



South African indigenous languages in teaching and learning: policies and the threat of cultural genocide

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Abstract

South Africa is a multilingual country with 10 indigenous, English, and Sign Language as official languages. Before 1994, only English and Afrikaans were used as languages of learning and teaching (LOLTs) at all educational levels. Indigenous African languages were only used as LOLTs to Grade 3. 1994 led to new expectations regarding the use and development of indigenous languages as LOLTs. Government seemingly intends to eventually make English the only LOLT at school and higher education levels. Concerns have surfaced regarding the possible ‘murder’ of indigenous languages and the violation of people’s human rights through language policy implementation. An education law and policy lens was mostly used to examine issues. I wrote the article as a critical analysis of extant literature and used Skutnabb-Kangas and Phillipson’s (1994) concept of linguicism as the theoretical basis of my examination of data. It led to my conclusion that the emergence of English as the juggernaut language in education could probably lead to the revival of colonization, the assimilation (or ‘destruction’) of indigenous languages, and ‘cultural genocide’ called multilingualism. McIlwraith’s (2014) letter of advice to language and development leaders after a 2013 international language conference in South Africa and cited in the conclusion of the article still provides a fitting conclusion resonating with the content of the article.

Keywords: Indigenous; Decolonization, Coloniality; Assimilation; Linguicism; Multilingualism.

Introduction

Change in organisations

Any change in any organisation gives rise to uncertainty and anxiety among its members. They ask questions about how the impending change will affect them and their interests. Having to deal with the multitude of languages in South Africa necessitated comprehensive policy changes from 1994 onwards, inevitably leading to uncertainty and anxiety.

Language is quintessentially a human phenomenon with multiple interwoven dimensions, which should be reflected in all educational policies. Although the South African government’s education language policies ostensibly support a multilingual approach to language, the dominant position of English as a “world or foreign language” is obvious in all policies while the development of indigenous

languages as languages of learning and teaching (LOLTs) is neglected.

The term “indigenous languages” is preferred to the term “minority languages” used for example in the USA and Canada to refer to the languages used by indigenous people of countries about which Kehinde (2006) as cited by Mart (2011, p. 191) observed that “the replacement of language by colonizers poses frightening dangers to indigenous people”. “Western colonisers are not content with pillaging human and material resources to sustain and consolidate power over their colonies. They also [want to] destroy the indigenous cultures and values (religion, language, and dressing codes)” of the indigenous people [Insertion by the author]. The destruction of more than just an indigenous language can also be accommodated by the unique term “linguicism” (developed by Skutnabb-Kangas in 1988 as cited in Skutnabb-Kangas and Phillipson (1994) which enriches Kehinde’s (2006) observations.

Kehinde (2006, as cited by Mart, 2011, p. 191) might as well have included Skutnabb-Kanga's concept of "linguicism" in association with the more general idea of the "assimilation of indigenous languages" when he discussed the idea of "the frightening dangers" the replacement of their indigenous languages poses to indigenous people. Skutnabb-Kangas developed the idea of linguicism in 1988. Skutnabb-Kangas & Phillipson (1994) quote the definition of Skutnabb-Kangas which confirms the multifaceted nature of language and mentions some of the dangers indigenous language speakers may fear when they find themselves in a position where their language is being "assimilated":

Discrimination by means of language can be analyzed as a reflection of linguicism. Linguicism is defined as: ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and resources (both material and non-material) between groups which are defined on the basis of language.

The paragraphs above linked the multidimensional nature of education and the anxiety and fear indigenous language speakers experience regarding the assimilation when their languages are assimilated or destroyed by governments. Such anxiety or fear is also experienced when people become aware of planned language policy and practice changes and the associated possible assimilation of indigenous languages accompanied by the negative consequences that accompany such changes as set out by Kehinde (2006) cited in by Mart (2011, p. 191).

International perspectives on historical assimilation events and current megatrends

The fears of indigenous speakers are not unfounded and speakers of indigenous languages have ample reasons to be apprehensive or even petrified of what may happen to their mother tongue languages. In the following paragraphs, I will use some international documents dealing with historical events and mega language trends support an international perspective the concerns about the results of the assimilation of indigenous languages produced among others by the United

Nations Department of Social and Economic Affairs (2008) (hereinafter UN 2008) and the United Nations Department of Economic and Social Affairs (UN DESA) (hereinafter UN DESA (2023)).

The UN DSA (2023) avers that 40% of the 6,700 languages spoken worldwide are in danger of disappearing. Indigenous people make up less than 6 percent of the global population, yet they speak more than 4,000 of the world's languages. Most of the languages that are under threat are indigenous languages. The UN 2008 (p. 2) points out that 300 to 400 million indigenous peoples speak about 5,000 of the known 6000 languages worldwide.

The above figures do not differ significantly but the UN 2008 raises a very alarming issue, saying that "... it is estimated that on average, one language vanishes every two weeks and that half of the approximately 6,000 languages are expected to disappear within the end of the century and the majority of those will be indigenous languages".. It was accepted in the past that, "when an indigenous language disappears (when there are no longer any speakers of the language) then the group itself does no longer exist" (UN 2008).

These statistics must be viewed since "one language vanishes every two weeks and that half of the approximately 6,000 languages are expected to disappear within the end of the century and the majority of those will be indigenous languages" (UN 2008). The above statement is bound to create high levels of anxiety among indigenous language users exacerbated by the statement of Kehinde (2006) cited in Mart (2011, p.191) that "Western colonisers are not content with pillaging human and material resources to sustain and consolidate power over their colonies. They also [want to] destroy the indigenous cultures and values (religion, language, and dressing codes)" of the indigenous people [Insertion by the author].

The destruction or assimilation of indigenous languages is not a given fact. UN 2008 (p. 2) states that the argument that, when an indigenous language disappears, "the group itself does no longer exist". UN 2008 (p. 2) refers to the

“Ainu, Maori, the San of the Kalahari Dessert in Namibia and South Africa and most Aborigines in Australia” as proof of the contention that indigenous groups do not necessarily disappear when their languages disappear. Although this observation does not do much to eradicate the negative effects of the assimilation of an indigenous language, it does provide a ray of hope for indigenous peoples. I discuss what happened in Canada, the USA and Africa where the colonizers tried to destroy indigenous languages and were not concerned about the many serious side effects of such destruction for a country. I also mentioned some countries where assimilation attempts failed. The document of the UN DSA (2023) presents a substantial number of other countries where similar situations occurred and, together with the UN 2008 document it invalidates the assumption that the destruction of an indigenous language inevitably removes all the hope of indigenous people and takes away all their opportunities to shape their own future in accordance with their future vision.

South Africa's national language policy

As far as South Africa's national language policy in education is concerned, there have been two pivotal occurrences. The first was in 1994 when the apartheid system of organizing languages in education was changed. The second decisive moment was when the Basic Education Laws Amendment Bill (BELA) of the Republic of South Africa (hereinafter RSA, 2021) was approved by the Portfolio Committee on Basic Education on 26 September 2023 (Fraser, 2023). This Bill which is essentially a proposal to improve the legislation on education in South Africa in order to make the provision of equal and quality education for all possible. The Bill has been under development for more than ten years and the latest news is that the National Council of Provinces decided on 3 April 2024 to allow the Western Cape Province to give the province more time to supplement its mandate to negotiate the Bill (Prince, 2024). Although the Bill contains many proposals which seem to be acceptable to most educationists, there are two proposals about which the debating has not subsided. One of them proposes that the Head of Basic Education in a province will in future have the final say on the

language policy of a public school and on its admission policy. The concern about the proposals is that they might lead to the infringement of the fundamental rights of people wanting to exercise their right to be educated in the official language of their choice in public schools and that the indigenous languages themselves might eventually be “killed” as set out by Sayedayn (2021, p. 136). A bill must also be approved by the National Council of Provinces (NCP) before it can be signed into law by the President of the RSA. The Select Committee on Education within the National Council of Provinces (NCP) has reopened the BELA Bill for public comment (Fraser, 2023) but has not yet approved it at the time of the writing of this article.

In this article, I will be looking at the almost inevitable contestations involving multilingualism, the promotion of African indigenous languages in education, and the essential meaning of a language. I will also incorporate legal principles that need to be obeyed regarding a multilingual language policy in education.

I will begin by briefly discussing perspectives from some foreign countries, where speakers of indigenous languages have faced grave challenges because their countries were taken over by foreign countries that tried to assimilate or destroy their indigenous languages and other aspects of their native culture as part of widespread efforts to cement the place of English as the world's dominant language. and cited in the conclusion of the article. With the change of language confronting them came other trials such as separation from their families, the possible ‘death’ of their mother tongues and a decline in the career and other opportunities of students.

I will then analyze past and present South African policies on languages of learning and teaching (LOLTs). After the analysis, I will critically examine concerns about South African indigenous languages in education policies, including legal and other issues.

Assimilation, destruction and linguistic concerning indigenous languages: international perspectives

Canada

Prof Piet Meiring, an eminent theologian and representative of the Afrikaans church community in the Truth and Reconciliation Committee (TRC) of South Africa in the 1990s, wrote a book (Meiring, 2022) relating his discussions with prominent statesmen and theologians from around the world, among others about issues arising from the work of the TRC. One of the countries to which he was invited after the South African TRC concluded its work was Canada, where he interacted with the leader of the Canadian TRC, Judge Murray Sinclair.

The Canadian TRC was also tasked with examining an initiative by the 19th century Canadian government known as the Indian Residential School System (IRSS). This one-and-a-half century project ended in 1996 and the Canadian TRC started its assessment in 2009. In 2015 a report on the Canadian Indian Residential School System was released to the Canadian people (Meiring, 2022, p. 179).

During the 19th century, the Canadian government decided to make the indigenous population “good Westernised English-speaking Canadians” (Meiring, 2022, p. 177) through the IRSS assimilation system [Free translation of a quote by the author]. Thousands of boys and girls were taken from their families to boarding schools – often by force. The process ended in 1996, but up to that time 150 000 children had been moved from their parental homes (Meiring, 2022, p. 177). During the 150 years of the IRSS, 6 000 children died because of their tribulations and hardships (Meiring, 2022, p. 177).

When the Canadian TRC began its work, there were still 80 000 survivors of the IRSS. From their interaction with the TRC, the hardship, adversity, and suffering life in the IRSS institutions became clear. Students were forbidden to use their mother tongues and were severely punished in case of transgressions (Meiring, 2022, p. 177). The survivors’ stories were awful: circumstances in the boarding houses and schools

were poor; there was physical and psychological maltreatment; sexual harassment was frequent, and everything was made worse by alienation from their language and culture and also from their parents and other family members (Meiring, 2022, p. 177).

Worst of all was that the survivors lost their identity and self-respect (Meiring, 2022, p. 177). The most shocking aspect of the TRC report was that the TRC informed the Canadian people that the IRSS amounted to nothing more than ‘cultural genocide’ (Meiring, 2022, p. 179).

United States of America

Literature from the USA shows similar and different practices to the Canadian IRSS strategy. I used two sources that showed differences and similarities. What the USA government attempted, namely “to achieve assimilation of Native Americans into mainstream American culture” proved to be disastrous (Wikipedia (https://en.wikipedia.org/wiki/American_Indian_boarding_schools)). Apart from the Wikipedia article, I also consulted an analysis of a report written by Waxman (2022).

Waxman (2022, para. 1) refers to a report of the USA Department of the Interior on the “federal Indigenous boarding schools designed to assimilate Native Americans in the late 19th and the early 20th centuries”. This federal assimilation attempt began in 1819 and lasted until 1969. The USA had 408 boarding schools; the report’s main finding was that learners educated in these schools lost their self-respect, their identity, and their dignity as a population group.

These harrowing findings correlate closely with the Canadian IRSS experience. Both these assimilation programmes were intended to get students to exchange their indigenous languages for English. There are policy indications as set out below that the South African government may also be intent on destroying indigenous African languages and retaining English as the only official language of government and education.

Waxman (2022, para. 6) makes a statement which is cited in the conclusion of the

article and which casts shame on educators by stating that:

... we always have to remember that the goal of the schools was assimilation, but it was also about native people. To me, the great genocide of the boarding school era is the land loss and dispossession that accompanies the boarding school policy. People at the time thought Native people could just abandon their homes and reservations and tribal ways and wouldn't need a homeland anymore (Waxman, 2022, para. 6).

This last view of Native people amounts to theft or illegal land invasion of Native people's property.

The following paragraph presents a clear picture of aspects of life in the IRSS schools (Waxman, 2022, para. 2):

Schools forced removal of indigenous cultural signifiers: cutting the children's hair, having them wear American-style uniforms, forbidding them from speaking their mother tongues, ... Cases of physical, emotional and sexual abuse were identified in the 20th century

The Wikipedia article

American Indian boarding (residential) schools were established and their "primary objective was to civilize or assimilate indigenous American Indian children and youth into an Anglo-American culture. In the process, these schools denigrated indigenous culture and made children give up their languages and religion" (Wikipedia, para 1). In this process, the idea that languages are phenomena intertwined with many social and educational issues was confirmed.

The author of the Wikipedia article quotes an observation by Dr Julie Davis on American Indian schools, which might well inspire and shape indigenous language protagonists in South Africa's responses to new language policies in the future:

These institutions, intended to assimilate Native people into mainstream society and eradicate Native cultures, became integral components of American Indian identities and eventually fueled the drive for political and

cultural self-determination in the late 20th century (Wikipedia, para. 3).

To successfully ward off attempts to install English as the only LOLT in education, proponents of South African indigenous languages could benefit from noting that the indigenous language speakers in the USA were actually the people who initiated and fought the battle for cultural self-determination. That this same 'power' also exists in South Africa is clear from the failure of attempts to use English to prevent Afrikaans from being a LOLT. This does not mean that efforts to disempower Afrikaans and other indigenous languages will stop.

African countries colonised by the English

This part of my discussion is largely informed by the innovative work of Mart (2011) and Sayedayn (2021).

In his article, Mart (2011, p. 191) quotes Kehinde (2006), who states unambiguously that the replacement of language by colonizers poses frightening dangers to indigenous people. In his opinion, Western colonizers are not content with pillaging human and material resources to sustain and consolidate power over their colonies. They also destroy the indigenous cultures and values (religion, language, and dressing codes). This again emphasizes the multi-faceted faces of language.

A political liberation organization like the African National Congress (ANC), that takes over the government of a country after a peaceful transition (and is therefore not a colonizer), can still use 'foreign' languages such as English to suppress indigenous languages and groups to 'consolidate its power' over its territory. A government that is apparently anti-colonialism could still consciously implement language policies that may have the calamitous effects set out by Kehinde (2006) (as cited by Mart, 2011, p. 191). Assimilation is therefore not necessarily a colonization process.

Wa Thiong'o Ngugi (1986) (cited in Mart 2011, p. 191) summarises the negative effects of colonisation, including its use of a dominant language, as follows: "The process annihilates people's belief in their names, in their languages,

in their environment, in their heritage of struggle, in their unity, in their capacities and ultimately in themselves.” Proponents of the use of indigenous languages in South Africa and elsewhere must be prepared to oppose such processes, either on their own or jointly.

Sayedayn presents a brilliant analysis of issues concerning language and colonization and contributes a great deal to our understanding of how colonial powers use(d) language to suppress indigenous people. He also develops the new concept of [a] coloniality [mentality] that is still present in countries where non-colonizer governments are trying to force a language (in particular, English) on the people of their country so that they can gain complete control over them [Author’s insertion].

Sayedayn (2021, p. 135) warns that the dangers to languages and indigenous people do not disappear when colonial dispensations end. He cites Maldonado-Torres (2007) who avers that colonization has been replaced by ‘coloniality’, which endures as long as language that can generate power is present.

I found a website that also deals with the relationship between colonialisation and coloniality. It describes coloniality as:

[t]he set of attitudes, values, ways of knowing, and power structures upheld as normative by western colonizing societies and serving to rationalize and perpetuate western dominance: The end of colonial administrations in the modern world was not the end of coloniality. (<https://www.dictionnaire.com/browse/coloniality>).

The website thus confirms Maldonado’s (2007) view that coloniality has replaced colonialism / colonialisation.

Sayedayn largely agrees with Mart (2011) and also raises the point that indigenous language speakers should not view themselves as helpless victims of the suppression by a colonial power trying to enforce English on them. He asks and answers the question “Is English a language killer?” (Sayedayn, 2021, p. 136).

He argues that one can only begin to define a language killer by looking at the

phenomenon of ‘language death’. Sayedayn cites and agrees with McMahon’s view that one can identify two types of language death, namely language suicide and language murder. “Language suicide happens when an indigenous language is absorbed into the colonizer’s language in such a way that the two languages are hardly distinguishable” (McMahon, 1994, p. 286 as cited in Sayedayn, 2021, p. 136). “In the case of language murder, the colonizer’s language is instructed at school and the children abandon learning their native language officially. The colonizers’ language completely takes the place of indigenous languages” (Sayedayn, 2021, p.136). He also cites examples of language suicide and murder in “Western countries—including Ireland, Malta, U.S.A, and Canada and non-Western countries (including the Philippines, Singapore, and South Africa”. [Closing bracket after Canada removed by the author]. The citizens of these countries have given up their native languages and have accepted English as their primary language. Consequently, many populations in the previously mentioned countries speak English as their vernacular language” (Sayedayn, 2021, pp. 136-7).

Although Sayedayn acknowledges that certain languages have been ‘murdered’, he also points out that resistance against colonialist assimilation “through policy – and the will of the people – is feasible (Sayedayn, 2021, p. 137). As examples, Sayedayn refers to the successful resistance of Persian speakers against English and French (Sayedayn, 2021, p. 137). What Sayedayn says here resonates with the quote from Davis above that American Indian identities “eventually fuelled the drive for political and cultural self-determination in the late 20th century” (Wikipedia, para. 3). Proponents of indigenous African languages in education in South Africa should note that resistance against a dominant world language and culture can be successful.

South African policies on languages of teaching and learning: past and present

In this article, the focus is on indigenous South African languages in school education viewed through the lens of education law and policy provisions and not on curricular

matters. Policy can only be legally enforceable if it is linked to legal provisions. The Constitution of 1996 being the supreme law of the country, provisions that are not in sync with it can never be legally enforceable.

Policies related to Constitutional and other legal issues

Protection against amendments to the Constitution

The Constitution of 1996 contains the only key mechanism against unlawful amendments to the founding provisions (Section 1) and the entrenched (enshrined) human rights in the Bill of Rights (Chapter 2). Section 74(1) determines in very strict terms how the founding provisions (including language rights in section 6 and Chapter 2) may be amended. Section 74(2) restricts amendments to Chapter 2, and like Section 74 (1), it forbids arbitrary amendments to these provisions in the Constitution.

Other provisions in the Constitution and statutory law

Section 6(1) of the Constitution of 1996 lists the official languages of the Republic of South African. Section 6(2) and contains a provision of particular interest:

Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages [Author's emphasis].

This creates the impression that the Constitution of 1996 compels government to ensure that all languages should reach an equal status. The government's apparent decision to entrench English as the only official LOLT in education stands in stark contrast to the ideal of equal status for all languages.

In the rest of this section, I will discuss other provisions regarding language education policy appearing in legislation and policies.

In legislation

Section 6(5) of the Constitution of 1996 provides for the establishment of a Pan

South African Language Board (PANSALB) established by national legislation, which must promote and create conditions for the development and use of all official languages. However, there does not seem to be much evidence that PANSALB has fully carried out its brief.

Section 7(2) of the Bill of Rights in Chapter 2 of the Constitution makes it very clear that "[t]he state must respect, protect, promote and fulfil the rights in the Bill of Rights". Section 9(3) states unequivocally that "[t]he state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, ... colour, sexual orientation ... language and birth". Section 9(4) places the same restrictions on citizens. The fact that the Constitution refers to 'unfair discrimination' suggests that discrimination can also be fair, but there can be no unfair discrimination on the basis of language.

Section 10 explicitly declares that [e]veryone has inherent dignity and the right to have their dignity respected and protected. A person's dignity is inextricably linked to his/her language and tampering with a person's language inevitably influences his/her dignity.

Section 29(2) provides that "[e]veryone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable". A unanimous judgment in a 2021 court case between the *Council of UNISA and AfriForum NPC* suggests that Section 29(2) also applies to higher education.

Sections 30 and 31 support the notion that language is multi-faceted. Section 30 is clear that "[e]veryone has the right to use the language and to participate in the cultural life of their choice" provided they do not violate the provisions of the Constitution. Section 31(1) declares that persons belonging to a cultural, religious, or linguistic community may not be denied the right, with other members of that community, to enjoy their culture, practise their religion, and use their language; and form, join,

and maintain cultural, religious, and linguistic associations.

The interrelatedness of language with other aspects of a person's life is thus incontrovertibly supported by section 31(1).

For the first time after 1994, the South African Schools Act 84 of 1996 (RSA, 1996b) devolved a number of governance (but not professional management) powers to school governing bodies in all South African public schools. Section 16(1) of the Schools Act (RSA, 1996b) and other sections of the Act specify the governance functions of governing bodies.

Section 6(1) confers on the Minister of Basic Education the power to *determine norms and standards for language policy* in public schools. Section 6(2) states that “[t]he governing body of a public school may determine the language policy of the school *subject to the Constitution, this Act and any applicable provincial law*” [Author's emphasis], while Section 6(3) prohibits “... any form of racial discrimination” in such policy.

This section contains two details that governing bodies should note:

It is not an *imperative* but an *optional provision* – governing bodies are therefore *not forced to determine a language policy* [Author's emphasis]. The word ‘unfair’ does not precede ‘discrimination’. Protection against unfairness may be reduced in this way.

Section 5(2) forbids schools to administer tests related to the admission of a learner to a public school. Testing the language proficiency of future learners in the admission process is clearly banned by this provision and may amount to unfair discrimination.

In Policies

In 2015, the Department of Basic Education published a draft language policy to amend the 1997 policy (Department of Basic Education, 2015). The foreword by the Minister lists the uses of language, but use as LOLTs is unexpectedly not included in this list.

Clause 3.1 states that it is one of the objectives of the department to promote

multilingualism and respect for all the country's languages. Clause 3.4 stipulates that one of the objectives of the policy is to “promote previously marginalised official indigenous languages; and the learning and teaching of all the official languages of the Republic at all levels of schooling”.

Clause 7(2) stipulates that the Department of Basic Education will use English as the dominant language within the department. There are logical exceptions to the rules regarding aspects such as communication with the public, public hearings (*Izimbizos*), and other official proceedings and conditions set out in the clause. Despite the apparently pacifying exceptions, this clause is likely to create anxiety among speakers of indigenous African languages.

The Language in Education Policy (Department of Education, 1997) sets out what has been done in schools and what the amendment policy wants to achieve.

In light of the value of our cultural diversity, Clause 1 of the Preamble tasks the government to promote multilingualism, develop the official languages, and promote respect for all languages. Clause 2 emphasises the well-known fact that past “discriminatory policies have affected either the access of the learners to the education system or their success within it”. Clause 4 of the Preamble states that “the learning of more than one language should [therefore] be general practice and principle in our society” [Author's insertion]. How successful the implementation of this clause has been is still to be determined.

Clause 5 contains the statement that “the underlying principle is to maintain home language(s) while providing access to and the effective acquisition of additional language(s). Hence, the Department's position that an additive approach to bilingualism [which was later changed to multilingualism] is to be seen as the normal orientation of our language-in-education policy” [Insertion by the author]. What is happening in practice seems to fly in the face of the statement in the first sentence, which creates the impression that home

languages were viewed as preferred LOLTs. What the ‘additive approach’ entailed is also not clear.

Clause 6 declares that the “right to choose the language of learning and teaching is vested in the individual. This right has, however, to be exercised within ... the obligation on the education system to promote multilingualism”. This clause resonates with Section 29(2) of the Constitution of 1996 which emphasises clearly that this right must be exercised within the obligations of the education system to promote multilingualism .

The policy ends with how a learner or governing body who is not satisfied with a decision by the specific HOD in this regard may appeal to the relevant provincial member of the Executive Council for Education (MEC) within 60 days. It seems to be a suitable instrument for dealing with languages in education. However, some of the provisions in the policy are extremely complicated to implement and the policy-making process could be improved. Furthermore, the numbering of the clauses in the policy is often confusing and patently wrong in places.

Section 27(2) of the Higher Education Act 101 of 1997 (RSA, 1997) provides that “[s]ubject to the policy determined by the Minister, the council [of a public higher education institution], with the concurrence of the [institution’s] senate, must determine the language policy of a public higher education institution and must publish and make it available on request” [Author’s insertion].

The Language Policy Framework for Public Higher Education and Training Institutions was published in 2020 in terms of Section 27(2) of the Higher Education Act 101 of 1997 (RSA, 1997). It contains some elements that may also have implications for school education language policies. It contains indications that the policy for higher education and training is unstopably being steered in the direction of English becoming the only recognised LOLT in higher education and training. That this policy will spill over into school education is very likely if one considers clause 12.5 cited below.

As is the case with school education policies, this policy identifies multilingualism as its main driving force. It defines multilingualism as follows: “The effective use of multiple languages either by an individual or by a community”. This definition provides little clarity on the phenomenon of multilingualism and may cause numerous contestations between stakeholders about its meaning and practical implementation.

Clause 12.5 highlights a very important duty of higher education institutions without which the language policy cannot succeed. It stresses the “role of higher education in preparing sufficient language teachers, interpreters, translators and other language practitioners, to serve the needs of a diverse South Africa’s multilingual society”. It is highly doubtful whether all higher education institutions can meet these expectations and it is very likely that public schools will be negatively affected by a lack of properly-trained educators.

Clause 18 provides that “[s]ubject to the policy determined by the Minister, the councils of public higher education institutions, with the concurrence of their senates, *must determine* the language policy of a higher education institution and must publish and make such policy available on request”. The council of a higher education institution must determine a language policy, but this is *subject to the policy determined by the Minister* [Author’s emphasis]. This begs the question about the autonomy of universities in this regard.

The most important and clearest provision of the policy is probably Clause 29, which makes it imperative or compulsory that institutions of higher education must recognise “the *de facto* status of **English as the language of learning and teaching across South African higher education institutions**” [Author’s emphasis]. It is doubtful whether a *de facto* status can overrule the clear contemplation of a section of a policy. Again, this clause presents a source of anxiety for indigenous language proponents and a possible cause of litigation.

Concerns about South African language in present and future education policies, including legal and other issues

There are indications that educational language policies in South Africa are being steered in the general direction of the Indian Residential School System (hereinafter IRSS) introduced by the Canadian and also by USA governments and British colonial forces albeit with important differences. The pre-eminence of English to the detriment and destruction of indigenous African languages seems certain to be confirmed.

The concerns I will refer to below have been gleaned mostly from the work of Mart (2011); Sayedayn (2021); Meiring (2022, pp. 176-179); Waxman (2022) and a Wikipedia article (undated).

Concerns emerging from the IRSS initiatives

The IRSS initiatives were primarily aimed at eradicating the use of indigenous home languages and turning indigenous people into Westernized people. There were severe negative consequences for the learners forced into the programmes and people associated with them. It is not unlikely that the IRSS consequences listed below could also emerge in South Africa.

A deterioration of learners' educational achievements.

1) Denying the role of language in a person's identity.

2) The creation of a feeling of inferiority in children because of the ban on speaking home languages at school and being punished if they did use them. A loss of self-respect, identity and dignity associated with belonging to a specific population group may result from the language policy.

3) Destruction of indigenous cultures and values

4) Colonialisation could be replaced by coloniality as long as languages survive and are present in decision-making environments (Sayedayn, 2021).

5) '[l]anguage killing' and 'language death' and the resultant concepts of 'language suicide' and 'language murder' could occur in South Africa and proponents of all indigenous languages should be ready to defend their languages against these threats (Sayedayn, 2021).

Concerns emerging in South Africa

In South Africa, the legal consequences of assimilation or efforts to destroy indigenous languages are mostly unknown to the majority of role-players. They are new and unique to South Africa

The language policy clause in the BELA Bill (Department of Basic Education (DBE), 2021) is intended to amend Section 6(2) of the Schools Act (RSA, 1996b) to compel a school's governing body to submit the language policy of a public school and any amendment thereof to the HOD for approval (DBE, 2021). However, this clause does not propose the removal of the rights of governing bodies regarding the determination of language policies. It rather limits these rights and subjects them to the Constitution, the Schools Act, and any applicable provincial law. The language policy is also limited to one or more of the official languages of the Republic.

The BELA Bill also proposes other additions to Section 6. The HOD may approve the language policy of a public school or any amendment thereof or return it to the governing body with recommendations for change and reasons for such recommendations. The HOD must be satisfied that the policy or the amendment thereof meets the language needs of the broader community in the education district in which the public school is situated. It must consider factors such as the best interests of the child as articulated in sections 9 and 28(2) of the Constitution; sections 6(2) and 29(2) of the Constitution; fluctuations in the number of learners speaking the languages; the effective use of classroom spaces and other resources; and the governing body must review the language policy every three years or at the request of the HOD.

In contrast to subsection (2) of the South African Schools Act (RSA, 1996b), the HOD may direct a public school to adopt more than one

language of instruction (which might be a severe infringement of the rights of governing bodies). If the governing body is not satisfied with a decision of the HOD, it may appeal against the decision or the directive of the HOD to the MEC – this is an existing provision which is seldom used. If the BELA Bill's language recommendations are adopted, governing bodies will have to contend with new expectations: to submit their school's language policy or amendments to the HOD; to review the language policy every three years or at the request of the HOD; and to adopt more than one LOLT as directed by the HOD.

If the HOD does not accept the language policy proposed by a governing body it could have serious and perhaps unexpected consequences: Parents (the majority of the governing body) may feel that the government has turned its back on them and has left their children in the lurch; parents may believe that their children will be disadvantaged should the use of the mother tongue as LOLT not be approved, parents may feel rejected and insulted; and parents may have greater expenses to get their children to a school where a suitable LOLT is offered. It is not beyond the realms of possibility that such government action could result in aggressive protest action and litigation by parents and other speakers of the language(s) in question.

LOLTs of schools will be protected against education departments in the sense that HODs cannot arbitrarily refuse to accept the language policy of a school and force it to change the language policy. The legal principle at play here is the entrenched "right to administrative action that is lawful, reasonable and procedurally fair" (Section 36(1) of the Constitution.) Administrative action is action carried out by somebody that has been given the power or instruction to carry out functions regarding the school's language policy, and HODs must obey this right. Section 36(2) further declares that "[e]veryone whose rights have been adversely affected by administrative action has the right to be given written reasons".

Infringements of the Constitution of 1996

The government's apparent failure to fulfil the expectations formulated in Section 6(2)

of the Constitution could be an infringement of the Constitution, and the government could be held liable. The state's actions regarding language could also violate citizens' right to equality before the law and the right to equal protection and benefit of the law (Section 9(1)). Violating language rights could also harm the inherent dignity of every person and everybody's right to have their dignity respected and protected (Section 10). Forbidding learners to use certain languages would make their right to freedom of expression (Section 16) difficult to use and would impair their human dignity.

The implementation of proposed amendments in the BELA Bill could directly infringe the right in of everyone in Section 29 (2) of the Constitution to choose an LOLT. This is perhaps the most concerning aspect of BELA as far as language is concerned.

The dangers language policy holds for indigenous languages

Statistics revealing the real danger that Afrikaans and other indigenous languages may suffer from the continuing language policy activities have been published (Skoleondersteuning-sentrum (SOS) (School Support Centre), 2021). Other indigenous languages are unlikely to face the same intensity of danger as Afrikaans, which also has to carry the burden of being labelled a language of oppression. However, other indigenous languages could be left underdeveloped as LOLTs, as the home language of learners (LI) is used as LOLT only in Grades 1 to 3. English is introduced in grades 1 and 2 (as an additional subject) and in Grade 4 it becomes the preferred language of instruction (LOI) (UNICEF, 2016 cited in the United States Agency for International Development, 2020, p. 6). This means that these indigenous languages could also eventually disappear from schools.

The information provided by the SOS (2021) was drawn from official sources of the Department of Basic Education (DBE). The SOS (2021, p. 13) concluded that "Afrikaans schools, which become parallel medium, may in the future become exclusively English" [Free translation by the author]. From 2012 to 2020, schools using Afrikaans as LOLT (single medium, double

medium, or parallel medium) decreased by 306 (11%). The number of such ‘Afrikaans schools’ was only 2 249 in 2020. If current trends continue, there will only be 1 100 public schools using Afrikaans as LOLT by 2030 (SOS, 2021, p. 13). Schools that use Afrikaans as medium of instruction are under constant pressure to also offer English as a LOLT. Quite a number of court cases have already resulted from these efforts by the government and the number is set to increase significantly. The authorities have lost almost all of these cases, because Afrikaans schools usually have no school places available in terms of the Schools Act (RSA, 1996b).

On page 9, the SOS (2021) presents a graph indicating how the number of Afrikaans independent schools is constantly growing. It believes that public schools offering Afrikaans as LOLT are likely to become “fully anglicised and will no longer exist as cultural institutions”. learning

Recommendations

McIlwraith’s (2014, pp. 3-4) “Letter to leaders in education on language policy in education” written after the 10th International Language and Development Conference held in Cape Town in 2013 presents a meaningful list of recommendations regarding language policy in education. In the list below, I quoted 6 items from McIlwraith’s list. I changed his statements slightly in some places. Therefore, I did not use quotation marks even if my citations are almost exactly the same as McIlwraith’s words. His letter resonates to a large extent with this article and he lists among others the following recommendations that could guide their work:

- 1) good communication in the right language improves social and economic development;
- 2) choosing the wrong language can cause serious damage in various respects such as children at school who do not learn when the teacher tries to teach them; local communities and their cultures are weakened or can disappear; and there is reduced economic development;
- 3) using people’s home language in official contexts helps them to feel that their

community and culture is valued within a multilingual nation;

- 4) ensure that school children are taught in a language they understand and delay the use of English for several years;

- 5) communicate the fact that children cannot learn things in a language that they do not understand; and

- 6) offer good teaching of important national, regional and international languages.

The UN (DESA) (2023) offers some key messages which all role-players should also remember:

- a) most of the language of the world that are in danger of disappearing are indigenous languages;

- b) indigenous languages are central to Indigenous People’s identity, preserving their cultures and worldviews, critical to expressing their self-determination and existence;

- c) indigenous languages hold vital information about scientific and traditional knowledge on ecosystems, conservation and sustainability that benefits the whole of society. Every time an indigenous language becomes extinct, the millennial knowledge of a culture is lost forever to the detriment of indigenous peoples and humanity; and

- d) inclusive policies can help reverse the trend and preserve the existence of indigenous peoples, their languages, cultures and knowledge.

In addition to McIlwraith’s and the UN DESA’s recommendations, I wish to add that all people involved in and responsible for the provision of quality education should be aware (or made aware of, if necessary) of the importance of the use of appropriate language policies and strategies in education. Such people should be cognizant of the fact that language is a multi-faceted concept which is intimately linked to many factors that determine the quality of life of the country’s people and of each individual. There should be adequate knowledge of the content, application and importance of people’s fundamental language and educational rights.

People responsible for the provision of education should know exactly what responsibilities they accept when they accept particular roles and positions. They should also be able to assess the degree to which all components and levels of the executive arm of government is succeeding in meeting their constitutional and other legal and policy obligations. They should also be able to identify failures and shortcomings and take steps to make sure that the situation improves.

The most important fact that officials should be aware of is that policies do not transform themselves into successful practice” What it is on paper does not automatically turn itself into practice. People should know that development is a process that requires exceptional knowledge and commitment to processes and work to succeed.

Lastly, Sayedayn largely agrees with Mart (2011) and raises the point that indigenous language speakers should never view themselves as helpless victims of the suppression by a power trying to enforce English on them.

Conclusion

Multilingualism has been adopted as the official government education language policy. English seems likely to become the only LOLT in South African schools. South Africa may not be spared the ‘cultural genocide’ or ‘language murders’ reported elsewhere.

While it is also government policy to develop indigenous African languages, among others as LOLTs, little progress seems to have been made in this regard. Coleman (2017) remarks that little is known about the complexity of the language development phenomenon. Worldwide, only a small minority of languages have been developed. The number of languages that ‘die’ is far greater. Policies do not become practice simply by being published.

However, assimilation attempts by colonial and other government powers to eradicate and destroy (‘murder’) indigenous languages and social conventions are not always successful. Some assimilation efforts eventually powered (successful) drives for ‘political and cultural self-

determination in the late 20th century’ (see Davis in the Wikipedia extract).

If the proponents of Afrikaans and other indigenous African languages were to unite, rise up, and oppose the efforts of protagonists who want to assimilate indigenous languages and make English the juggernaut language in education, they might well have to cope with unexpected opposition.

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