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Language and human rights discourses in Africa: lessons from the African experience

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In this article, we investigate the question of who benefits from language minority research by analyzing the discourses of language rights and human rights jointly, because language rights are perforce part of human rights. We argue that some 'small' minority languages flourish and others fail unless speakers of these languages articulate their voices and needs. We also explore how human rights discourses relate to traditional practices. The interests of local communities and the involvement of linguists do not enhance the status of minority communities unless linguists traverse the gap between academic discourses on rights and vernacular discourses on similar topics. African linguists are themselves in a double bind: on the one hand, they seek to promote the interests of local communities and, on the other hand, they have to meet their professional obligations. They are not able to address the material needs of local communities because advocating language and human rights cannot resolve Africa's intractable problems. In addition, epistemologically, African scholarship is not sufficiently contextualized to be relevant to complex, labile, and polyvalent contexts. The defining epistemological trope contributing to the crises in African scholarship on rights and other sociolinguistic topics is 'theoretical extraversion': African linguists construe their professional work as a space to test Western constructs rather than to develop endogenous knowledge practices, a situation that is difficult to overcome.

Keywords: minority languages; language rights; human rights; critical perspectives; language activism

But it is indeed an awful feeling among minorities to have lost one's traditions and embraced those of the dominant population only to find oneself not (totally) accepted by the same population, discovering oneself in a no-man's land, so to speak. Many of us who have operated professionally and often socially exclusively in the economic dominant language have indeed found themselves short changed socially and often professionally–alas, sometimes even in our homelands–when native speakers of European languages receive selective advantage. Unfortunately, the alternatives proposed by Linguists are not realistic ones for us, because the economic underpinnings necessary for the success of these alternatives have typically been omitted. (Mufwene 2010: 927)

Prolegomena

This paper builds on the work of Edwards (2006), who posed the question of who stands to benefit from language minority research. Drawing on examples from

different parts of the world, Edwards concludes that if local communities in different regions of the world benefit from minority language research, the benefits are minimal and fleeting. In this article, we pose the same question. Drawing on examples primarily from southern Africa, we analyze *Tonga*, a language/ethnic group in northwestern Zimbabwe and southern Zambia. Further examples are drawn from southern, southeastern, and northern Africa, particularly the *Dinka*.

Introduction

In this article, we analyze both language rights (LR) and human rights (HR) discourse because LR is perforce a part of HR. The article has two main objectives. First, we critically examine the nature and suitability of notions about rights and language underpinning both HR and LR frameworks. Second, we attempt to capture how people experience HR and LR discourses in order to develop the perspectives of laypersons on these discourses. LR and HR discourses have been developed by professional communities, typically excluding those who might be directly impacted by changes in policy, including the elderly, the young, and women. Unfortunately, eliding and displacing the discourses of the less powerful prioritize etic perspectives (frequently articulated by institutions much more powerful than local communities).

In plurilingual societies, LR are complicated by a number of sociolinguistic factors, such as (a) 'fuzziness of language boundaries, (b) fluidity in language identity, (c) identity claims versus language communication, (d) complementarily of intra-group and inter-group communication' (Khubchandani 1997: 87), and (e) 'echo' systems. The term 'echo systems' refers to the mobility and density of the population, as well as inter-group and intra-group communication. It is conceivable that some of what may be regarded as languages may better be conceptualized as communication amalgams, 'stylistic inventories,' or linguistic ensembles that defy easy categorization. The rise of this 'new' urban multilingualism presents numerous challenges for LR because these linguistic ensembles are constantly in flux, are predominantly oral, exist in diversified linguistic environments, and are often street languages. As a result, they avoid the limitations inherent in the construct language (Cook 2009) and render it extremely difficult to attribute rights to them.

Urban sociolinguistics has shown that plurilingualism is the norm. Globalization processes and their impact on migration and free movement of people have led to diversified environments that pose serious challenges for LR. It follows then that the idea of language occupying a minority status is of questionable validity, even though this idea has been extensively used in the sociolinguistics of LR. Central to LR are notions of community, identity, and language, which are presented as natural phenomena, yet, in a critical perspective, languages are viewed as social constructs (Heller 2007). In addition, the notion of languages as separate, discrete entities and 'countable institutions' (Makoni and Pennycook 2007: 2) is not central to critical linguistics, making categorizations of individuals based on their 'ethnicity' or 'language' (Blackledge et al. 2008) difficult to sustain. The difficulty in categorization is accentuated by 'the messiness of actual usage' (Heller 2007: 13) and the difficulties of maintaining a 'correlational relationship' between language and ethnicity in multidimensional social spaces.

Analytical framework

Our analysis of LR is largely informed by critical perspectives on language, partially drawing upon integrational linguistics (Harris 2009). Integrational linguistics construes language as 'presupposing communication.' Communication is treated as embedded in situations of people, time, and space, which rely heavily on contextual factors. The main thrust in such an approach is how laypeople integrate their social experiences. In integrational linguistics, language is not a code, 'a fixed plan' (Harris 2008; Hutton 2010) of 'hermetically sealed units' (Harris 2008; Hutton 2010; Makoni 1998: 244). From an integrational perspective, the process of naming languages is complicated because it assumes that languages are external entities and not social constructed. Even if this idea is endorsed, it is still necessary to identify and enumerate the number of speakers of a language, which is difficult if the notion of what constitutes language evaporates and is further complicated by the fact that different individuals may not have identical understandings of the 'same' language. From a layperson's perspective, even when speakers claim that they are using the 'same' language, the 'speakers' may not necessarily agree on the characteristics and boundaries of that language. For example, what a speaker may understand as '*chiShona*' today may not necessarily be the same subsequently. This dynamism between speakers and language is overlooked unless a layperson's perspective is taken into account when counting speakers of a language (Harris 2008). The dynamic and constantly changing relationship between speakers and language renders the issue of LR much more complicated than might be initially assumed.

Centering our analysis on emic and lay perspectives, this article addresses the following questions related to LR and HR discourses:

1. How are HR discourses construed in local African contexts, and how do they relate to traditional cultural practices?
2. How are LR discursively framed?
3. How effective are LR as social instruments of change?
4. In what ways is the Linguistic Citizenship (LC) framework successful in overcoming the limitations of LR?
5. Who wins in minority language research? (Edwards 2006: 4)

Results

How are HR discourses construed in local African contexts, and how do they relate to traditional practices?

From an Africanist layperson's perspective, tension between human dignities (i.e., *ubuntu* which means the essence of humanity) and HR is often encapsulated in the expression *umuntu ngumuntu ngabantu* (in Nguni languages): 'no man is an island.' They also feel that these discourses are articulated in an idiom not readily accessible to them, hence the lack of extensive and robust knowledge of popular under-standings of HR. In essence, HR discourses are complicated by the challenges of 'translating rights-talk' into vernaculars. In *chiNyanja* spoken across four countries (Malawi, Zambia, Mozambique, and so widely in Zimbabwe that it has influenced urban *chiShona*, a language spoken in Malawi; Makoni, Makoni, and Rosenberg 2010), HR are translated as *ufulu wachibadwidwe* or the freedom with which one is born (Englund 2001). This terminology demonstrates that even if HR are construed

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as universal, their interpretation can only be locally instantiated through the use of local vernaculars, hence the importance of language in HR and the need for a culturally embedded translation that is cognisant of the original intentions of HR discourses.

AQ4 *How are LR discursively framed?*

LR are constructed differently. In macrocontexts, language is projected as a commodified form of cultural capital. It is an entity which can be owned by a people (*ethnos*) and exists independently of state recognition. From such a juridical perspective, rights discourses intended to be characterized by demands for equality, transparency, and explicitness which are treated from a lay perspective as vague, complementing, and contrary to cultural practices: a vagueness consistent with a communication perspective of integrationism.

Some language activists, as in the case of the *Tonga* in Zimbabwe, strongly object to being referred to as a 'minority language' group and prefer instead to be labeled as an 'indigenous' language (Makoni and Pennycook 2007). The objection to the term 'minority language' is also shared by the *Shangani* in southwestern Zimbabwe. However, unlike the *Tonga, Shangani* speakers prefer the expression 'community language.' Even though the use of this term is consistent with the interests of the *Shangani*, it does not fully resolve their problems as speakers of a minority language seeking to acquire official recognition. In fact, the term is not part of the Zimbabwean government's official discourses about languages. Thus, although useful as a marker of group identity, the term is self-discriminatory because the group is marginalizing itself through its own discourses, thereby highlighting the limitations of micro-ethnic nationalism as a corrective strategy for speakers of minority languages. Most importantly, these views reflect fundamental differences between etic and emic perspectives.

AQ4 *How effective are LR as instruments of change?*

Put simply, LR are ineffective as instruments of social change unless embedded in the history and experiences of lay individuals as articulated in integrationism combined with other strategies, a fact Edwards (2006: 7) forcefully articulates when he comments on efforts by language activists to maintain language:

> One does not cure measles by covering up the spots; one cannot maintain a language by dealing with language alone. A logical approach to language maintenance, and the halting of decline and shift, is to unpick the social fabric that has evolved and then reweave it in a new pattern . . . this is theoretically possible (as with revolutionary upheavals) it is a considerable understatement to say this is a difficult and delicate undertaking.

AQ4 *In what ways is the Linguistic Citizenship (LC) framework successful in overcoming the limitations of LR?*

Even though the idea of language in LC is consistent with integrational linguistics, it does not succeed in overcoming the limitations of LC because the idea of citizenship in LC is based on a Western-centric, binary distinction between those who are citizens and those who are not citizens thus discriminating against the very people it is seeking to serve.

AQ4 *Who wins in minority language research?*

Everyone loses, including communities and African scholars (who may be the same people) because African scholarship has to satisfy the delicate challenges of meeting both the requirements of advocacy and of some views of scholarship. Furthermore, contemporary African social problems are not easily amenable to intervention of LR and HR.

Human rights trajectories

The origins of HR can be traced back to the history of Western cultures (see Plato [BC 427–BC348], Aquinas [1225–1274], Groitius [1583–1645], Kant [1724–1804], and a series of legal documents and treaties such as the American Declaration of AQ5 Independence; see Shi-xu forthcoming). Nevertheless, our entry point into the analysis of HR discourses is based on the 1948 formal Universal Declaration of Human Rights (UDHR). However, HR discourses in both Europe and Africa have a much longer historical trajectory preceding their formal inauguration in 1948. In Europe, LR have 'a long history from the theory of natural rights through divine rights to the agreements made in social contract between autonomous and rationale moral agents' (Hellsten 2004: 62). African roots of HR are assumed to go as far back as pre-colonial Africa. Whether it is historically accurate to trace the HR origins in Africa to this point is insignificant. What is important is the significance of the mythical genesis of HR. The invented genesis is socially significant because activists use it to enhance the moral legitimacy of upholding rights and conversely accentuating the social consequences of HR violation.

HR are bifurcated into civil and political rights (negative rights), on the one hand, and economic and social/cultural rights (positive rights), on the other. Even though HR are bifurcated, they are conceptually interdependent. The objective of negative rights is to protect individual civil rights from state encroachment. Under the positive rights regimen, governments are compelled to provide social services such as health and education to their citizens. Positive rights also have implications for how individuals relate to each other, a phenomenon termed 'horizontal effects' (Hellsten 2004: 74). Arguably, 'rights of language' and 'right to language' (Mazrui 2007: 59) include freedom of expression and distinctions on the right to use whatever language variety one prefers because language practices in the private domain are not regulated by public institutions. The challenge in practice is that the distinction between the private and public domains is ambiguous.

Even though LR is a framework for the institutional support of minority languages, the framework does not necessarily promote the social and political interests of minority language speakers. Furthermore, not all members of minority groups are equally disadvantaged by being members of minority languages, as Mufwene (2010: 915) asks: 'Is it really true that speakers of languages other than the major ones are all disadvantaged because they happen not to have sufficient proficiency in the widely used language?' If this were true, it would be difficult to account for the fact that members of the present economic and/political elite in Sub-Saharan Africa are not all native speakers of the majority languages they use professionally or of European languages that are emblematic of their power. In fact, the proficiency of large proportions of these elite groups leaves much to be desired, at least by 'native' speaker standards.

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Promotion of minority languages may accentuate social divisions, particularly in a climate of ethnic-based political parties (Edwards 2003). Social class differences are further complicated by the possibility of 'polyphonic voices' (Hultton 2001: 5). Furthermore, minority communities do not orient to LR in the same way. In Zimbabwe, promotion of LR projects is complicated by the tension between minorities, as the case of the *Sotho* and *Shangani* demonstrates.

LR movements tend to focus on an essentialized, language-centered view that, although readily amenable to language promotion campaigns and bureaucratic strategies, is ill suited to plurilinguistic contexts characterized by non-standard and unplanned languages (Pattanayak 2000) and failure to account for the high degree of linguistic dexterity in multi-ethnic communication. Governments typically concede to the demands of minority language campaigns when they feel that the campaigns do not constitute a threat to their existence and are not directly associated with oppositional politics. Even when governments concede to demands by minority speakers, they may find that they have spent more time and energy on the promotion of minority languages than the benefits that accrue to speakers of minority languages themselves. In isolation, the promotion of minority LR is not an adequate strategy of redress, and its social effectiveness has been exaggerated (Edwards 2003). Therefore, if one of the objectives of the promotion of rights is to seek redress *and* alleviate poverty, it will be necessary to combine rights discourses with other social redress strategies.

Basically, a language-centered perspective tends to attribute rights to languages and not people, as Fardon and Furniss (1984) noted regarding Africa. While a language-centered universe might be useful for the purposes of linguistic analysis, it may paradoxically lead to discrimination against migrants and refugees. Such discrimination is unfortunate and clearly an important issue. For example, more than a third of the approximately 9 million Zimbabweans live outside Zimbabwe, with a majority being in South Africa. Ascribing rights to language thus deprives them of any opportunity to have their rights recognized.

In this article, we trace the trajectories of HR in Africa, depict their current status, and analyze Africanists' responses to HR discourses which we construe to culturally differentiated and competitive (Shi-xu 2005). The article highlights the point that commitment to HR can be understood within a context of a number of powerful forces, including market economy and multiparty democracy. English is an important component of market economy, so while a promotion of indigenous languages is an important component of LR and, *ipso facto*, HR, the promotion of market economy creates a tension between HR and market economy. The latter is aided by 'big' languages such as English, while the primary focus of HR is minority languages. This creates tension between HR discourses and commercial contexts.

The argument developed in this article is that even though HR are framed as international legal discourses, they are local and site-specific. In other words, they can only be interpreted in given situations and are mediated by cultural and linguistic factors and by individual proclivities. Because HR and LR discourses are socially embedded, they may be interpreted in multiple ways by communities and ethnically-based associations since their cultural frame of reference might not necessarily correspond with that of language advocates or with what is promoted by powerful actors such as non-governmental organizations (NGOs), churches, and governments. The relationship between language and ethnicity is extremely complicated and, at times, depends on the interaction between local and international discourses of

identity. In their efforts to advocate the HR and LR of minorities, HR activists may flatten and calcify identities that were previously variable. For example, in international discourses, African and Arab are polar opposites. Yet in Darfur, the same individual can be defined as both African and Arab. While the global 'war on terror' and powerful international HR activism has traumatically transformed these identities, Darfurians have no difficulty with multiple identities. The case of Darfur demonstrates how well-intentioned international and LR activism can radically transform the identities of the very same people whose identities they seek to promote.

According to Edwards (2003: 352), 'Discussions of language rights often focus on minority groups.' The main objective is ostensibly to protect minority languages that are threatened with extinction (Batibo 2005; Nettle and Romaine 2000). In some rare cases, linguists acting in collaboration with local religious organizations are able to **AQ8** maintain the so-called threatened languages. For example, Batibo (2010) reports on a project funded by the Dutch Reformed Church, the Kuru Development Trust, which helped the Naro develop self-sustaining economic systems, rendering it possible for their languages to be maintained. In an economic climate in which resources are reduced, the possibility of securing assistance such as that allocated to the Naro may be rare. Ironically, some small languages may still be able to survive, if not flourish, not because they are supported by massive aid but because of the nature and quality of their intra-community relationships. It is because of the quality of the relationships that languages such as *Fengu* in South Western Zimbabwe and *Barwe* in Northern Zimbabwe are able to survive, even though their speakers are few.

This line of research is driven by a strong commitment to social activism aiming to 'preserve' languages. In this line of research, projections about the number of endangered languages are part of an intellectual trope of highly emotive discourses (Heller 2007). The language endangerment discourses are drawn from an ecological discourse that assumes that since the loss of species is expected to have adverse effects, the loss of language will have adverse effects as well. Yet it is not obvious how loss of languages will necessarily have negative effects since languages are cultural and not natural species. In essence, the loss of languages should not have the same adverse effects as the loss of species.

In addressing these issues, the article is organized as follows: in setting the scene for the entire article, we situate the conceptualization of HR in an African context and present some Africanists' responses to HR discourses. This is followed by a discussion of mother tongue education and LR. The third part is a discussion of the implications of LR on intra-language variation. Evidence is presented from a recently concluded court case in South Africa that suggests that providing individuals with a 'wrong' variety of their mother tongue constitutes an infringement of LR. The final section of the article deals with the rather elusive concept of LC, and the argument is advanced that even if LC has a framework that is better tuned to plurilingual contexts, its effectiveness is hampered by the fact that it is still caught up in an old fashioned paradigm of citizenship in jurisprudence.

AQ9 **Human rights discourses**

HR discourses can be mobilized by both the powerful and powerless, the right and the left, the religious and the agnostic (Hardt and Negri 2000). Paradoxically, LR discourses may, at times, create conditions that justify their violation. LR can, on the one hand, be used to provide institutional support to minorities and, at the same

time, provide a rationale for language-based discrimination. An excellent example of how HR discourses may be mobilized to serve conflicting objectives is apparent in colonial struggles wherein colonialism was justified using the discourses of HR. Similarly, African liberation movements used HR discourses to challenge colonial governments (Mazrui 2004). The degree to which HR discourses can be mobilized by the powerful to the detriment of the less powerful is articulated forcefully by Minogue (cited in Edwards 2003: 555):

> Your average demagogue now loves rights; they have become devices for taking control of subjects who can easily be persuaded that being given a right is always a benefit. In fact, it is a device for creating a static and servile society.

One of the primary objectives of HR is to enhance a pluralistic view of the world. Fortunately, it is not only the state that has assumed the responsibility of protecting languages but also transnational actors such as NGOs. At times, NGOs not only advocate for protection of minority languages but also directly shape the nature of the language policies of some countries.

However, powerful NGO discourses marginalize other discourses like a 'dead end, a particular understanding of human dignity' (Englund 2000: 380). By promoting a specific view of conceptualizing HR, NGOs are sanctioning very specific ways of understanding HR that are culturally embedded but articulated under the guise of internationalism. The rigorous promotion of HR by transnational actors such as NGOs displaces local understandings of HR, rendering it difficult for such discourses to be readily embedded and appropriated in local African contexts. Ironically, the NGOs that are extremely powerful advocates of LR and HR are 'hegemonic.' Their advocacy rarely considers the communities' understanding and framework of what constitutes HR. In spite of the overwhelming influence of the NGOs, their impact on language policies and LR research, and the demand they make on governments to be accountable in terms of languages, the NGOs rarely feel obliged to be accountable to the constituencies they serve. Unfortunately, the roles that such NGOs play in shaping the intellectual contacts with which discussions about minority languages take place have not been subjected to critique. According to Englund (2000: 584):

> The preoccupation of these NGOs directly implicated in LR issues rarely critically analyze whether LR talk may limit our understanding of social, political and educational problems. NGOs have embraced the discourse of rights with such enthusiasm that it is becoming the only language persons in public office are able to speak.

Nonetheless, HR discourses that NGOs enthusiastically spread are predicated on the notion of 'stand alone' individuals. This is consistent with Udogu's (2004) observation that the fundamental discourse regarding HR rests on the character of a human being.

Two major philosophical reactions to HR exist in Africa: universalists and relativists (Bhebhe and Ranger 2001a; Makoni and Trudell 2009; Zeleza 2004). For universalists, every individual has inalienable rights arising from the simple fact of being human. While African scholars endorse the idea that each individual has inalienable rights, they are skeptical of the idea of an individual forming the basis of individual rights. The idea of a 'stand alone' or autonomous 'individual' underlying

HR philosophies is incompatible with Africanists' understanding of the role and obligations of the individual in African communities (Hellsten 2004). From an African perspective, spirituality is an integral part of being human and, indeed, there may be no distinction between spirituality and human beings as social individuals (Cobbah 1987). In African communities, groups are made up of interdependent individuals, which renders a firm distinction between individual and group rights questionable. On the other hand, relativists are also critical of HR discourses. Relativists feel that the discourse of rights masks social and economic differences and serves the material interests of the state and the powerful. In addition, relativists are also critical of the universalistic notion of history. Relativists feel that the promotion of HR is more a reflection of African states' desire to be 'aid worthy' than a serious commitment to upholding HR. African countries may, on the one hand, develop a progressive HR regimen while, on the other hand, still retain a very conservative **AQ11** social agenda (Bhebhe and Ranger 2001b). In spite of the relativists' skepticism and critique, the majority of African countries have some form of HR provisions written into their constitutions.

A large number of institutions have been established in Africa, such as the Pan African Commission on Human and People's Rights. the Ethiopian HR Council, the Nigerian Legal Research and Resources Development Centre, *Roseau African pour le development* of Senegal, the HR Commission in South Africa, and the Commission for the Promotion and Protection of Religious and Linguistic Community Rights in South Africa, to name but a few. Given the differences in how HR are framed, it can be argued that advocacy of HR is an extremely powerful way to change what African societies understand about being human.

Even though we have outlined Africanists' responses to HR and LR in this section, it is conceivable that even within Africa there might be substantial differences between Francophone, Anglophone, and Lusophone countries. If HR are universal, it is logical to assume that there will be similarities across different regions of Africa in spite of their different colonial histories.

AQ9 *Human rights discourses: Focusing on language rights*

LR are, to a large degree, based on language ecology (Nettle and Romaine 2000; Skutnabb-Kangas 2000). According to LR, dominant groups may deprive less politically powerful groups of opportunities to exercise their LR. Politically weaker groups lose their languages when they shift to a dominant language, a process which, for most immigrants, occurs over three generations (May 1999; Mazrui 2007). In this regard, the identities of communities are radically changed by the loss of language. As a result of language loss, it is argued that communities are deprived of a unique source of knowledge tied to the individual language. In order to preempt such loss, the state acts as a powerful mechanism for the protection of minority languages. However, dilemmas are created for language activists if speakers of the languages are voluntarily shifting from one language to another because they may feel the language does not serve their social, cultural, and economic interests.

Language preservation is oriented toward the past because it is only those aspects of language and culture that are deemed to be part of the past or tradition that are supposed to merit preservation. Such preservation is complicated because the past is fluid and is always in a state of becoming. Preservation, therefore, radically changes language and culture by freezing what was inchoate. Even though 'memories of the

past may be best kept in libraries in and museums … linguists must clearly articulate ways in which indigenous populations can live in both the past and the present without considering the past as an unnecessary burden' (Mufwene 2010: 914). Tradition is, to some extent, a site of tension between HR and ethno-nationalists, with the former arguing that it falls within HR and the latter arguing that it is not within the purview of HR. As Hellsten (2004: 79) points out:

> Part of the problem is that the protection of tradition does not always make a clear distinction between the normatively valuable, rather abstract elements of the tradition, such as equality, solidarity and tolerance, and the undesirable, actual practices embraced by the same tradition.

According to Mazrui (2007), the focus of LR is to promote access to language and cultural practices. However, these rights are often articulated in a European idiom congruent with the conceptualization of the North's framing and understanding of rights (Hellsten 2004). The 'idiom' used to frame rights, irrespective of what these rights are, renders them inaccessible to lowly literate Africans who might benefit from such rights. Englund (2000: 584) corroborates the problem of accessibility of rights discourses when he comments thus: 'Some NGO activists, urban-based graduates more attuned to donor fashions than to social situations in rural areas, were perplexed by the apparent irrelevance of their message on the ground …'

One of the most powerful and recurring dimensions of LR is the importance of the right to use one's mother tongue as a medium of instruction because it is an important way of protecting the interests of speakers of minority languages. However, many scholars point out that the term 'mother tongue' is elusive. What constitutes a mother tongue is not always defined by members of the respective communities but, rather, by powerful agencies such as the state. The state's view of a mother tongue may not necessarily be shared by individual members of the different communities. The implementation of LR is further complicated by the fact that individual members of communities may experience language differently, as Khubchandani (2002: 32) points out: 'In a plural society a speaker's declaration about his/her mother tongue is purely individual, mostly based on the considerations of his/her social identification and group loyalty, rather than the speech he/she uses for primary communication.' Khubchandani (1997: 93) also points out that the number of mother tongues for the Bahri group 'increased between 1951 and 1961 by 14,611 percent.' The fluctuation in the number of mother tongues varies because of the challenges of converting cultural phenomena into an object. The fluctuation reflects the high degree of subjectivity which 'adopts an objective stance in reporting the results' (Khubchandani 1997: 71).

This 'dissonance between the declared mother tongue and actual home usage' (Smolicz and Radzik 2004: 520) exists in certain areas of *Binga* in Zimbabwe wherein *Tonga* speakers have at times identified themselves as *Ndebele* speakers and at other times as *Shona* speakers. In view of the multiple and sometimes conflicting ways in which a mother tongue is understood in postcolonial contexts, when a state promotes mother tongue education or upholds the LR of minorities, its activities amount to a 'systematization and simplification of linguistic reality, and [reflect] the elite's attempt–consonant with numerous parallel attempts through history–to dictate behavior (here, linguistic behavior) to the restless lower classes' (Toolan 2009: 17).

455 The inconsistency with which states may define what they mean by 'mother tongues' complicates the implementation of LR.

It is, therefore, plausible to assume that the promotion of standardized minority languages is a simplification of a complex reality and a subtle imposition of a specific version of reality. When based on the promotion of standardized varieties of

460 minority languages, LR get caught up in the same paradigm they seek to escape and, thus, deprive minorities of their 'voice.' Education is a powerful mechanism for reproduction of social class differences, for dominant classes and the elites, but access to education by the less privileged, even if the medium of instruction is through an identified 'mother tongue,' is not able to successfully challenge social hierarchies. In

465 fact, it may have the opposite effect of reinforcing them.

Nonetheless, the dissonance evident in the delineation of what constitutes a mother tongue is also evident in the delineation of ethnic identities. In other situations, speakers of the same language might be affiliated with different ethnic groups, as in the case of the *Lomwe* who shifted from *chiLomwe* to *chiTumbuka*

470 (Kayambazithu 1989). The *Lomwe* voluntarily shifted to *chiTumbuka* because they felt that the use of *chiLomwe* would reinforce the negative images some ethnicities had of the *Lomwe*. *Lomwe* speakers' decision to learn and use *chiTumbuka* was not a consequence of the 'hegemony' of the *Tumbuka*. In other words, it is possible for the weaker people to opt to voluntarily learn the language of the dominant group.

475 However, this is inconsistent with a conventional notion of 'linguistic imperialism'
AQ12 (Phillipson 1992). The converse is also true: the conquering group might voluntarily learn the language of the ethnicity it has conquered. For example, the *Ngoni* in Malawi have learned *chiTumbuka* even though, historically, the *Ngoni* are known to have defeated the *chiTumbuka*. In spite of the imagined linguistic and intellectual

480 loss, the *Ngoni's* choice to deliberately shift to *chiTumbuka* has to be respected because choice is part of HR. Similarly, British colonialists appropriated African languages as part of an overall conquering strategy.

In Malawi, for instance, as in many other African countries, there has been a proliferation of linguistically and ethnically-based associations that reflect a

485 heightened sense of group consciousness (Englund 2000) that was also reinforced by the development of ethnic-based political parties. The dynamics within the associations varied considerably and changed constantly. For example, at times, the *Tumbuka* and *Tonga* identified themselves as a single group, but the *Tonga* eventually identified themselves as distinct from the *Tumbuka*, demonstrating how individuals may move

490 from one ethnic group to another and showing the 'amorphous nature of individual and group identities' (Englund 2000: 18). Similarly, the Fengu (*Xhosa* in Zimbabwe) are on the periphery of Zimbabwean society but are a dominant ethno-political association
AQ13 in South Africa. If the case of the *Tumbuka* and the *Tonga* is one of ethnic splintering; then the case of the Runyakitara in Uganda is exactly the opposite, it is in fact a case of

495 ethnic integration wherein the *Nyoro* (or *Runyoro*), *Chiga* (or *Rukiga*), *Nyankore* (or *Runyankore*) and *Toora* (*Rutooro*) merged in order to create a more powerful ethnic group that may perhaps counter the dominance of the Luganda (Bernstein 1996). In essence, the case of the *Tumbuka* and *Tonga* demonstrates that groups are not static entities, 'and the periphery of yesterday may become the center tomorrow; minorities

500 here may be majorities there' (Edwards 2003: 552).

Sociologically, some of the minorities may neither recognize nor accept the 'official' names used to refer to them, as the case of the *Nuer* and *Dinka* in the Sudan reflects. In response to his rhetorical question 'Who are really the *Dinka* and *Nuer*?'

Southall (1976: 463) responds, 'The *Nuer* is not *Nuer* and the *Dinka* are not *Dinka*,' preferring instead the terms '*Jieng*' or '*Naatg*,' which simply means 'we are people.' The complexities outlined above are apparent if we are cognizant of the communities' views of themselves (i.e., an emic perspective). Typically the main thrust of Liberalism is on individual rights and not group rights. Kymlicka (2001) argues that individual rights as construed within a liberal tradition are compatible with group rights.

Language rights and intra-language variation

A canonical view in LR is that speakers are discriminated against when their language is not accorded a particular status. LR debates are, therefore, based on the premise that existing policies entail the selection of either language X or language Y. Hence, variation within each language is deemed insignificant. However, Wee (2005) takes the stance that speakers of Singapore English (Singlish) are potentially discriminated against because of a policy that powerfully promotes Standard English and discounts other language varieties such as Singlish. The controversy regarding which variety to use in formal domains also surfaces in parts of Africa, hence the relevance of intra-language variation to LR. For example, whether to use Standard or colloquial Arabic in the writing of Egyptian fiction has been debated for many decades. Colloquial Arabic is characterized as mixed and corrupt, while Standard Arabic is referred to by 'language defenders' (Suleiman 2004) as authentic and pure. The linguistic characterization has moral overtones as well because the moral integrity of the users is judged according to language use. Those who use mixed varieties are viewed as somewhat corrupt.

If intra-language variation is accepted as a potential source of discrimination, then speakers of non-standard varieties can claim to be discriminated against when a standard variety of their language is the only entity accorded LR. The issue of intra-language variation is also potentially relevant to Africa, given the substantial differences between the varieties used in urban centers and standardized African languages. The emergence of urban varieties across Africa (Makoni et al. 2007) will produce languages without rights, if policy holders do not recognize the 'new' rights (Wee 2005)

The South African case *Nkosi v. Vermark* made the issue of intra-language variation a substantive legal and LR issue. Nkosi, the plaintiff, lodged a case against a Durban-based English multi-racial school in South Africa, arguing that her son had been unfairly discriminated against. Her son, an *isiZulu* first language speaker, had been taught in what she derogatorily termed 'kitchen Zulu' (in her view, this was the variety meant for second language learners), even though *isiZulu* was ostensibly his mother tongue. The issue before the court was, therefore, not that Nkosi's son was not being offered *isiZulu* but, rather, that he was being taught a wrong *variety* of *isiZulu*. Nkosi went on to claim that her son was discriminated against because Afrikaans, mother tongue speakers of English, were offered their respective languages at mother tongue level. Nkosi argued that being taught in what she called 'kitchen (*isi*)Zulu' adversely affected her son's development of proficiency in *isiZulu*. She further stated that the practice was dehumanizing and deprived her son of the proficiency necessary for him to be able to 'appreciate the full values of novels, drama and poetry'.

The *Nkosi v. Vermark* case provides a twist on issues regarding intra-language variation and possibilities of unfair discrimination. It is one of the few cases in which a mother tongue speaker argued that being taught in a different variety of the mother tongue constitutes a form of discrimination and, therefore, an infringement of LR. The arguments were founded on the assumption that a clear boundary between first and second languages and, by extension, *isiZulu* and other languages exists and can be determined. Linguistically, the distinctions between first and second language and between full and partial proficiency are difficult to ascertain and sustain in complex plurilingual communities.

Although the court ruled in favor of Nkosi, her arguments were not linguistically compelling. The assertion that one cannot reach full proficiency in his or her mother tongue when taught in a different variety of the same language is difficult to sustain. It assumes that full mother tongue proficiency can only be achieved through classroom teaching using the standard variety of the language. It also assumes that full appreciation of literary works in the mother tongue can be achieved through classroom instruction. From a critical perspective, most individuals will ultimately be able to mobilize the linguistic and semiotic resources needed to carry out repeated activities in their social lives. We are refraining from discussing individual proficiency in terms of mother tongue 'competence' because the idea of native speaker norms is implausible in situations in which such a great diversity of human experiences exists. Furthermore, Nkosi's argument that mother tongue speakers are 'dehumanized' when taught in an intra-language variety is epistemologically difficult to understand. The *Nkosi v. Vermack* case reflects an important ideological discussion in African sociolinguistics and the controversy about the appropriate varieties to be used as medium of instruction (Cook 2009; Meeuwis 1999). This important debate is often erased from view because of the focus on the status of African languages as opposed to that of European languages.

LR as instruments of social change

The contradiction is that LR and the promotion of minority languages can be more readily carried out when language is regarded as a monolithic, rigid structure and motivated by a monolingual perspective, a position that a critical linguistics paradigm rejects. This conceptualization of language is increasingly being categorized as a 'fiction' (Haugen 1966: 325), a myth that might have been useful in the past but is **AQ16** increasingly questioned (Harris 2010; Hutton 2002; Makoni and Pennycook 2007). The LR paradigm, therefore, seeks to introduce social justice by applying a 'fiction' and by stressing differences between ethnicities while social differences within ethnicities are overlooked. The ineffectiveness of LR is also evident in 'narrative inequality' (Englund 2004: 527). Surprisingly, this has not been an object of critique by mainstream sociolinguistics of LR.

However, a relatively large number of NGOs play an important role by providing legal assistance to African citizens. Unfortunately, differences in communicative resources between lawyers and clients create inequalities that are reflected in differences in communicative resources. The lawyers are able to astutely strip the narratives of the clients and situate them into a legal framework that they control. It is important to analyze how differences in communicative resources may deprive clients of the redress they seek. This reflects the importance of situating rights talk in

a context of communicative resources rather than in macro-sociological contexts (May 2000).

Linguistic citizenship

Given some of the problems identified above that affect LR, Stroud and Heugh (2004) propose an alternative framework of linguistic citizenship. They argue that the notion of language underpinning LR is inconsistent with complex plurilingual societies and that the idea of languages as bounded, autonomous systems with uniform constructs (Heller 2007) is not feasible in such contexts. Ideas reinforced by grammars, dictionaries, etc., have to be replaced by the idea of languages as communicative and symbolic resources. The position taken by Stroud (2000) and Stroud and Heugh (2004) has two potential implications. If languages are construed as communicative resources that circulate, albeit unequally, in social networks and are shaped by individual experiences, it becomes difficult to retain the idea of LR. It means, practically, that each individual has variable linguistic resources that may indeed change according to the nature of the individual's experiences. This idea resonates with a critical perspective in which the emphasis is on individual and variable resources. Inasmuch as the LR issue operates with a restricted notion of language and the idea of HR, linguistic citizenship is also limited by its unsophisticated notion of citizenship. The relationship between language and citizenship is extremely complicated and varies from state to state. The examples cited earlier in the paper on Zimbabwe/Zambia *chiTonga* and *chiTumbuka*, Malawi, and indeed the *Nkosi v. Vermack* case, demonstrate the weakness of linking ethnicity to nation-state with language. There is no African country in which proficiency in language is a pre-condition for citizenship.

The case of the *Nubians v. Kenya* is an excellent example of the complexity of citizenship issues in Africa. It also shows how such cases are handled in African legal systems, thus providing a legal view of linguistic citizenship. The *Nubians* alleged that they were being discriminated against because they were deprived of their Kenyan citizenship, which rendered them, de facto, stateless since they were now neither Sudanese nor Kenyans. The Nubians claimed that they should be eligible for Kenyan citizenship on the basis of birth more so than on descent. They challenged the criteria set by the Kenyan government that they produce their grandparents' identity documents to establish eligibility for Kenyan citizenship, viewing this requirement as a disingenuous strategy by the Kenyan government to deprive them of their rights since most of them are unable to produce such proof. Implicit in the arguments about the case of the *Nubians* is that they were being denied their citizenship on the basis of ethno-linguistic reasons. The *Nubians* were denied citizenship because of the colonial border that effectively created two nation-states out of people who had hitherto migrated freely across the African plains in search of pastures for their animals. Thus, in terms of citizenship, the *Nubians* on the Kenyan side are still seen as belonging to the group on the Sudanese side.

In essence, to argue that language use in plurilingual Africa is determined by some 'citizenship' is to adhere to the Western-centric perspective of sociolinguistics: a state in which the 'nation' or citizenship determines language use and or vice-versa. The arbitrary nature in which nation-state borders or citizenship were created makes it difficult to apply the notion of LC to Africa's complex multilingual contexts. Citizenship is critically important for determining whether an individual can

legitimately be expected to lay claim to rights. For example, if individuals are not regarded as citizens, their claim to LR is weakened. They are denationalized, disempowered, criminalized, and deprived of the necessary resources they should be able to access. Issues about citizenship are, therefore, critically important for understanding the factors that may facilitate or constrain opportunities for people to exercise their rights not only linguistically but socially and educationally as well.

Like LR and HR, LC is based on rights, obligations, and privileges that accrue to one who is a member of a nation-state. But the rights, obligations, and privileges are not natural or neutral but are structurally determined and enforced by regulations enacted by the elite. The idea of a nation-state of citizens bounded by geographical boundaries was created by colonialists in order to exercise control over the newly created citizens. As Appadurai (2001) has argued, borders and social structures may appear real but, when they are scrutinized, one finds they are tools for social control and describe phenomena that are in flux. In short, the metaphor of LC is unfortunate considering that the artificiality of Africa's history and arbitrary borders act as edifices separating families. It is worth recalling that citizenship was selectively denied to certain groups on the basis of skin color. For example, in Rhodesia/Zimbabwe, citizenship was accorded in the 1940s to 'civilized people,' a shorthand referral to Whites, thus excluding Africans. In South Africa, the same policy was used until recently. The limitations of LC and LR in African sociolinguistics reflect the ahistorical nature of a historiography of LR and HR in Africa (Shi-xu forthcoming).

Language and human rights as political communication

In this section, we argue that discourses of LR and HR should be explicitly treated as forms of dialogical, political communication between different institutions or groups. The dialogic communication we are classifying as LR and HR varies substantially in terms of how different communities received it because it does not speak to the political experiences of these communities in identical ways. Furthermore, identical rights discourses may be received in different and, at times, conflicting ways by different generations of the same communities. Even though a mobilization of LR and HR may have been one of the consequences of political liberalization, or multipartyism, in the early phases of countries like Zimbabwe (Englund 2001), discourses of HR are construed more recently in the same countries from a governmental perspective as a form of Western-inspired elite political oppositional discourse. The rights discourses are also received differently. For example, the subaltern may respond to their violations differently than the elites. Rather than articulate their political opposition in terms of a violation of HR, subalterns articulate it as a challenge to their group dignity and individual selfhood. It is, therefore, critically important to be sensitive to establishing who is speaking and who are the hearers or to find the discourses irrelevant to their material conditions (Shi-xu forthcoming). Although liberal approaches typically emphasize individual rather than group rights, Kymlicka (2001) puts forward the thesis that the construct of an individual, which is central to liberal politics, is compatible with the idea of group rights.

Conclusions

This article has presented arguments that LR are an important part of HR. It has also been argued that HR and, indeed, LR discourses must be interpreted within a specific context, hence the importance of depending primarily on lay, emic views about LR rather than on universalistic legal frameworks (Paulston 1997). Because interpretations of HR and LR are mediated by diverse cultural and linguistic factors, these interpretations are likely to vary among different individuals. The argument made in this article is that even though the interpretation of HR and LR is context-determined, the local interpretation may paradoxically enhance the universalistic knowledge of HR and LR. Furthermore, claims made about LR appear to be 'pie in the sky,' yet accessing such state resources as water and sanitation may depend on language. If a relatively large number of minority speakers do not feel empowered by such promotion, then it is logical to inquire why such a research strand is continued when local communities do not necessarily subscribe to and are not much interested in it. Even if minority research approaches in Africa are designed in collaboration with the local communities themselves, the projects' success is not inevitable because of the heterogeneity and potential conflict within communities. However, collaborating with local communities may enhance their success in the long run. Reporting the results to the communities might contribute to the development of a healthy relationship between communities and researchers. However, even if the research is carried out jointly with local communities and linguists, the problem does not disappear. On the one hand, African linguists and African elites feel under a burden to respond to the pressures of Western scholarship, and on the other hand, the issues, concerns, and beliefs of local communities may run counter to their training.

Reporting their results to the communities themselves in order to resolve this double bind may not successfully address the unequal power relations between the researchers and local communities. In fact, interventionist minority research may accentuate power differences between the communities and researchers. Even if these power differences are reduced, the material benefits that accrue to the communities may not be distributed equally, hence the relevance of our closing question: who is winning?

This article has also highlighted the importance of the role of NGOs in the sociolinguistics of Africa. The role of NGOs compels us to rethink the centrality of a state-centric perspective of sociolinguistics that has dominated sociolinguistics of language planning in Africa while, at the same time, remain cognizant of the fact that an extremely thin line exists between advocating minority languages and appropriating them. We have built on arguments from an integrationist perspective by proposing a way of reframing notions about LR, individual/group rights, ethnicity, and identity, demonstrating sensitivity to the fluidity of African sociolinguistic contexts; something toward which linguistic citizenship gestures but does not capture.

The arguments made in this paper have significant implications for non-Western perspectives on scholarship that go beyond LR and HR and are relevant to other areas of sociolinguistics in Africa. Notably, one of the major critiques leveled against African scholarship and readily apparent in this paper is the tendency for African scholarship to act as a Western social laboratory: to serve as a space to test the validity and efficacy of theories formulated in Western contexts, which is more akin **AQ21** to what Hountodji (2002) calls 'theoretical extraversion.' Theoretical extraversion

AQ21 manifests itself as responses to Western scholarship. Although Hountdodji's (2002) philosophical stance is pessimistic, optimism is present in that the subaltern and the elites, over the years, have always resisted, subverted, and re-configured Western epistemologies.

Research into LR and HR has to be adapted and sufficiently contextualized to be **AQ22** relevant to complex, labile, and polyvalent African contexts. *Contextualization* refers to triple factors: the cultural contexts in which the analytical frameworks emerge, the contexts in which the knowledge is disseminated, and the multiple and pluralistic contexts in which the knowledge is interpreted. Non-Western academia in which LR and HR are construed is important because knowledge may be interpreted and read in local cultures and embedded in discourses radically differently than it is in Western academia. Therefore, it is important to understand the degree to which scholarship is readily portable, a point worth stressing in a global world characterized by intense movement of people, ideas, and technology.

Research into Rights has to be sensitive to the dynamics of African pastels but **AQ23** should not be overwhelmen by it.

Current formulations of LR and LC reviewed in this paper do not meet these criteria of sensitivity and capacity to reinvent the past. Because of the inseparability of knowledge and power, the call for an Africa 'able to stand up on its own' is not only economic and political but also epistemological. A powerful nexus also exists between economic dependence and theoretical extraversion. One way out of the impasse created by 'theoretical extraversion' is to develop and take full advantage of endogenous knowledge practices, vernacular discourses, and dialogues with scholarship from other regions of the world. Endogenous knowledge practices render it possible to exploit local forms of knowledge, while vernacular practices make it possible to analyze the various ways in which the knowledge is expressed. A combination of endogenous knowledge practices and vernacular discourses renders it conceivable to analyze the many and sometimes contradictory reactions of African communities' orientation to issues about LR and HR. It is instructive to bear in mind that vernacular discourses in terms of LR and HR (if there are any) are increasingly gliding away from academic and professional understandings and ways **AQ24** of talking about LR and HR. This disjuncture or discursive divorce (Appadurai 2001) is a challenge from which scholars in non-Western African environments cannot escape. African scholarship on LR and HR discourses is, therefore, always intervening into a previous era, even when it is claimed to be contemporary.

The challenge is that academics and modes of collecting, analyzing, and reporting data may not merge or coalesce with what local communities may regard as ways of collecting information. Some of the intractable problems with which Africa is confronted cannot be fully addressed by an appeal to LR and HR, however desirable issues about LR and HR might be. Research into LR and HR may have some limited significance and relevance if it is not carried out either in conjunction with more powerful social projects and/or is submerged in them.

The involvement of research in LR and HR preempts possibilities of a parachute, **AQ25** 'guest-like' research (Edwards 2006) or 'academic tourist'. The argument is not that academic research should not be carried out in African communities but, rather, that it is likely to be more socially and academically valid if it enhances the ways in which communities understand their own needs and life demands. The emphasis in liberated sociolinguistics in Africa will, therefore, be on improving the needs of **AQ26** Africans and not industrial production, a tall order but one worth focusing on.

18   *S.B. Makoni*

Since we are scholars and have been engaged in language promotional activities, it is appropriate to bring this paper to an end by citing a sobering observation of our role in such enterprises: '<mark>Without scholars [the revival] cannot succeed; with scholars as leaders it is bound to fail</mark>' (Moran 1900: 268, as cited in Edwards 2006: 8).

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