnonational manifestations, it is quite clear that as the supreme (most elaborate, subtle, all-pervasive) human symbol-system, it is more likely than other symbol-systems to become symbolic of the ethnonational constellation as a whole. This potential symbolic role of any language derives from its intricate indexical and part-whole relationship with its associated culture (Fishman 1985a). General principles and processes whereby a vehicle of com-

munication can become a value in its own right and a means of general, all-encompassing cultural defence are discussed in Giles (1977), Jessel (1978) and Fishman (1981), as well as by specialists in such related fields as bilingual education (Smolicz 1979) and language planning (Rubin *et al.* 1977), with both of these fields requiring explicit attention in connection with national language functions.

As language may be considered to be one of the more revealing reflections of ethnic culture, it may be possible to assess at least roughly the distance between two groups by studying the linguistic influence or traces left by contact – or the lack of it. For example, in the case of Hungarians and Rumanians, two ethnic groups who have been in contact for centuries, but between whom an adversarial relationship has long existed, their languages reveal very few lexical loans, much less syntactic borrowings. Part of this, although there is more to it culturally and historically, has been a result of long-lasting territorial rivalry. The region of Transylvania has changed hands several times, being assigned to Rumania after World War I and World War II.

Within both immigrant ethnic groups and indigenously resident ethnic groups the relationship between ethnic group membership and linguistic and cultural group membership is an open question. One can expect considerable linguistic variation within an ethnic group. This variation may run along the lines of other dimensions of social identity, for example gender, age, generation, social class, as well as along lines of residence and institutional infrastructure. Specific ethnic populations differ in the extent to which members of the ethnic group tend toward geographically contiguous residence (as in ethnically homogeneous rural villages or urban ghettos) and towards a high proportion of within-group daily contact because of ethnic occupational specialisation and frequent participation in ethnically homogeneous religious, educational, fraternal, and political organisations (Erickson 1987:92).

LANGUAGE CONFLICT

Conflict as a concept appears in numerous areas of the humanities, especially in the social sciences, in various contexts of definition (Krysmanski 1971), in which certain intercultural as well as social conflicts – inasmuch as they occur between different ethnolinguistic groups – can be facets of language conflict. An essential characteristic is the interactive character of conflict, as it is expressed in 'latent' and 'manifest' conflicts (Krysmanski 1971:227).

Most contacts between ethnic groups do not occur in peaceful, harmoniously coexisting communities. Rather, they exhibit varying degrees of tension, resentment, and differences of opinion, which are characteristics of every competitive social structure. Under certain conditions, such generally accepted competitive tensions can degenerate into intense conflicts, in the worst case ending in violence (Nelde 1987:607).

People who are members of superior or dominant groups and who thereby derive a positive social identity will not be motivated to change the relationship between their group and subordinate outgroups. By contrast, members of subordinate groups whose social identity is inadequate will desire change in an attempt to attain a more adequate and positive social identity (Giles 1977:317).

Language could be an important agent in this confrontation. The possibility of conflict erupting, however, is always present, since differences between groups create feelings of uncertainty of status, which could, in turn, give rise to conflict. Conflict is in fact a contention involving real or apparent fears, interests, and values, in which the goals of the opposing group must be fought, or at least neutralised, to protect one's own interests (prestige, employment, political power, etc.) (Williams 1947). This type of conflict often appears as conflict of values, in which differing behavioural norms collide, since usually only one norm can be valid. Conflicts can arise relatively easily if – as is usually the case – interests and values have an emotional basis.

At a cultural border, cultural difference is scrutinised as evidence of inferior or superior social rank, along the lines of ethnicity, class, gender, and the like. Cultural difference in such a situation therefore becomes grounds for domination or for conflict. In contrast, at a cultural boundary the cultural difference that is present may be politically neutral. It can be dealt with pragmatically or even overlooked. It is not what is most salient in the interaction and it does not become grounds for conflict (Barth 1969:10–15).

Language, as well as race, religion or social class, can create discrimination and discriminative reactions. The discriminative process of members of a minority language group reveals the same behavioural patterns as racial discrimination, for example prejudices, unequal treatment before the law and denial of certain rights. Moreover, the situation in which the principle of equal accessibility to means exists can deteriorate to a discrimination in which action is taken to ban the use of the language which mostly leads to a de-ethnicisation and belongs to a formal sphere, al-

though there are also informal factors which decelerate the de-ethnicisation process.

Political scientists also assume that language contact may cause political conflict. Language conflicts may be brought about by changes in the expansion of the social system when there is a language contact between different language groups (Inglehart & Woodward 1972). The disadvantaged language group is usually left with the choice of renouncing social ambition, assimilating, or resisting. Most language conflicts are the result of language separation accompanied by differing social status and one-sided preferential treatment of the dominant language on the part of the government; in these cases religious, social, economic or psychological fears and frustrations of the weaker group may be responsible for the language conflict.

A social system based on a gratificational-deprivational system exerts pressure against the maintenance of the language of the minority. The individual member of a linguistic minority provokes negative sanctions by using his minority language. He does not have the possibility of using and developing his means of participation in the social exchange. If the actor wishes to attain the goals set by the social system, he will discover that the possibility of reaching the social goal is denied him.

Cultural discrimination is seen in actions directed against the language and the ethnic characteristics of the minority group. However, economic and social discrimination are decisive, as they greatly influence the distribution of the means necessary for participation in the social exchange. The universe becomes too small to allow the use of the minority's own language, especially linguistic minorities living in agrarian areas. Industrial development leads to a rupture with the traditional setting and causes emigration into towns. Moreover, the sense of solidarity diminishes. Thus one's own social subsystem is faced with disintegration.

The climax of a political language conflict is reached when all conflict factors are combined in a symbol – language – and quarrels and struggles in very different areas (politics, economics, administration, education) appear under the heading language conflict. Furthermore, multilingual conflicts in Europe, especially in urban societies, show quite clearly that language conflicts are caused primarily by attempts on the part of the dominant group to block social mobility (Nelde 1987:608).

Responses by minority language speakers in one bilingual town on the principal reasons for language conflict were given in the following order: (a) lack of courage and self-confidence; (b) belief in the superiority

of the foreign standard language; (c) more possibilities of promotion with the foreign language; (d) a foreign language environment; (e) a minority population more gifted at language learning; (f) the minority must reconcile itself to the prevailing circumstances; (g) pressure exerted by the foreign speakers; (h) children sent to foreign language schools (Nelde 1983:10).

Tajfel and Turner suggest that the aim of differentiation is to maintain or achieve superiority over an outgroup on some dimensions. Any such act is essentially competitive. In this sense, the strategies of group redefinition and creativity on the part of a subordinate group may develop into strategies of competitions between the ingroup and the outgroup. This may be the case especially when is a real conflict of interest between the groups based on an unequal distribution of scarce resources such as control over political, economic, cultural and language affairs. Basically, direct competition with an outgroup may be a way for group members to establish a positive social identity. Competition between ethnic groups often occurs over language issues.

Competition may occur between ethnolinguistic groups on issues such as education; the provision of bilingual and multilingual facilities in government and private enterprise services; equal employment and promotion prospects for subordinate groups at government and private enterprise levels; proportional representation of ethnolinguistic groups in the parliament; control over legislation on immigration and language issues; funding of religious and cultural activities, and so forth. Direct competition with an outgroup on such language issues may be an efficient way for members of a subordinate group to establish a positive social identity on linguistic dimensions (Giles 1977:339).

HOW TO HANDLE LANGUAGE CONFLICTS

Efforts to ameliorate ethnic conflict must be preceded by an understanding of the sources and patterns of that conflict. Altogether too many policy prescriptions for ethnic harmony have been dispensed without benefit of careful diagnosis. Accordingly, the evaluation of ameliorative techniques and policies comes last.

Not all leaders in ethnically divided states want to promote accommodation. Policymakers are participants in their societies. As such, they may entertain hostile feelings towards members of other groups. If not, they may still have a view of intergroup relations that sees ethnic conflict as necessary to advancement of the interests of their group. Even if

political leaders do not hold such views, they may nonetheless benefit, politically or materially, from continuation of the conflict and be loath to pursue policies of amelioration (Horowitz 1985:564).

Horowitz described the following techniques and policies for resolving ethnic conflicts (including language conflicts of course):

First, interethnic conflict may be reduced by dispersing it, by proliferating the points of power so as to take the heat off a single focal point. One way to do this is by scattering power among institutions at the center. If the states, provinces, or regions have greater power then the struggle to control the regime at the center becomes less intense.

Second, interethnic conflict may be reduced by arrangements that emphasise intraethnic conflict instead. Intraethnic conflict is usually (though not always) less dangerous and violent than interethnic conflict.

Third, interethnic conflict may be reduced by policies that create incentives for interethnic cooperation.

Fourth, interethnic conflict may be reduced by policies that encourage alignment based on interests other than ethnicity.

Fifth, interethnic conflict may be reduced by reducing disparities between groups so that dissatisfaction declines (Horowitz 1985:598-599).

As to the individual language conflict, Mattheier (1986:10) reports three possible solutions:

First, the frustrated speaker whose limited linguistic competence is insufficient to adequately grasp the linguistic world of the dominant group seeks evasive solutions, which lead to hypercorrection, or takes refuge in silence.

Second, the minority language speaker rejects the conventions required by the dominant language and uses his variety in all situations, regardless of the linguistic behaviour required by the majority.

Third, entirely new means of expression can result from language conflict: Language conflict becomes the driving force behind language development. It can become the impetus and trigger for new concepts of linguistic and cultural behaviour.

Conflict neutralisation is also possible for ethnic groups which have come into contact:

First, with the help of extensive, nondiscriminatory symmetrical multilingualism, with a dominant language, on equal footing with the group language.

Second, socioeconomic equalisation of all affected ethnic groups having equivalent languages (number of speakers, degree of prestige) can contribute substantially to avoiding language conflicts.

HOW TO IMPLEMENT ETHNIC RIGHTS

Some contend that minority rights are 'the past', based on outmoded romantic nationalism. Others hold that national unity and stability may be threatened by insistence upon the claims of particular minorities. Some nations assert that they simply cannot bear the cost created by the serious implementation of cultural claims of minorities. Assimilation, some say, is thwarted by undue insistence on minority rights.

Communist Party power considerations or Marxist ideology permit full enjoyment of minority rights. This has been a highly disputed issue in spite of some examples of generous treatment of some minorities. Proponents of Western-style democracy contend that democratic regimes provide more individual liberties and represent a wider degree of different interests. Seemingly, minority rights should fare better under Western style democracy, although the case is not yet proven (Sigler 1983:175-176).

Sigler (1983:195) suggested a preliminary theory of minority rights:

- Minority rights are group rights. Equal treatment is not the basis of the rights.
- Minority rights may include individual rights, as in the well-recognised principle of non-discrimination.
- Multicultural societies must, at least, consider whether they have significant groups that are effectively treated as minorities and should develop some principled basis for the recognition of the legitimacy of minority group status.
- Minority rights include the idea that the individual should be free to remain in the minority group or, if able, to leave it voluntarily.
- Minority rights should not be compulsory or a pretext for discrimination.
- A failure of multicultural societies to recognise the existence of a substantial minority is a denial of minority rights.

- Under conditions of extreme deprivation, minority rights justify special treatment and advantages.
- Minority rights include rights to political representation and to social and economic justice.
- Minority rights do not include the right to revolution and secession except upon the same basis as do individual rights.

Minority rights imply more than non-discrimination. It is insufficient to say that the government does not make distinctions based upon race, religion, language, or ethnicity. Minority rights begin with non-discrimination, but they must extend to protective activities and promotional activities.

Not one of these institutional and other devices has proven to be universally applicable to minority problems. Evidently each minority problem has different dimensions in each nation. A humane path is to accept minority rights as an aspect of pluralism rather than to repress pluralism. Pluralism may result in separatist movements, but it can also produce support for a regime that accepts group differences. Seen in this light, minority rights in a pluralistic society are counter-separatist in effect, since they provide a rationale for loyalty to the regime.

The problem of minorities, and especially of linguistic minorities, must be situated on the level of political systems. The coexistence of different ethnic minority groups in the same political system generates conflict situations. The state, then, is the social system, consisting of different subsystems, among others of different ethnic groups. Every subsystem tries to survive, to have its own value-system and goals. The criteria therefore are language and its use. Although those criteria can be distinguished, it is difficult to separate them from religion (Van der Plank 1971:177-247), race, ethnic group, nationality, etc. Language is the symbol par excellence of 'meaningful interaction' (Meeus 1987:732).

If a sovereign political state incorporates more than one distinguishable cultural community - as is nearly always the case in modern states - there are, according to Leach (Leach in Whitaker 1984:24) three 'ideal types' of long-term development (even though in practice the combination of these ideal types may produce all kinds of variation): total integration, federal association, and separate coexistence.

Three theoretical approaches could contribute to the settlement of ethnic conflict situations: consociational democracy, conflict regulation and conflict management. Theories of consociationalism or conflict regu-

lation assume that it is necessary for ethnically divided states to live with ethnic cleavages rather than wish them away. They tend to accord considerable weight to formal institutions, such as federalism or proportional representation. Arend Lijphart identifies four defining characteristics of consociational democracy: grand coalition of all ethnic groups, mutual veto in decision making, ethnic proportionality in the allocation of certain opportunities and offices, and ethnic autonomy, often expressed in federalism (Lijphart 1977:25-44).

Nordlinger has elaborated six conflict regulation practices: stable coalition, proportionality, mutual veto, depolitisation, that is, agreement to keep government out of the most contentious issues or prevent their public discussion, compromise, either on particular issues or on a package of issues, concessions, which differ from compromise in that they are not reciprocated (Nordlinger 1972:21-31). 'Balanced pluralism' according to Esman is decomposed into proportionality, territorial autonomy, including federalism, and legal-cultural autonomy (Esman 1973:60-68).

As to the consociational democracy it assumes that political elites enjoy a high degree of freedom of choice, and that they may resort to consociational methods of decision-making as a result of the rational recognition of the centrifugal tendencies inherent in plural societies and a deliberate effort to counteract these dangers (Lijphart 1973:53-55). Since elite competition is one of the sources of ethnic conflict, it is a mistake to impute good intentions to leaders without good political reasons for thinking they entertain such intentions. The 'grand coalition' is the main instrument of consociationalism. For Lijphart (1977:25) the primary characteristic of consociational democracy is that the political leaders of all significant segments of the plural society cooperate in a grand coalition to govern the country. There would also have to be a mutual veto or concurrent majority rule to serve as a protection of principal standards for political representation, service appointments, and the allocation of public funds. Obviously, political engineering for consociational democracy would have to be tailored to each individual national situation. Divisions along racial, cultural, linguistic, or ethnic lines may be too intense for democratic engineering. There are severe limitations upon the prospects for democracy in deeply divided societies (Sigler 1983:178).

Much will be lost by focusing solely on policies, aimed at resolving ethnic conflicts, adopted with a pure heart. There is no substitute for an evaluation of consequences. In addition, the mere presence of a given policy or technique in one country is not a proof of its contribution to ethnic accommodation. Equally, the 'failure' of a country in accommoda-

tive efforts (such as Lebanon, Soviet Union and Yugoslavia) is no proof that its policies and techniques were poorly designed. Such failures may simply demonstrate that countervailing forces were too strong or that the policies were put in place too late to abate the conflict (Horowitz 1985:579).

Commitment to genuine pluralistic society means leaving behind the nation-state model and adoption of a federalist, pluralist, decentralist one, in which the national minority finds its autonomous place in a freer and balanced relationship with the local and especially the higher territorial levels of society and government (including the supranational communities and organisations).

Certain rights can be placed in the constitution in such a way that it would be very difficult to take them away. These unamendable or entrenched constitutional provisions may be used to safeguard minority representation, voting, language, culture, religion, or other political and cultural rights deemed essential. The root causes of minority tensions lie deeper than formal legal or constitutional arrangements by which peoples govern themselves (Sigler 1983:178).

In spite of the store of human experience on the relation of territory to ethnicity few are the practitioners or observers who could give confident advice on the key questions of federalism and regional autonomy. Under what circumstances is the creation of a separate state or region likely to forestall or encourage secession? What is the optimal form and scope such arrangements should take? How many units should there be, and should they be ethnically homogeneous or heterogeneous? What powers should develop upon them and what controls should be retained? The skilful division of authority between regions or states and the centre has the potential to reduce conflict, but there is little more than dogma available on the utility of federalism; and even then the dogmas are equally divided between those who assume that territorial boundaries should follow ethnic boundaries and those who counsel that they should cut across them.

The occasional assumption of policy-makers who contemplate federal solutions has been that federalism is a lesser version of partition and, as such, requires homogeneous states, one per group. Such assumptions should not be regarded as the last word (Horowitz 1985:602).

Whether federal structures provide an adequate basis for the governance of diverse ethnic communities is an entirely problematical question. Unfortunately, no other political structures provide better opportunities in

the contemporary world. Unitary political systems facilitate the dominance of simple ruling factions (Rothman 1987:85).

Regionalism, unlike federalism, accepts a unitary system of central government authority. Regions are not independent in legislative, administrative, or financial terms. Nonetheless, a devolved region can enjoy considerable cultural autonomy if the national government agrees.

In Belgium nearly autonomous regions based upon language were set up, but bickering still continues over the precise terms of the linguistic settlement. While the linguistic issue still sorely taxes Belgian political life, Walloons no longer dominate Belgium as they once did. Minority rights for the Flemings, though divisive, have proven to be a source of great advancement for them. Belgium persists, but it is a Belgium in which a minority is entering into coequal status with a former majority (Sigler 1983:200).

Minority groups can be protected by special voting arrangements. Electoral systems, especially proportional representation, has also been attempted as a minority safeguard. Electoral systems have a special role in fostering or retarding ethnic conflicts. The delimitation of constituencies, the electoral principle, the number of members per constituency, and the structure of the ballot all have a potential impact on ethnic alignments, ethnic electoral appeals, multi-ethnic coalitions, the growth of extremist parties, and policy outcomes (Horowitz 1985:628).

Some states (for instance Lebanon in 1943) have adopted the concept of power-sharing in the executive. Judicial action on behalf of minorities is an important institutional safeguard of minority rights. The European Court of Human Rights within the European community has begun to play an important role in promoting minority linguistic rights and other minority rights.

LANGUAGE PLANNING

The efforts of elites to influence potential clienteles to adopt or advocate a particular language (and to set aside another) for these status- and power-related functions, the negotiations and the conflict between elites pursuing different functional goals, the adoption of regulatory laws or resolutions, the implementation of positive or negative rewards for desired or undesired language use and/or advocacy, the evaluation of the consequences of all of the foregoing and, it is hoped, the adoption of further, more effective status-planning steps, all are part of the national language status-planning process (Fishman 1987:642).

Any sort of language planning in multi-ethnic states is excruciatingly challenging, but even where two to four languages are involved at most, it is far from simple, as recent experiences of such nations as Belgium and Canada illustrate – with expense, and such aspects as congruity of translations of commercial and official material being only part of the complex of problems.

As for the implementation of linguistic rights in multi-ethnic societies Lenin expressed the following views: language policy lies at heart of the national one; multilingualism is a sociohistorical reality which fosters emulation, mutual recognition, and activates the necessary and complete equality of languages and their respective communities; internationalism is to be elaborated on these very foundations; by a voluntary support of the communities or nations who share in what is most democratic and socialist in the expression of their particular 'national' culture (Lenin 1983:446).

The gap between formal regulations and their implementation is a common characteristic of many multi-ethnic societies. As an example of this kind we would like to mention the problem of the use of different formally equal languages in the agencies of the former Yugoslav federation. A thorough analysis of the realisation of the constitutional principles made by the author of this article (Devetak 1988:56) had revealed a number of imperfections. The law and other regulations which governed the activity of the federal administrative agencies and organisations covered the use of the language and scripts of the nations and nationalities only generally or incompletely or not at all, although they were obliged to do this by the constitution. Even less attention was devoted to this in the internal, that is, self-management, acts of the agencies and organisations which governed working conditions, methods of business and other details associated with their work. It would be necessary, for example, to prescribe as a condition for holding specific working positions, the knowledge of at least two or more languages of the nations and nationalities.

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Some issues on law and language in the Hong Kong Special Administrative Region (HKSAR) of China

Benjamin K. Tsou

The territory of Hong Kong was ceded by the Ching Government of China to Britain through three treaties, after the end of the Opium War in 1840. The last of the three treaties, signed in 1898, provided for Britain's lease of the New Territories for 99 years from 1 July 1898. The New Territories comprise 92 per cent of the total land area of the territory of Hong Kong which covers about 1 000 square kilometres. By mutual agreement between the governments of Great Britain and the People's Republic of China the sovereignty over the entire territory of Hong Kong will revert to China from 1 July 1997 upon the expiration of the lease on the New Territories.

The *raison d'être* for the British Crown Colony of Hong Kong was originally and has been to expand British mercantile interests to establish a foothold in South China around the Pearl River Delta region, of which Canton was the hub. However, Hong Kong began to eclipse Canton as a regional and international centre of commerce about a century later after the outbreak of the Civil War which led to the founding of the People's Republic of China (PRC) in 1949, and the Korean War. In the 1960s, after a large influx of arrivals from China, Hong Kong began to surpass Shanghai as an industrial base and financial centre, and it emerged in the 1970s/80s with South Korea, Taiwan and Singapore as the four Little Dragons in

Asia. Its GNP, like that of Singapore, which became an independent city state, ranks amongst the top 20 in the world. The leading bank in Hong Kong, the Hong Kong and Shanghai Bank, has recently managed to jump on to the top ten list of leading financial institutions in the world.

Increasing tenfold within about half a century, the population of Hong Kong has now grown to 5.8 million. It has been predominantly Chinese, usually at least 95 per cent, except perhaps in the very beginning of its colonial history when non-Chinese speakers might have been represented by a much higher percentage.

To appreciate the significance of the issues relating to language and law, it will be necessary to review the sociolinguistic situations and relevant language policies in Hong Kong and the PRC.

LANGUAGE AND ETHNICITY IN HONG KONG

When the colony of Hong Kong was first founded last century the local population spoke mainly Hakka, Tanka (Hoklo), and Po-an Cantonese. Through British ties in Canton and British interest there, standard Cantonese made strong inroads into Hong Kong and became the *lingua franca* among the Chinese population. The situation could be loosely characterised as a three-tier sociolinguistically stratified (i.e. triglossic) system (see Tsou 1980, 1981). English was the Supreme Language for official dealings with British officials, Cantonese was the High Language among the Chinese population, and the other indigeneous dialects and languages were the Low Languages used in the home. The influence of Cantonese grew so that vernacular schools yielded to using Cantonese as the medium of instruction and immigrants from neighbouring areas and other parts of China underwent a language shift to Cantonese. Thus in 1960 about 81 per cent of the population spoke Cantonese at home. However, by 1986, 98 per cent of the population spoke Cantonese at home.

This rapid language shift was also followed by a new and unusual hybrid diglossic situation (see Tsou 1976, 1984). In the realm of official transactions with and within the government, for example, English has asserted its position as the High Language, as noted in the introduction section. However, it is important to note that in the realm of spoken Chinese in Hong Kong the position of pre-eminence is occupied by Cantonese. While spoken Chinese meant Cantonese in Hong Kong, the norm for written Chinese has been Modern Standard Chinese (MSC), which is based primarily on Mandarin (known as Putonghua in the PRC). If a Cantonese in Hong Kong were to write Chinese for official purposes in the

way in which he speaks, it would subject him to ridicule. 'Written Cantonese' is found on pages dealing with soft news in newspapers, in advertisements, in informal communications and, interestingly, in the written statements made at police stations. The table below provides data on language choice involving English, Cantonese and Modern Standard Chinese among the upper middle class in three major language use domains. They show the importance of English in primarily formal communications and the importance of Cantonese in intra-group communications, while Modern Standard Chinese is confined mainly to written communications. It may be noted that mutual intelligibility in chance encounters between monolingual speakers of Cantonese and Mandarin is quite low.

Language choice				
MSC	Cantonese	English		
	3,0	1,2	With spouse	Home and family
	3,0	0,6	With children	
	3,0	0,2	With parents	
	3,0	1,0	With brothers and sisters	
	3,0	1,0	With neighbours	
2,5		2,8	Newspaper reading	
2,7		2,4	Other leisure reading	
0,4	3,0	1,3	TV	
2,0	3,0	3	Movie	
0,5		2,7	Personal correspondence	
8,1	19	16,2	Subtotal	
	1,0	3,0	Formal meeting with colleagues	Work
	3,0	1,1	Informal discussion with colleagues	
		3,0	Correspondence	
		3,0	Reports	
1,0		3,0	Reference material	
	0,7	3,0	Formal meeting with client	
	3,0	0,7	Informal meeting with client	
		3,0	Official visitors	
1,8		2,6	Notes to subordinate	
3,0	0,5		Notes to janitor/messenger	
5,8	8,2	22,4	Subtotal	

MSC	Cantonese	English		
	2,3	3,0 2,8 3,0 3,0	Appearance in court Telephone company Tax office Complaints to government depts	Others
	3,0		Police	
	3,0		Public transportation	
	3,0		Shopping	
	3,0		Restaurant	
2,1	1,1	2,8	Popular songs	
0,7	0,6	3,0	If and when going abroad	
2,8	16,0	17,6	Subtotal	
16,7	43,2	56,2	Total	

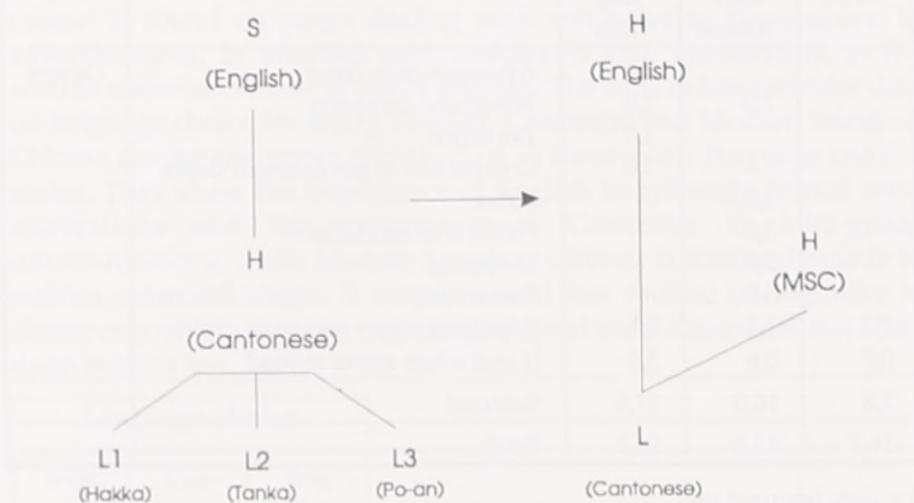
3 = very frequent use

0 = not used

The consolidation of the status of Chinese through Cantonese was also apparent in Hong Kong. Thus by the 1970s a film which was not in Cantonese or dubbed into Cantonese would generally have had a poor showing at the box office. Cantonese also began to be used in the Legislative Council through the provision of interpreters. It would therefore appear that there is yet another dimension of the hybrid diglossia in the Chinese realm of things which involves MSC as the High Language and Cantonese as the Low Language. This situation has been described as one of 'two language system with three language problems' (see Lord & Tsou 1985, Tsou 1984). The sociolinguistic changes described here are summarised in figure 1 on page 318.

Along with the growing importance of the economic status of Hong Kong the influence of Cantonese also went beyond Hong Kong. For example, Cantonese TV programmes enjoyed an unprecedented degree of popularity among other Chinese communities in many other parts of the world, and the use of Cantonese rivalled that of Mandarin in international travel by air because of the high volume of air passengers travelling in and out of Hong Kong. Cantonese came second to Mandarin in shortwave broadcasts by established services, such as the BBC, and Cantonese classes have been held even in Peking and Shanghai.

Figure 1

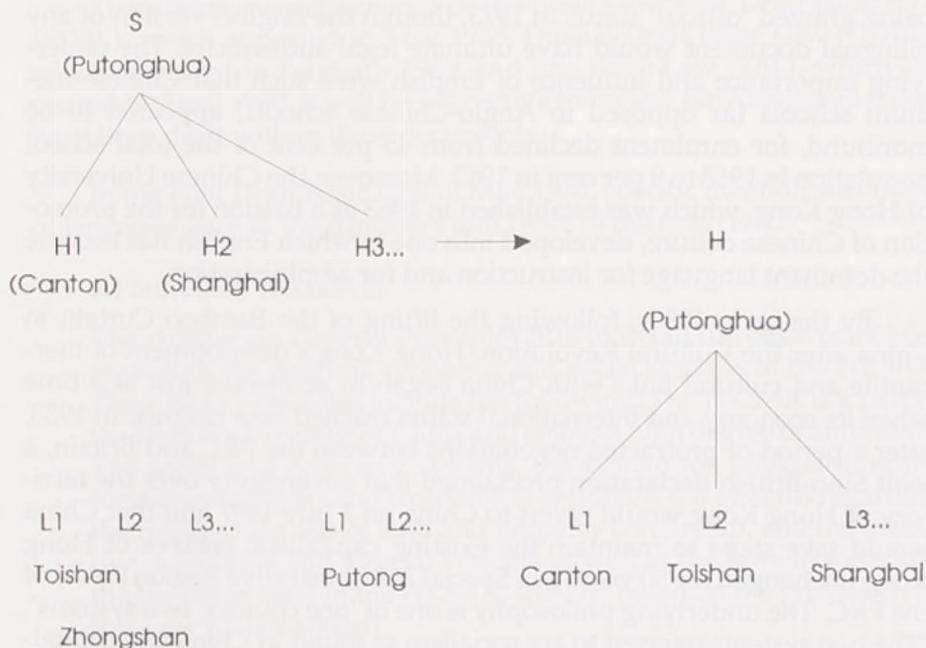


ASPECTS OF LANGUAGE AND SOCIETY IN CHINA

Depending on the classificatory scheme, there could be scores of distinct varieties of languages spoken amongst the population of China (see Wurm, Tsou & Bradly 1988 & 1991). Traditionally the sociolinguistic situation in China can be described as collective diglossia: for a particular geographical area there is often a typical diglossic situation in which a High Language can be identified for official occasions or formal use, along with a number of Low Languages. Examples of regional High Languages would be Cantonese in the Pearl River Delta region, Shanghainese in the Yangtse River Delta region, Amoy (Hokkienese) in the southern section of Fujian Province, and Kunmingese in the Kunming area of Yunnan Province. The Low Languages would include dialects and languages (including minority languages) spoken in the same speech community as the High Language, for example Toishan and Chungsan dialects in the Pearl River Delta, and Sani and other Yi Languages/dialects in the Kunming area. In times past when the central government's presence was strongly felt, Mandarin, which was the language of the Imperial court in Peking, would assert its influence as the Supreme Language so that the frequent transactions involving the central government would be based primarily on Mandarin. Thus, depending on the political situation, the traditional sociolinguistic scenario would vacillate between collective diglossia and triglossia (i.e. between a two-tier system of sociolinguistic stratification and a three-tier system of sociolinguistic stratification).

Since the founding of the PRC in 1949, the vigorous promotion of a common national language, Putonghua, primarily based on Peking Mandarin, has made strong inroads into simplifying national triglossia into diglossia by replacing many of the functions of the regional High Language by Putonghua. These sociolinguistic changes are summarised in figure 2 (see also Tsou 1980, 1981). This simplification from triglossia to diglossia has been much more pronounced in many areas involving minority nationalities and Chinese dialects. The notable exception has been Tibet and, to a lesser extent, the Pearl River Delta region, against which criticism has been expressed in the media in China.

Figure 2



The policy in China is in consonance with stipulations in the national constitution which allow minority groups to use their own language and to maintain their own culture. However, the interpretation of the constitution is subject to challenge in some autonomous regions, notably Tibet, where sentiments have been expressed for Tibetan to be a truly official language. It is interesting to note that the national constitution does not appear to imply the same degree of linguistic or culture heterogeneity in

the case of the Chinese-speaking population, regardless of dialect background.

LANGUAGE AND THE BASIC LAW FOR HONG KONG

As can be expected, the gradual development of a complete infrastructure in a thriving colonial government, favoured by events in China, saw the rapid rise in the importance of English. Moreover, as noted above, English had established its position of pre-eminence in most domains of the Hong Kong society by the 1960s, as is typical in many similar colonial situations. Thus English became the sole official language used in the domains of law, public administration and commerce. When the Cultural Revolution in China spilled over into Hong Kong with riots in 1967, the government began to reconsider priorities in a number of areas. This led to Chinese being granted 'official' status in 1973, though the English version of any bilingual document would have ultimate legal authenticity. The underlying importance and influence of English were such that Chinese-medium schools (as opposed to Anglo-Chinese schools) appeared to be moribund, for enrolment declined from 45 per cent of the total school population in 1958 to 9 per cent in 1983. Moreover, the Chinese University of Hong Kong, which was established in 1963 as a bastion for the promotion of Chinese culture, developed into one in which English has become the dominant language for instruction and for administration.

By the early 1980s, following the lifting of the Bamboo Curtain in China after the Cultural Revolution, Hong Kong's development of mercantile and cultural links with China began to accelerate, just at a time when its economy and international status reached new heights. In 1983, after a period of protracted negotiations between the PRC and Britain, a joint Sino-British declaration proclaimed that sovereignty over the territory of Hong Kong would revert to China on 1 July 1997 and that China would take steps to maintain the existing capitalistic enclave of Hong Kong unchanged for 50 years as a Special Administrative Region (SAR) of the PRC. The underlying philosophy is one of 'one country, two systems'. (The two systems referred to are socialism as found in China and capitalism as found in Hong Kong.) Furthermore, the PRC government would promulgate the Basic Law (i.e. mini-constitution) of Hong Kong to provide a legal basis for it. This political changeover, unprecedented in peacetime history, has given rise to deliberations on possible and necessary changes in many crucial domains, including those in language and society.

In terms of the sociolinguistic history of Hong Kong, it is interesting to note a full cycle of changes in one aspect of language policy. In the

Convention of Peking of 1860, whereby Hong Kong was ceded to Britain, it was stated that the English version had ultimate authenticity compared with the Chinese version. In the Sino-British Declaration of 1983 both Chinese and English versions were declared to be equally authentic: 'Done in duplicate at Beijing in 1984 in the English and Chinese languages, both texts being equally authentic.' When deliberations began in 1988 on the Draft Basic Law for Hong Kong, the Chinese government's initial position was ambivalent between the provision of an English version for reference only, and the provision of an equally authentic English version of the Basic Law. This position was consonant with stipulations on language in the first draft of the Basic Law (as noted below) and with the view that the Basic Law will be the concern of an integral entity within the Chinese nation, and therefore will be a matter of internal interest.

There were several versions of the Basic Law: First Draft Basic Law (FDBL), which appeared in May 1988, Official Draft Basic Law (ODBL), which appeared in February 1989, and The Basic Law (TBL), which appeared in April 1990. It will be instructive to review how language issues have been dealt with in these documents.

In the First Draft Basic Law of May 1988, specific mention was made of language once in the summary and twice in the main text:

(1) Summary (section 3)

The chapter on General Principles lists in detail the basic principles regarding the political, economic and social systems of the HKSAR. These basic principles include the following: The HKSAR is a part of the People's Republic of China and enjoys a high degree of autonomy. The social and economic systems, the system for safeguarding the fundamental rights and freedoms of residents, the systems regarding the rights to the use of land and property ownership, and the executive, legislative and judicial systems as well as the laws in force and the language used in the HKSAR, shall be based on the provisions in this Law (*italics added*).

(2) Chapter 1: General Principles, article 9

In addition to the Chinese language, the English language may also be used by the executive authorities, legislature and judicial organs of the Hong Kong Special Administrative Region.

(3) Chapter VI: Education, Science, Culture, Sports, Religion, Labour and Social Services, article 143.

The Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications.

The underlying intentions with regard to language in the first draft of the Basic Law appeared to be that Chinese would become the primary language for official functions. It is nonetheless clear that China was making an unusual effort in the FDBL to grant a measure of autonomy to the HKSAR by allowing that 'in addition to the Chinese language, the English language may also be used ...'. However, it made no clear stipulation on the circumstances under which English may or can be used either in addition to Chinese or as an alternative to Chinese. Moreover, because no specific mention of Cantonese was made, The Basic Law could be interpreted to mean the exclusion of Cantonese from any official status because of the policy that has been evident in Chinese-speaking areas in China.

In the Official Draft of The Basic Law (ODBL) and subsequently in The Basic Law (TBL), several notable changes were made:

(1) The *Summary* section has been removed.

(2) In Chapter I: *General Principles*, article 9 has been modified as follows:

In addition to the Chinese language, English may also be used as an official language by the executive authorities, legislative and judicial organs of the Hong Kong Special Administrative Region (additions italicised).

(3) In Chapter VI: *Education, Science, Culture, Sports, Religion, Labour and Social Services*, some additions have been made to article 135, which has been renumbered from article 143 in the previous version.

On the basis of the previous educational system, the Government of the Hong Kong Special Administrative Region shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications (additions italicised).

These changes were made after two periods of extensive consultation prior to each version, and after numerous views were expressed. The changes and their implications are therefore not inconsequential. That English has been granted official status in article 9 is significant, but the changes have also confirmed its secondary, if not optional status. The additions to article 135 (article 143 in FDBL) are partly derived from an incorporation of the preceding article 142 in FDBL: 'The Hong Kong Special Administrative Region shall maintain the educational system previously practised in Hong Kong.'

They appeared to stress that the formulation of educational policies should focus on *development and improvement* on the basis of the status quo, rather than simply policies in general or with a fresh approach. This tightening of conditions leaves some lingering doubts for some observers in the matter of language of instruction, for any change could be convincingly argued as either *development or improvement*.

SOME POLICY ISSUES ON LANGUAGE STATUS PLANNING

From the three preceding sections it can be seen that the sociolinguistic situation envisaged in the Basic Law (in which the Chinese language was dominant), viewed in the context of Mainland China, is quite different from that in present-day Hong Kong and would appear to run counter to the stipulation both in the Sino-British Joint Declaration and in the Basic Law that 'Hong Kong's existing capitalist system and way of life shall not be changed for 50 years'. Nonetheless, in line with nationalistic sentiments, there is generally overwhelming acceptance that after China's resumption of sovereignty over Hong Kong, the Chinese language should have more prominent official status in Hong Kong than in the past. Related sentiments have been expressed in different ways in the media. For example, on 6 November 1985 in its Letters to the Editor section the *South China Morning Post* printed a submission from a local reader with the heading 'Expats employed for no good reason':

I wish to pay tribute to Stephen Davies who, on the October 17 News Plus programme (RTHK documentary), revealed something that has always prevailed here in Hong Kong's big organisations, not just in the Government. That is the issue of employing expatriates simply because they can methodically use the English language, thus placing them in an advantageous position towards their English-speaking bosses ... It is often that cultural gap that creates problems and discontentment between the expatriates who reign at the top and the locals who have to receive their orders.

Elevation in the status of Chinese would change the status quo and has many implications. There is, therefore, wide concern over the status of English because of the apparent absence of guarantee that English *will* be used and that it will be used as extensively as necessary. There is also concern about the status of Cantonese. In the present educational system, English and Cantonese are the languages of instruction, and would therefore be maintained according to article 135. However, article 135 still appears to open up the possibility that Mandarin could replace Cantonese as the language of instruction either because of *educational development or improvement*, as is suggested in some quarters (but found objectionable by as many as 90 per cent of the teachers in one report – see Wong 1988). It is also interesting to note that in December 1990 a senior local official of the principal organ of China in Hong Kong suggested in his personal capacity that spoken Chinese should mean Cantonese in the future HKSAR. What is of most concern are perhaps the safeguards in terms of language, and the wider implications their absence would have in the context of local requirements and indigenous rights.

A number of issues in several domains have surfaced during the various consultation periods before and after the promulgation of the Basic Law. A summary and analysis of the views are given below.

Finance

The financial sector was concerned with the general declining standards in English and the need to maintain it to ensure Hong Kong's viability as an international financial centre. Given the rapid expansion of mass education in Hong Kong since the 1970s it is difficult to offer a global assessment of changes in the standard of English in Hong Kong. While it is most likely that those destined to be the top students in English would find their way to the top even though the base from which they are drawn would have expanded, there are some data which could be relevant to this issue. The table on the next page shows the TEFEL scores from eight areas in Asia for 1976–1984. While questions could be raised on the representativeness of these scores, especially in view of foreign currency restructurings in China, India and Korea during the period in question, it should be recognised that with one exception, the samples are large samples for each region. It would seem that some useful observations and comparisons nonetheless may be made. Thus when compared with students from Singapore and Malaysia (and India) where English has a firm foundation as a medium of instruction, as has been the case in Hong Kong, performance by students from Hong Kong has been noticeably worse. Their

Their performance is only marginally better than those from Taiwan, Japan and Korea, where English is not generally the medium of instruction. There is also general concern over the possible impact which the change of medium of instruction from English to Bahasa Malaysia might have on declining TEFEL scores in Malaysia. This is especially relevant to Hong Kong because the government has initiated steps to actively encourage a change of medium of instruction from English to Chinese in Hong Kong. For some time the tertiary sector has experienced a strain on resources for providing remedial English instruction. Questions have been raised whether English could be maintained as the principal medium of instruction in the tertiary sector by the late 1990s. If such a situation indeed leads to a drastic decline in the standard of English, the following consequences would be likely: Hong Kong could become less competitive as an international centre for business and finance because of the reduction in the pool of linguistically attractive personnel it could offer. The advantage it has in language skills (and related developments in technological advancement) over Mainland China, and hence its usefulness to China, as an intermediary between China and other countries, could be diminished.

	Hong Kong	Taiwan	China	Japan	Korea	Singapore	India	Malaysia
'76-77	505	501	-	483	496	550	541	558
'78-80	505	496	-	483	504	562	550	545
'80-82	508	493	473	487	504	563	555	534
'82-84	511	499	491	495	503	563	562	526

It is notable that major institutions in the financial sector, such as the Hong Kong and Shanghai Bank, have initiated a language campaign in the late 1980s to upgrade language standards in Hong Kong. The substantial financial backing provided thus far has earmarked more than 95 per cent of the resources to support efforts in the English language area.

Legal profession

The legal profession strongly promotes a number of issues:

- The retention of the legal status of English. This is because the prosperity of Hong Kong has been primarily predicated on the com-

mon law tradition, and its laws and its judiciary have been rooted in the English language. It is also felt that for Hong Kong to remain a viable international centre for finance and trade, an enforceable contract in English is a *sine qua non*.

- The bilingualisation of the law in Hong Kong. In anticipation of post-1997 requirements, the Hong Kong government has initiated steps to produce bilingual legislations in future in the hope of achieving equal authenticity for the English and Chinese versions. This has been seriously hampered by a shortage of legal personnel who are conversant not only in English and Chinese, but also in English and Chinese laws, which are based on very different traditions. Therefore, according to these advocates, the bilingualisation of the law in Hong Kong must be made viable before implementing any substantive change to the status of English in the legal domain, even though this would take time. Malaysia, Sri Lanka and Quebec have been often cited as relevant examples. The Chinese government's ambivalence over the provision of an authentic English version of the Basic Law has been seen as an indication of China's probable rejection of this and the preceding propositions.
- The increased use of Cantonese in the lower courts. In line with the Chinese resumption of sovereignty over Hong Kong, there are strong advocates for removing the language barrier between those who sit in judgement and those who are judged in the courts. Cantonese is therefore the logical choice. These advocates include the first Chinese person to be appointed Chief Justice and the Chairman of the Hong Kong Bar Association.

Public Administration

Members of the civil service and other professions have also expressed the view that given the long tradition of English-language-based bureaucracy both in government and in the private sector, the status of English must be sufficiently clarified for the HKSAR. This concern is made the more urgent by the stipulation in the Basic Law that heads of major government departments must be Chinese nationals, although there is no requirement of language skills for these officials. The concern extends not only to whether official records will switch from English to Chinese after 1997 (and thereby create related problems of continuity) but also to whether future civil servants might need to work in Putonghua rather than Cantonese and/or English.

Education

In the field of education a wide range of issues has emerged. They centre on a number of topics: (1) the desirability of switching from English to Chinese as the principal medium of instruction, (2) the upgrading of the English standard of the young people, (3) the choice of Cantonese or Mandarin as the Chinese medium of instruction, and (4) the link between the tertiary sector and the secondary sector.

The present Hong Kong government has become a strong advocate of (1) and, among other things, has set up a committee in the Legislative Council, which has been charged with the responsibility of formulating and implementing plans to ensure a sufficient supply of Chinese textbooks for all school subjects within a few years to facilitate a switchover. It has also put forward a plan for implementation whereby only 30 per cent of secondary students would be streamed into English-medium schools, with the remaining 70 per cent going to Chinese-medium schools. This plan has met with resistance from a wide spectrum of schools and parents who are overwhelmingly against a total switchover for such a majority of students. One of the concerns is the impact this would have on the standard of English.

For (2), the government had initiated a controversial scheme whereby expatriate teachers who are native speakers of English were brought to Hong Kong. Two were assigned to every school to enhance the teaching of English. In a number of reports some teachers found themselves ineffectual because in the classes to which they have been assigned they found the standard of English among the students to be so much lower than expected that they were unable to achieve their objectives. Opponents of the scheme argued that it would be much more cost-effective to divert some or all of the resources towards enhancing and upgrading the standard of English among local teachers.

On (3), there is often misunderstanding over or underestimation of the significance of the difference between Cantonese and MSC, reflecting insufficient understanding of three-language problems (English, Cantonese, MSC/Putonghua) in a two-language system (English and Chinese). Following the past philosophy of using English as the medium of instruction, some educationists advocate the use of Putonghua as the medium of instruction as a way of enhancing the acquisition of MSC and/or in anticipation of the upsurge of importance of Putonghua after 1997. The opponents argue on practical grounds and on the basis that the language of early socialisation of the child should be maximally utilised,

especially in the sociolinguistically complex Hong Kong society. In short, they would like to assume equal importance for Chinese and English, and are concerned about the child being exposed to both Putonghua and English as a second or foreign language concurrently.

On (4), there is mounting concern that current trends in language education, including changes in the medium of instruction at the school level, will adversely affect the tertiary sector. At present there are seven public institutions in the tertiary sector: three universities, two polytechnics and two colleges, all of which grant degrees. One of the three universities offers a four-year undergraduate curriculum (as is the case in China) and takes in students after Form VI (i.e. after 12 years of schooling) while the others have been offering three-year degrees and take in students after Form VII (i.e. after 13 years of schooling). Concern for general standards and general education has been such that one university embarked on a plan to switch from a three-year to a four-year degree structure so that the additional foundation year could be utilised to strengthen the student's language skills in both English and Chinese, as well as his general education. If this plan was to proceed with government funding, there would have to be financial implications, for the remaining institutions would want to follow. The government took a strong stand against this plan and has successfully applied pressure to standardise all degree courses to three years. Thus, cost-effectiveness has become an issue in matters relating to language.

Language planning

Professional linguists concerned with language planning have put forward a number of propositions (see also Tsou, to appear):

- There should be overall planning on language issues rather than piecemeal policies within different government departments concerned with, for example, legal matters, civil service, and education.
- The functional value of Cantonese in Hong Kong should be fully differentiated from that of Cantonese in the Pearl River Delta region and evaluated only against the local background in Hong Kong. (There are indications that this proposition did not register well with the parties concerned. After representatives from this group spoke to several visiting PRC members of the Basic Law Consultative Committee during the open consultation period, one of the newspapers, *Wen Hui Bao*, which has direct PRC connections, singled out this proposition for ridicule. Furthermore in the summary of discussions

by its sister paper, *Ta Kung Bao*, there was no mention of Cantonese in any context.)

- The importance of MSC and Putonghua should be vigorously promoted in specifically planned domains and the promotion should be timed so that it does not adversely affect the viability of Hong Kong.
- There should be adequate legal safeguards regarding language choice and language rights of the Hong Kong residents. There should be also clear legal provisions for the language requirements in the official domains.

CONCLUDING REMARKS

While it may be premature to state with any certainty what changes there will be after the HKSAR comes into existence on 1 July 1997, the resolution of a number of basic issues will have a bearing on the language questions in Hong Kong. The issues include many conflicting ones and, as described above, centre on nationalism and indigenous rights which would favour greater prominence for Chinese while those centring on pragmatism in terms of governance and economics would favour the maintenance of English as a pre-eminent language. Nationalism and indigenous rights will also bring about conflict between Putonghua (Mandarin) and Cantonese.

This is on the assumption that attainment of symmetric bilingualism in English, Cantonese, and Mandarin is not practical for the majority of the population. The policies which will determine the distribution of skills in bilingualism and trilingualism in the educational system will entail a great deal of deliberation with wide-ranging implications.

Despite these questions which still have to be resolved, it is quite likely that changes will be initiated in a number of domains with some critical turning points, for example:

Official language/languages

The present Legislative Council permits only the use of English and Cantonese in verbal debates. There will be very likely changes to the status quo. The question is when and what changes would be implemented. Will Putonghua be added and will either Cantonese or English, or both, be removed?

Will English be retained as the language for official records in the future civil service? Will English be replaced as the official language in

formal meetings within the civil service and Cantonese in official functions outside it? At present, translators in the civil service who perform bi-directional mediation between written English and Chinese are known as Chinese language officers, which is a reflection of the colonial structure. Will they be renamed English languages officers or the more neutral translators, or simply language officers.

Media

The two local Chinese television channels now broadcast almost exclusively in Cantonese, except for some late-night reruns of films which may be in Mandarin with subtitles, and periodic short Mandarin news broadcasts in early morning for one channel. Thus far there have been no legal stipulations on the choice of languages, which is not the case in Singapore or Taiwan. This situation has changed with the precedent-setting stipulation that the new satellite TV station based in Hong Kong cannot broadcast in Cantonese (i.e. only in Mandarin). This is not motivated politically but by the protection of the commercial interests of the existing TV stations. Nonetheless, this is a precedent in languages stipulation in a non-traditional official domain.

Contracts

Will the present requirement of an authentic English version for all commercial contracts be retained? International trade, which is of pivotal importance to Hong Kong, may be affected if this is not the case. On the other hand, commercial contracts with parties in the PRC would require an authentic Chinese version. How would the two kinds of requirements be mediated?

There is a notable shortage of trained personnel who could mediate between written Chinese and English, or between spoken English, Mandarin, and Cantonese. What changes might be implemented in the educational sector which would meet these requirements in the most realistic and expedient manner? There will have to be changes which will have wide-ranging implications.

Perhaps the critical signal will be when the new governor of the HKSAR, who will have to be a Chinese national according to the Basic Law, delivers his message to the population on Chinese New Year in 1998. Will it continue to be in English with a few words of Cantonese greetings? If not, what language(s) will be used?

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Summary

VIII

Size Factor

CONCLUSIONS

In the course of this study, the author has endeavored to present a summary of the results of his research in the field of the size factor. It is hoped that this summary will be useful to those who are interested in the study of the size factor. The author has endeavored to present a summary of the results of his research in the field of the size factor. It is hoped that this summary will be useful to those who are interested in the study of the size factor.

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Summary

Elize Botha

I am going to try to tell a story about this conference. In the spirit of everything that we have experienced the past four days, it will be the view, perhaps I should say: the view and the perception of one person. I find it a comforting thought that this summary session will be based on different perspectives. This will ensure that one vote, one view, one 'language' will not dominate proceedings, but that you will experience a reflection of the multifacetedness of the subject that has been investigated in the course of these few days: language, the language of the law, language rights, equality.

Since English has played an important role as the medium of communication at this conference – one could say, as a facilitating language – I shall leave the familiar surroundings of my mother tongue and endeavour to present my observations in English. I do so, not because I do not trust interpreters – this conference, in this respect, as in many others, has enabled us to experience a marvellous paradox: if there is one suspect (among many others) who is prominent in my story, it is the interpreter; but at the same time we have been so excellently served by our translators here in making us intelligible to one another. A hearty word of thanks, then, for the creation of the translation services, and for the excellence of our translators themselves.

I shall therefore sum up in English, because so many of the keywords, the leitmotifs in my story, as it unfolds, have been formulated in English.

You would have gathered that I have a literary turn of mind: hence the emphasis on story, key words and motif. But I must also, as the storyteller, elucidate my point of view.

I have had the privilege, especially over the past four years, of being a listener at, and a participant in, various conferences at which the discourse on the language dispensation in South Africa has been developing. Thus I sat at this conference with ears especially attuned to the South African situation. My delight stemmed not only from the light being shed on the South African situation itself, however, but from the light being shed on a world of common problems, common opportunities, common endeavours.

A few words about the changing discourse in South Africa: some three and a half years ago, in September 1988, at a local conference on the teaching of Afrikaans, participants, who are also present at this conference, were more or less shouting at one another, because their views on language and literature were so widely divergent, so we thought, as to be mutually incomprehensible, and mutually exclusive. Although some divergent views on the South African situation also became apparent at this conference, especially with regard to the status and choice of present and future official languages, and the role of legislation in regulating the free and natural development of languages in South Africa, we have been presenting these views in a spirit of commitment, reaching out and seeking, not necessarily solutions, but ways and means to achieve possible solutions.

In the developing discourse on a language dispensation for South Africa, this conference is of particular and exhilarating significance in creating a meeting-place where common theses could be advanced. Exhilarating also, was the way in which the South African 'text' was seen to be linked, intertextually, with themes in the story of language and its speakers worldwide.

I shall try to articulate some of these themes. First and foremost, there is the theme of multilingualism being experienced as richness and, in very many cases, an embarrassment of riches. Although this richness should be maintained and fostered, the view emerged that, to ensure freedom, freedom must be contained. 'The absolute limit of the right of the individual is the right of another/the other.' And so it follows that this richness cannot be enjoyed without some discipline, some regulation.

Numerous examples of enshrining *rights* by means of *rules* were presented and, so far as the South African situation is concerned, something akin to a 'territorial imperative' emerged – shall we borrow from T. S. Eliot and speak of the role of 'significant soil' in the discourse on language rights? Or from Shakespeare, and speak of 'a local habitation and

a name'? In the recognition of the unique existence of a language, its ties to the history of a people in a particular place play a most significant role.

In our discourse the approach to *rules* was also characterised by circumspection and sensitivity. Language as the most human of human characteristics constantly placed 'the notion of some infinitely gentle, infinitely suffering thing' (T. S. Eliot again!) at the centre of our deliberations. There has been a felicitous absence of jargon at this conference; there was a singular softness in our terminology. We spoke of human dignity, of tolerance and respect. We spoke of accessibility and true understanding. Could one not say 'of loving one's neighbour as thyself'?

In sociolinguistics, language attitudes play a crucial role – so we have been taught. And it is in this respect that this conference not only articulated 'preferred' attitudes with a view to avoiding conflict in the coexistence of a diversity of languages in a shared territory – it also served the need for each one of us to scrutinise anew our own attitude to our own use of language in respect of 'the other'.

Much has been said about the dire need for literacy in this and other countries, but a veritable rainbow of meanings enhance the concept of literacy. Let us consider *functional literacy* in the mother tongue and more, to ensure participation of the individual in the various systems sustaining his community; *interlingual literacy*, to enhance truly mutual understanding and language peace. But another dimension of literacy emerged at the conference, one which we might call '*intralingual literacy*': the ability of speakers who ostensibly use the same language, but at different levels, to understand one another effectively. This, as I see it, revealed a paradox, an irony in our situation as academics: in drafting documents, policies enshrining equality which of their very nature have to be explained to our 'taalgenote', we find ourselves in a dominant, even elitist position. This highlights an inherent inequality in the human condition: even my choice of the word 'levels' testifies to this condition, even our recognition that there is a 'top' and a 'bottom' testifies to it. Does this induce scepticism, cynicism even, in our discourse? I would suggest that it stressed the need for an extremely sensitive awareness of *responsibility*. And so it is to be expected that, especially towards the end of a rocky Wednesday, the necessity of perfecting the will in all these matters came to the fore, the need for all our deliberations toward justice and equality to start from the *heart*.

Perhaps there is even a secular, poetic prayer for this conference:

Sir, no man's enemy, forgiving all
except the will its negative inversion –
be prodigal; send to us power and light,
a sovereign touch ...
new styles of architecture,
a change of heart.

(W. H. Auden)

At the beginning I spoke about paradoxes – about all kinds of tensions between concepts.

The conference has brought a wealth of facts to the fore, facts that compellingly require *attention*. But there was also evidence of mistrust in respect of the methods used to gather data.

There was a tension between *suspicion* and *hope*, between *freedom* and *prescription*. It emerged how valuable language is as a vehicle for *creativity*, but also how it can be *misused* as an instrument of exploitation and suppression of the truth.

The crucially important role of translation and interpreting services, and the major hiatuses in this area, as well as the new, dynamic approach of 'language industries', received great emphasis.

It was also clear that language diversity is, in essence, cultural diversity, and that *cultural literacy*, a knowledge of one another's cultural contexts, is an essential dimension of our accommodating each other in problematic language situations: the word, the concept *holism* comes to mind.

In view of the complexity and interwovenness of language legislation and language rights with the human condition in its complex guises, and the manner in which many of these nuances and complexities have been articulated and illuminated during this conference, I believe that the results of these proceedings should be brought concisely and expressly to the attention of the broader public, but also, and very specifically, that they must be dealt with at the negotiating forum. These discussions must not be forgotten and allowed to fall into oblivion. It is also our responsibility and our charge to see that this does not happen.

Conference of the International Academy of Language Law: summary impressions

C. T. D. Marivate

A total of over 33 papers were delivered on the following aspects of language and law:

- Language and equality
- Language and law: theory and practice
- Language rights and human rights
- Language and law in the African context
- Language and empowerment
- Language empowerment for the South African situation
- Language contact, conflict, coexistence and cooperation
- Handling language disputes and implementation of language rights.

The right thing would be to comment on all the papers delivered in order to do justice to the contributors. Surely, besides the fact that it is humanly impossible to give a summary of all the papers delivered here within the short time allotted to me, it would be naive of me to try to make such a summary. What I will attempt to do is to give my brief impressions on the deliberations. At the same time, I will make some comments on

some of the ideas raised during the last four days. These comments will mainly be my subjective impressions. I apologise to some contributors if I make no comment on their contributions. However, I hope you will all agree with me that all of the papers delivered here were of a very high standard and that you all join with me in thanking all the contributors for their hard and qualitative work. Thank you one and all.

During my summary, I may refer to one or two contributors. However, this does not mean that their contributions are worthier than those not cited. All contributions have been invaluable, as I mentioned earlier.

Let me start by stating how thankful I am for having been involved in this conference. It has opened my eyes to the close relationship between language and personality. I have come to realise that when you are dealing with the language of a people, you are dealing with the very core of their being and their existence. This is a very very sensitive, fragile and dangerous aspect of human life which needs to be handled with the utmost care. Unfortunately, in the past many mistakes have been made the world over by callous and insensitive language policy administrators and many lives have been lost as the result.

One thing which came out loud and clear is that there are very few monolingual societies in the world living under the same political sovereignty. Most countries have multilingual and multicultural societies. The problem of one powerful group dominating the others by imposing its language on the others is a real one indeed. It has also come out very clearly that there is a definite link between language and power. However, as stated in some of the opening remarks, multilingualism is a challenge to the members of any society. They have to find solutions for the sake of peaceful coexistence. And unless they are aware of the sensitive nature of language, they will commit serious blunders which may even lead to bloodshed.

Justice Olivier warned that if the status of a language is threatened, the group itself feels threatened and may react violently, which again is a plea for handling language problems with care.

Dr Peeters rightly stated that language is an element of identity for the individual and his/her language group. Consequently, anything which affects the language of a person affects the heart of that person and/or that group of people.

Another issue which came out loud and clear is that language is a means of empowering individuals. It is through language that people gain

access to resources. To use Professor Msimang's phraseology, language is a bargaining tool in the labour market.

LANGUAGE AND LAW

As this conference concerns mainly language and law, it became very clear that every effort should be made to have the accused addressed in the language which will make the facts very clear to him/her. Many so-called offenders are wrongly convicted because of language misunderstandings, as it was ably pointed out and illustrated by Dr Kimane and Mrs A. E. Stewart-Smith.

SOLVING LANGUAGE PROBLEMS

The most interesting aspects of this conference were recipes produced by various contributors on how to solve language problems. I was particularly struck by Dr Turi's remark that everyone approaches a language problem from the point of view of the status of his language. This is a very significant statement. In short, it means that those whose language is not threatened will not approach the same language problem as those whose language is threatened. This means that seeking solutions to language problems is generally influenced by the position and the status of one's language.

Another important consideration was the point mentioned by Dr Simons that a recipe applied in one country will not necessarily solve language problems in another country. Dr Simons stressed the fact that solutions to language problems are country specific, that is, they are unique to that specific country. Dr Simons went on to warn that language peace is essential for the attainment of political peace in any multilingual society. He warned that to attain language peace, one must start with the people and not with legislation. Emphasis should be on the people, that is, agreement with them. He emphasised the importance of the attitude of people and stated that complete understanding with the people concerned is of paramount importance. This ties in very well with the language policy of the African National Congress (ANC) as explained by Dr Albie Sachs and Mrs Buthelezi in discussions at this conference, namely that language planning should be done with the people and not for the people. Dr Sachs made a very important point, namely that people are flexible and accommodative and will even help in adjustments if their rights are acknowledged. It is all very well to say 'use scientific facts and not sentiments', as advocated by Professor J. Combrink, but with language planning, senti-

ments and attitudes are very important and should be addressed first. 'Officialising a language from an ivory tower is very dangerous,' said Mrs Buthelezi.

SOLUTIONS FOR SOUTH AFRICA

South Africa has a multilingual society. Admittedly, costly mistakes have been made in the past mainly because of language planning without consultation. These should be avoided from now on. One thing to be considered in solving South Africa's language problem is looking at arrangements in other countries. Dr Gassner clearly illustrated how Austria solved its language problems by regionalising language cultures. Perhaps that is something South Africa should seriously study.

THE QUESTION OF MINORITIES

The question of the language rights of minorities in a multilingual society came up now and again from the different speakers both from the stage and from the floor. Professor Cluver warned against bias. He said that language bias and elitism have condemned the less privileged sector of the South African population to silence. Professor Cluver advocates paying attention to all the language sectors of our society irrespective of their numerical strength.

I belong to a so-called minority language in South Africa, namely Tsonga. Another minority language is Venda. These two languages have suffered tremendously in the hands of language policy planners of this country, especially in the country's mass media. I am glad to note that the ANC has put these two unfortunate languages on a par with other languages. Professor Kashoki's advice should be heeded, namely that legal and constitutional protection of language minorities can certainly alter the position of the linguistic minorities and thus contribute towards better relationships between majority and minority communities.

THE QUESTION OF A FUNCTIONAL LANGUAGE

In South Africa, the question of a cross-cultural communicative language should receive serious attention. Dr Van der Rhee at this conference called it a *linking language*. I would rather call it a *functional language*. I would not opt for Fanakalo, which is a degrading and debasing language and therefore hopelessly detested by Africans (blacks). The tendency towards a functional language for meaningful cross-cultural communication in South Africa points towards English. In other countries it may be

French or German or Spanish, depending on the colonial powers which dominated those cultures in their early histories. In South Africa, the trend is towards English. English is no more the language of England; it has become the communicative functional tool of a large section of the population of this world. French is the next, followed by German and then by Spanish.

To come back to English in this country, that is why blacks prefer it as a means of acquiring knowledge. English is a window through which one can peep at the international arena. Perhaps that is the reason why Namibia opted for English as its official language in that country's language planning policy.

CONCLUSION

The cross-fertilisation of ideas on language problems and their solutions especially from our friends from abroad has been very valuable. It is only hoped that ideas espoused here can be passed over to politicians, especially to the negotiating forum so that past mistakes of biased language planning and policies can be avoided. The country cannot overlook this important aspect of life in our country with impunity.

Lastly, it came out loud and clear that multilingualism is a blessing. The Afrikaans saying, 'so veel tale as ek kan, soveel male is ek man' (A person who speaks many languages is more of a human being) is very appropriate. A person who speaks more than one language is richer and more blessed than a person who speaks or understands only one language. A key to a man's heart is his language.



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