



**The Subsidiarity-principle in language planning
and policy in South African universities: A
comparative analysis**

UW Erasmus

 **orcid.org 0000-0002-3673-7413**

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Supervisor: Prof I Bekker

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Student number: 23385944

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Abstract

Keywords: Language policy and planning (LPP); subsidiarity principle; multilingualism; anglicisation; decentralisation; centralisation; territoriality principle; personality principle; mother tongue education (MTE); Historically Afrikaans Universities (HAUs).

Despite the Constitution granting official status to eleven languages, English dominates public life in South Africa. For one, the South African educational system, and higher education (HE) in particular, does not reflect the de jure national language policy. The Historically Afrikaans Universities (HAUs) are succumbing to anglicisation one after the other, and the rest of the 26 public universities in South Africa are struggling to promote the use of indigenous languages in HE. The lack of mother tongue education (MTE) and differences in levels of English proficiency and academic literacy perpetuate existing ethnolinguistic inequality, making the promotion of multilingualism imperative. As part of the goal of achieving true multilingual practices at tertiary institutions in South African HE, the broad aim of this study is to investigate the potential utility of the subsidiarity principle, as originally devised and applied in the European context and as often linked to decentralisation and linguistic autonomy. To achieve this aim, a theoretical exploration of the field of LPP and the principle of subsidiarity is conducted, and the potential for application of the subsidiarity principle in LPP is delineated. A comparative case-study is then performed by investigating the governmental structure, linguistic regime and educational system in Belgium, a country that fully embraces the concept of decentralisation (closely linked to so-called negative subsidiarity) and in which all official languages (Dutch, French and German) are represented in the public domain and in education. The central argument of this study is that the framework of subsidiarity in LPP is a valuable tool with which to guide the national project of developing and promoting the use of the indigenous languages, and that it can inform the current language debate at South African universities. This study argues that English-monolingualism in HE, which is in direct contravention with the Constitution, several national language-in-education policy documents, and institutional language policies, is not because of inadequate decentralisation over institutional LPP (or the flouting of negative subsidiarity). Rather, the failure to establish multilingual universities is a consequence of inadequate assistance from central government (or the flouting of positive subsidiarity), and is an indictment of central government's failure to provide necessary support and oversight for the implementation of multilingual institutional language policies.

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Abbreviations

ANC – African National Congress
AU – African Union
BLE – Bilingual Education
CALP – Cognitive Academic Language Proficiency
CAPS – Curriculum Assessment Policy Statements
CHE – Council on Higher Education
CODESA – Convention for a Democratic South Africa
CPUT – Cape Peninsula University of Technology
CUT – Central University of Technology
DAC – Department of Arts and Culture
DBE – Department of Basic Education
DGSEI – Directorate General of Statistics and Economic Information
DHET – Department of Higher Education and Training
DME – Dual-Medium Education
DoE – Department of Education
DUT – Durban University of Technology
EAEC – European Atomic Energy Community
EC – Eastern Cape
EC – European Community
ECSC – European Coal and Steel Community
EEC – European Economic Community
EU – European Union
FS – Free State
GDP – Gross Domestic Product
GNP – Gross National Product
GP - Gauteng
HAU – Historically Afrikaans University
HE – Higher Education
HEI – Higher Education Institution
KU Leuven – Katholieke Universiteit Leuven

KZN – KwaZulu-Natal
LE – Linguistic Ecology
LiEP – Language in Education Policy
LoLT – Language of Learning and Teaching
LOTE – Language other than English
LP - Limpopo
LPHE – Language Policy for Higher Education
LPP – Language Policy and Planning
MAPAHLE - Ministerial Advisory Panel on African Languages in Higher Education
MLE – Multilingual Education
MLR – Minority Language Rights
MoI – Medium of Instruction
MP - Mpumalanga
MT – Mother Tongue
MTB-MLE – Mother Tongue-based Multilingual Education
MTE – Mother Tongue Education
MUT – Mangosuthu University of Technology
NATO – The North Atlantic Treaty Organisation
NC – Northern Cape
NGO – Non-Governmental Organisation
NMT – Non-mother tongue
NMU – Nelson Mandela University
NW – North-West
NWU – North-West University
OAU – Organisation of African Unity
OECD - Organisation for Economic Co-operation and Development
PANSALB – Pan South African Languages Board
PME – Parallel-Medium Education
RAU – Rand Afrikaans University
RU – Rhodes University
SASL – South African Sign Language
SMU – Sefako Makgatho Health Sciences University

SPU – Sol Plaatje University
Statbel – Statistics Belgium
Stats SA – Statistics South Africa
SU – Stellenbosch University
TEC – Treaty Establishing the European Community
TEU – Treaty on European Union
TFEU – Treaty on the Functioning of the European Union
TUT – Tshwane University of Technology
TVET – Technical and Vocational Education and Training
UAntwerpen – Universiteit Antwerpen
UCLouvain – Université catholique de Louvain
UCT – University of Cape Town
UFH – University of Fort Hare
UFS – University of the Free State
UGent – Universiteit Gent
UJ – University of Johannesburg
UKZN – University of KwaZulu-Natal
ULB – Université Libre de Bruxelles
ULiège – Université de Liège
UMP – University of Mpumalanga
UN – United Nations
UNESCO – The United Nations Educational, Scientific, and Cultural Organisation
UNISA – University of South Africa
Univen – University of Venda
UniZulu – University of Zululand
UP – University of Pretoria
US – United States
UWC – University of the Western Cape
VOC - Vereenigde Oostindische Compagnie
VUB – Vrije Universiteit Brussel
VUT – Vaal University of Technology
WC – Western Cape

WSU – Walter Sisulu University

Chapter 1: Introduction

1.1 Contextualisation and Problem Statement

For many years an intensely passionate and polarising language debate has been waged in South Africa regarding the continued use of Afrikaans in higher functions, and especially its continued use as medium of instruction at Historically Afrikaans Universities (HAUs) which have been accused of racism, discrimination and exclusionism. The South African language debate can be traced back to the transition from apartheid to democracy in the 1990s, back further to the Soweto uprisings in 1976, to the unification of South Africa in 1910, and even as far back as to the imposition of English in the Cape Colony in the early 1800s.

Despite the language provisions in the Constitution of the Republic of South Africa (1996), which calls for the promotion and development of eleven official languages, there is a de facto language policy of English-monolingualism in much of South African society. The anglicisation of the public domain in South Africa can be attributed to globalisation, the status of English as an interethnic lingua franca, the underdevelopment of many of the indigenous African languages, as well as negative attitudes towards the value of these languages and, in particular, mother tongue education. According to Parmegiani and Rudwick (2014:108), while much has been done to promote the indigenous African languages, there is still a lot of work to do in education. They state that, in spite of the progressive language provisions in the South African Constitution, which grant all citizens the right to education in the language of their choice, growing English hegemony is the sociolinguistic reality in the country.

The majority of black South African pupils only receive mother tongue education up until Grade 3, whereafter they switch to English-medium education. Although English is used as medium of instruction from Grade 4 until Grade 12, many of these pupils leave school with low proficiency and academic literacy in English. This results in a high rate of academic failure at (English-medium) universities of exactly those whom the constitutional language provisions aim to protect – markedly higher than that of white students who received mother tongue education throughout primary and secondary school. Parmegiani and Rudwick (2014:108) argue that while many black South Africans have adopted English in their linguistic repertoires, only a minority of South Africans speak English as a mother tongue, and since English proficiency as an additional language correlates with class, *linguistic inequality* is closely

connected to *socio-economic inequality*. Webb (2002:14) also believes that the dominance of English in the public domain in South Africa leads to socio-economic inequality:

The importance of language becomes apparent if one considers the over-all prosperity of the citizens of the country, their quality of life, and their access to the economic opportunities available to them. Then it quickly becomes clear that language can be a gate-keeper, a discriminator, which facilitates participation and sharing *or* acts as a barrier to accessing opportunities. This is what has happened in South Africa: language has become **a barrier** between the majority of citizens in this country and economic prosperity, an instrument of discrimination (in providing selective access to economic participation and occupational mobility), and to education and the development of people's knowledge, skills, norms and values. This happens both through the dominance of English in the formal economy of the country, and through the non-use of the Bantu languages.

Considering the endemic socio-economic inequality along racial lines in South Africa, this situation cannot be allowed to persist. In order to achieve true educational and socio-economic equality between ethnolinguistic groups, English proficiency and academic literacy have to be improved and the indigenous African languages have to be developed and expanded in order to make mother tongue education possible for all South Africans. In short, the *de jure* multilingual policy of South Africa has to become a reality.

Another multilingual country that has been characterised by an intense language debate throughout much of its existence is Belgium, which houses the headquarters of the European Union in its bilingual capital city Brussels. In Belgium, all official languages (Dutch, French and German) are used in higher functions and in education and English-medium tuition at tertiary institutions is still relatively scarce. Both Belgium and the European Union have relied on a principle known as subsidiarity to act as a guiding framework for its governmental structures, its policy decisions and a variety of other issues including multilingual language policy and planning.

The subsidiarity principle originates mainly as a central component of Roman Catholic social teaching and relates to the distribution of decision-making powers (Evans & Zimmermann, 2014a:1). According to Bieliauskaitė (2012:234), subsidiarity mandates that some functions and responsibilities be transferred from the central government to lower levels of governance as they are closer to, and more directly affected by, the matter at hand. In light of Belgium's relatively successful prevention of the anglicisation of its public domain and its utilisation of the subsidiarity principle, I propose investigating and determining the degree of utilisation of this principle in the South African context as well, whether implicitly or otherwise, in its

governmental structures and in its language policy and planning specifically, in order to inform the language debate and address the language problems described above.

The field of language policy and planning was founded during the 1960s, when linguists first noted the relationship between national language policies and broad social, political and economic issues. A second wave of language policy and planning research began during the 1990s, partly brought on by the historical events unfolding in South Africa (Blommaert, 1996:404), during which linguists observed the link between language policy and planning, and the creation and perpetuation of socio-economic inequality (Tollefson, 2002a: ix).

Research on language policy and planning has since focused on a wide variety of topics, from language rights and the benefits of multilingualism and mother tongue education, to the difference between African and European language policy and planning. The bulk of the research describes the linguistic situations in recently decolonised third world nations, or emergent states such as Israel, often comparing them to established multilingual states such as Canada, Switzerland and Belgium (Blommaert, 1996:403). The field of language policy and planning is expansive, and much has been written about the linguistic ecology of South Africa, including the language debate at universities.

Similarly, vast research has been done on the subsidiarity principle, ranging from its use in European politics, and international law and human rights law, to language policy and planning. While a trove of writings about the subsidiarity principle in Europe and Belgium exists, far less research has been done regarding the subsidiarity principle in Africa and South Africa. Despite the presence of some academic works on the subsidiarity principle in South Africa, the focus is from a legal perspective – there is no work on the subsidiarity principle in South African language policy and planning that I could find.

There is thus a precedent for comparing the linguistic situations of a European and an African country, exploring the use of the subsidiarity principle in Belgian and South African law, and for investigating the use of the subsidiarity principle in language policy and planning. The lack of research on the use of the subsidiarity principle in South African language policy and planning means there is scope for conducting original and valuable research on this topic.

1.2 Aims of the study

The main goal of this study is to discover how the subsidiarity principle relates to language policy and planning and if it can be used as a guiding framework with which to address the

current problem of non-implementation of multilingual language policies and practices in South Africa. I will examine the language policies of Belgium and Belgian universities in terms of the subsidiarity principle and analyse the extent to which South Africa and South African universities adhere to the principle. In the process I will aim to show the differences and similarities between these two countries in terms of in language policy and planning and the use of the subsidiarity principle in particular.

In this study, I will attempt to find out if the subsidiarity principle, if strictly adhered to, could prove to be a valuable tool in language policy and planning in higher education in South Africa, and in creating a truly multilingual country. I will aim to identify areas in which South Africa can improve adherence to subsidiarity in order to promote multilingualism in higher education. My final goal is to show the relevance of the subsidiarity principle to language policy and planning in general, and more specifically, to the language debate currently being waged at South African universities.

1.3 Hypothesis

My hypothesis is that the governmental structures and language policy and planning in Belgium, and specifically at Belgian universities, adhere to the subsidiarity principle whereas in South Africa they do not. I further hypothesise that Belgium achieves multilingualism in the public domain through the use of the subsidiarity principle and that if South Africa were to emulate the Belgian model of language policy and planning, it too can achieve multilingualism. Similarly, if South African universities were to utilise the subsidiarity principle in language planning and policy, i.e. if responsibility over institutional language policy and planning is devolved to universities, multilingualism in higher education would become a reality.

1.4 Methodology

In this dissertation, I will complete a comprehensive literature review of the field of language policy and planning, as well as of the literature on the subsidiarity principle. I will then, in the form of two case-studies, investigate the presence and nature of language policy and planning and the subsidiarity principle in Belgium and South Africa and at their respective universities, followed by a comparison of the Belgian and South African case-studies.

In order to achieve the goals listed above, I will consult leading authors on the subjects of subsidiarity and language policy and planning and critically investigate the presence of subsidiarity and language policy and planning in Belgium and South Africa – both nationally

and in higher education. Besides gathering relevant information from academic sources, I will also be examining the Constitutions of Belgium and South Africa, and several national language policy documents of South Africa. I will also be compiling information regarding the institutional language policies of Belgian and South African universities.

This dissertation will mainly follow a theoretical approach, as opposed to a data-driven approach, as it will not include any quantitative data, but rather involves hypothesising about principles based on relatively well-established facts. The approach of this dissertation can further be described as both abstract and applied, as the goal is to understand underlying principles, and to examine their practical applications. Lastly, the dissertation takes a comparative approach as it compares the use of these principles in two countries, in order to gain greater insights into the status and nature of language policy and planning across both countries.

1.5 Chapter division

In Chapter 2, I will briefly review the history of language policy and planning, followed by a broad look at the basic theories that have informed the field. I will then investigate the link between language and politics, paying special attention to concepts such as language rights, minority languages and ethnolinguistic conflict. Next, I will investigate the notion of national language policy as it occurs in nation states, multinational states and in European and African countries. Finally, I will examine the notion of language-in-education policy, and review related topics such as English as medium of instruction, mother tongue education, and bilingual and multilingual education.

While there are many different approaches and perspectives within the field of language policy and planning, for example Stroud's (2001) theory of linguistic citizenship, Hornberger's (2002) ecological approach and Banda's (2010) critique of the notion of additive and subtractive multilingualism, I am limited in terms of the scope of literature I can reasonably include in this study. For this reason, I chose to focus on those aspects of language policy and planning which directly correlate with the principle of subsidiarity. Considering the fact that subsidiarity is a political tool, often utilised in diverse polities as a means to protect minority group and/or individual rights, this dissertation departs from the perspective of language rights and linguistic justice, and supports mother tongue education and additive multilingualism as a means to attain ethnolinguistic equality.

Chapter 3 will provide an overview of the basic tenets of subsidiarity, by first tracing the roots of the principle back to Ancient Greece and to Roman Catholic social teaching and exploring the original conceptualisations of the principle. Then, I will provide a discussion on the application of the subsidiarity principle, looking specifically at its use in European, American and African politics. Lastly, I will link certain aspects of the subsidiarity principle to the field of language policy and planning and discuss the relevance of subsidiarity to education.

In Chapter 4, I will review the political, linguistic and governmental history of Belgium. I will then discuss the current situation in Belgium by examining the governance and language provisions made in the Belgian Constitution and evaluating Belgium against the principles discussed in Chapters 2 and 3. Finally, I will examine the education system, medium of instruction in Belgium and the institutional language policies of universities in Belgium, followed by a discussion on the subsidiarity principle in language policy and planning at educational institutions in Belgium.

Chapter 5, which follows that same basic format as Chapter 4, will review the political and linguistic history of South Africa, paying specific attention to some apartheid-era policies. I will investigate and analyse the provisions related to subsidiarity and language in the South African Constitution. Next, I will discuss the causes and consequences of the anglicisation of the public domain in South Africa. Finally, I will recount the language debate in South Africa, examine the institutional language policies of South African universities as well as some national language-in-education policy frameworks, and discuss the presence of subsidiarity in language policy and planning at educational institutions in South Africa.

In Chapter 6, I will further refine my evaluation and analysis of Belgium and South Africa in terms of the subsidiarity principle and language policy and planning by comparing the two case-studies. I will discuss the similarities and differences between the countries' governmental structures, emphasising the divergent utilisation of the subsidiarity principle. I will compare the linguistic ecologies and universities of Belgium and South Africa with reference to the theories discussed throughout Chapters 2 to 5. Finally, I will provide an in-depth analysis of the subsidiarity principle and language policy and planning in Belgium and South Africa.

Chapter 7 will provide a brief overview of the knowledge gained in Chapters 2 to 6, and summarise the arguments made throughout this dissertation. I will refer back to my initial problem statement, aims and hypothesis of the study and explain how this dissertation contributes meaningfully towards the greater field of research on language policy and planning

in South Africa. Finally, I will make recommendations on the potential for further research on the topic of the subsidiarity principle in language policy in planning in South Africa.

Chapter 2: Language Policy and Planning (LPP)

This chapter is divided into four sections which cover the field of language policy and planning (LPP), the link between language and politics, national language policy and LPP in Europe and Africa, as well as language-in-education policy respectively. In the first section, I will briefly trace the history of LPP research and define language policy and language planning. In the second section, I will discuss the connection between language and ideology, the concept of and need for language rights, and the reasons for the appearance of language conflict. The third section will deal with the ideologies and politics of homogeneous nation states and heterogeneous multinational states, as well as the different types of language planning and policy that occurs in Europe and in Africa. In the final section, I will highlight the importance of language-in-education policy as a means to reduce ethnolinguistic inequality and conflict, and broadly list the options available to policymakers.

The aim of this chapter is to establish a solid theoretical basis of language policy and planning which will inform the rest of this dissertation and, more specifically, would allow for a rigorous analysis of and comparison between the linguistic and political situations in South Africa and Belgium. With this literature review of language policy and planning (LPP), I aim to identify those aspects of LPP which are most relevant to the topic of this dissertation and provide the reader with the necessary background in order to understand and interpret subsequent chapters. This chapter also aims to build the case for informed language policy and planning and linguistic justice.

2.1 The Field of Language Policy and Planning

2.1.1 The history of LPP research

In the 1960s, the field of language policy and planning was born – a time during which the significance of language policy in national development was realised by thinkers such as Fishman, Ferguson, Jernudd, Das Gupta and Rubin. For the first time, language policies were linked with broad social, political and economic issues. After this first wave of research – which ended with the 1970s, researchers began to question the core assumptions underlying the entire field of language policy and planning (Blommaert, 1996:403; Tollefson, 2002a: ix).

Language policy and planning (LPP) research declined in the 1980s, but witnessed a renaissance in the 1990s, at least partly due to the political and linguistic developments in South Africa. This second wave of research was led by scholars such as Herbert, Benjamin, Maake,

Fardon and Furniss, and is characterised by the realisation that a correlation exists between language policies and the establishment and maintenance of socio-economic inequality (Blommaert, 1996:404; Tollefson, 2002a: ix).

Ricento (2000:492) divides LPP research into the following three historical phases: (i) decolonisation, structuralism, and pragmatism; (ii) the failure of modernisation, critical sociolinguistics, and access; and (iii) the new world order, postmodernism, and linguistic human rights. The first phase was during the 1960s, when LPP first became a distinguishable field, the second phase is from the 1970s to the 1980s, and the third phase is from the mid-1980s until today.

According to Ricento (2000:499), the latter (and current) phase is characterised by a concern with phenomena such as mass migration, the re-emergence of national ethnic identities and languages, the competition between local and supranational languages and cultural globalisation. He defines cultural globalisation as the centralised control over worldwide cultural dissemination and states that some scholars believe it poses a bigger threat to independence than colonialism ever did. This dissertation takes the perspective on language policy and planning just described, and will illustrate the influence that factors such as ethnolinguistic nationalism and globalisation have on language policy and planning in South Africa and Belgium.

2.1.2 Language policy theory

Orman (2008:39) defines language policy as the formulation of laws and regulations regarding language use and the allocation of linguistic resources by a political organisation. Spolsky (2004:5) identifies the following three components of a language policy: (i) the language practices of the speech community; (ii) the language beliefs and ideologies of the speech community; and (iii) the efforts to modify or influence the speech communities' language practices through language intervention, planning or management.

According to Spolsky (2004:110), there are four factors that are fundamental in determining the language policy of a nation, namely: (i) the sociolinguistic situation; (ii) the national ideology; (iii) the existence of English as a world language; and (iv) the notion of language rights. When making decisions regarding a national language policy, policymakers are pressured from various directions, since the calls of different stakeholders are often in conflict with each other in terms of these four factors. One such example of opposing views noted by Spolsky (2004:187) is a difference in beliefs ranging from the nationalistic mobilisation of a

language for national identity purposes, to calls for cultural and linguistic pluralism, i.e. the dichotomy between unity and diversity.

Spolsky (2004:217-218) states that language policy often requires a choice to be made between monolingualism and multilingualism, which further illustrates this conflict between national homogeneity and heterogeneity. Hymes (1967:98) claims that linguistic diversity leads to problems in many areas of life, such as education, national development and transcultural communication. He notes that those attempting to solve these problems expect to find a body of systematic knowledge and theory. However, Hymes states, they are often disappointed, since scientific competence is outpaced by practical concern. Many theorists, such as Skutnabb-Kangas (2001; 2006), reject the concept of linguistic diversity as a problem and have contributed to the field of language policy which views language as a resource.

According to McRae (1975:265), there are three dimensions of a language policy, namely: (i) the distinction between linguistic equality and minority status; (ii) the degree of domain comprehensiveness, i.e. the range of domains (such as education and media) which are regulated by a specific language regime; and (iii) the degree of centralisation and decentralisation in decision-making. McRae (1975:265-266) believes that these three dimensions, combined with the territoriality-personality axis (which will be discussed in Chapter 3), offer a comprehensive basis for analysing and evaluating language policies and language regimes, and provide a framework of options for a national language policy.

McRae (1975:267) notes that there are five domains applicable to the study of language policy, namely: (i) Education – public and private sector; (ii) Mass media – electronic media, the press, book publishing; (iii) Politics and government – legislatures, courts, national administration, provincial and/or local government, the armed forces; (iv) The working world – communications with the public (including advertising and signs), communications between enterprises and their employees, liberal professions, licenced trades, self-employed and small businesses; and (v) Culture and leisure – churches, voluntary associations, entertainment, sports.

Spolsky (2004:218) suggests that the Linguistic Ecology (LE) should be taken into account when formulating a language policy. This involves investigating the social, political, ethnic, religious, economic and cultural makeup of the community and the way in which these factors interact with language, as well as identifying the various beliefs about the symbolic and pragmatic values of the languages. Spolsky states that one can then consider specific language

planning decisions that have been made and evaluate the success and effect they have had on language beliefs and language practices.

According to Tollefson (2002b:5), the symbolic value of a language can have profound consequences for both minority language groups, who are attempting to negotiate complex and changing identities, and dominant language groups, who are attempting to retain political and economic power. The symbolic and pragmatic values of languages can be equated with the sentimental and instrumental attachments that speakers have to languages.

Spolsky (2004:60) identifies three different types of national language policies: (i) *Monolingual*, where one language is associated with national identity and others are marginalised; (ii) *Bi- or trilingual*, where two or three languages are associated with the national identity and others are marginalised; and (iii) *Multilingual*, where no one language is seen as representing the national identity. Alternatively, Schmidt (as cited in Tollefson, 2002c:180-181) lists the following types of national language policies:

1. *Centralist policy*: A dominant language is employed for national unity and the dominant ethnolinguistic group excludes other languages from public spheres (especially educational), in order to sustain its political and economic control. Centralist policies are usually based on a standard language ideology and a discourse of nationalism and national unity.
2. *Assimilationist policy*: Minority groups are encouraged to adopt the language of the dominant ethnolinguistic group as their own. Assimilationist policies are generally based on a discourse of national unity and the need for equality.
3. *Pluralist policy*: Linguistic diversity is promoted and there is tolerance for different languages and ethnolinguistic groups. Pluralist policies are mostly associated with a discourse of equality and to a lesser extent with a discourse of national unity.
4. *Linguistic nationalist policy*: Linguistic nationalism normally entails, though is not limited to, state legitimization of numerous languages in their separate geographical regions. Linguistic nationalist policies are often implemented through the political and administrative framework of a confederation.

I prefer Schmidt's framework of national language policies as it provides an opportunity to link a national language policy with governmental structures such as confederalism, nation states and multinational states (more on this in Chapter 6), as well as with language and political ideologies such as nationalism and pluralism. Moreover, the definition of a linguistic

nationalist policy, specifically, provides for national language policies to be analysed regionally, that is, to investigate the geographical distribution of languages in a country and its effect on national language policy and planning, which is crucial when discussing LPP in Belgium and South Africa.

According to Spolsky (2004:11; 186), language management refers to the explicit formulation of a language policy and is an attempt to modify people's language values and practices. Webb (2002:41) states that the implementation of language policies is a difficult task, since it entails changing people's linguistic use, norms, attitudes and beliefs and relies on the presence of effective policies and strong governing bodies, as well as the support of political leaders.

Orman (2008:104) suggests that the *de jure* and the *de facto* language policies may be completely different from one another, when there is insufficient political will to implement the official language policy. Spolsky (2004:222) agrees that the "real" language policy of a community is often not in attempts at language management or in the explicit policy written in the Constitution of a state, but rather in the language practices and beliefs. He states that there is often disparity between the present language situation in practice and the idealised language situation in policy.

I would link this discrepancy between the *de jure* and *de facto* language policy of a country to the unity-diversity dichotomy, where official policy documents recognise linguistic diversity, but, the need to integrate diverse groups leads to assimilation and homogenisation. It can further be argued that in Africa, the *de jure-de facto* incongruence can be attributed to the desire to reclaim cultural identity after independence on the one hand, and pressure from increasing globalisation, on the other.

According to Spolsky (2004:223), there is overwhelming evidence to suggest that language management is often unsuccessful in directing the course of a language and that language policy fails more often than not. Many authors have argued that, despite the difficulties involved in language policy implementation as listed above, language practitioners, politicians and citizens should not follow a linguistic Darwinist approach to language policy and planning and let the 'weaker' languages die (Kotzé, 2014:15; Ricento, 2000:500; Webb, 2002:33).

Since languages largely represent distinct cultural and ethnic groups and can also represent minority groups with differing levels of education and socio-economic status, language becomes a proxy issue for other more serious societal issues. It is absolutely imperative that languages be planned, language policies be drafted and those policies be implemented, in order

to address a myriad of problems faced by the speakers of those languages. Language policy and planning then is not only concerned with the protection and survival of languages, but with the protection and survival of language speakers.

2.1.3 Language planning theory

According to Jernudd and Das Gupta (1971:149), language planning means using resources in a deliberate way. It involves the construction of a plan of action, which consists of coordinated programmes and projects and is led by an official body. They (1971:150) suggest that the reason for planning language is the recognition that language is a *societal* resource, due to the instrumental and sentimental values attached to languages by the community. I would add that language is also an *economic* resource because of the important role it can play in education and in economic participation. This is not the same as instrumental attachments, as a speaker may have no attachment to his mother tongue and yet still stands to benefit from that mother tongue economically-speaking. For example, a speaker might be ignorant of the advantages of mother tongue education which I discuss later in this chapter and throughout the rest of this dissertation.

Jernudd and Das Gupta (1971:150) state that language planning begins by identifying the parts of society that require planned action in terms of language resources. They (1971:157) claim that language planning requires the identification of substantial language problems within a community and should be informed by the principles of national development. If marked economic inequality exists between two different ethnolinguistic groups, language planning would thus be done for the benefit of the marginalised group. Five types of language planning have been identified (Sallabank, 2012:119; Turner & Wildsmith-Cromarty, 2014:297; Webb, 2002:259-277), namely:

- *Status planning*, which involves the amelioration of a language's status by increasing its functions in the public domain (such as in higher education, in the court, and in media), or by increasing the status of the speakers (which raises the economic value of their language).
- *Corpus planning*, which refers to the development and expansion of a language and involves activities such as standardisation, codification, and technicalisation.
- *Acquisition planning*, which has also been called *language-in-education planning* (Liddicoat, 2013:2), includes the improvement of mother tongue proficiency and

literacy, as well as increasing the learning of the language as a second or foreign language.

- *Usage planning*, which attempts to extend the use of a language into new domains.
- *Prestige planning*, which includes the cultivation of positive language attitudes and may be understood to mean strengthening the sentimental and instrumental attachments to language.

Stewart (1968:142) identifies the following ten functional categories of language which may be taken into consideration during status planning:

- An *official language* (symbol: o) functions as a legally suitable language for all politically and culturally representative purposes nationwide and its o function is usually specified in the Constitution.
- A *provincial language* (symbol: p) functions as a provincial or regional official language. Its official p function is not nationwide but limited to a smaller geographical area.
- A language of *wider communication* (symbol: w) is a language other than one which already has an o or p function, which functions as the predominant medium of communication across language boundaries within the nation.
- An *international language* (symbol: i) is a language other than one which already has an o or p function, which functions as a major medium of international communication, such as in diplomatic relations, foreign trade and tourism.
- A *capital language* (symbol: c) is a language other than one which already has an o or p function, which functions as the primary medium of communication in the national capital in which political power, social prestige and economic activity are centred.
- A *group language* (symbol: g) functions as the usual medium of communication among the members of a single cultural or ethnic group, such as a tribe or settled group of foreign immigrants. The association between linguistic behaviour and group identity can be so powerful that the use of the g language becomes a criterion for establishing group membership.
- An *educational language* (symbol: e), is a language other than one which already has an o or p function, which functions as a medium of primary or secondary education, either regionally or nationally.

- A *school subject language* (symbol: s), is a language other than one which already has an o or p function, which is commonly taught as a subject in secondary education, either regionally or nationally.
- A *literary language* (symbol: l) is used primarily for literary or scholarly purposes.
- A *religious language* (symbol: r) is used primarily in connection with the practice of a particular religion.

Jernudd and Das Gupta (1971:158) classify the goals of language planning (for example, achieving effective global communication) into three economic categories, namely: (i) allocation of resources, which involves raising the standard of living, or the GNP; (ii) distribution, meaning to achieve equality between different groups; and (iii) stabilisation, which consists of developing national unity. They (1971:160) caution that some decisions can seemingly achieve these goals in the short-term, but that, in the long-term, they can run counter to the ultimate goals of language planning.

According to Jernudd and Das Gupta (1971:150), politicians have the highest authority on language planning and often assign a team of experts to formulate a language plan. These experts calculate how resources can be utilised to reach certain agreed-upon targets and their plan of action is then approved by the legislature. The planning experts approve an organisational set-up tasked with the execution of the plan and, ideally, guide and evaluate the progress of the implementation of the plan. This process highlights the status of language as a national resource of high importance and presents language planning as an investment by the government.

Jernudd and Das Gupta (1971:150) state that during the planning of a specific language situation, the values and ideas of the language planning experts and the community should be taken into consideration and the linguistic, political, economic and educational authorities should be involved in the design of the language plan. They (1971:151) stress that the abovementioned authorities have to remain interdependent of one another, so as not to lose the social motivation behind language planning in lieu of a “normative linguistic rationale”. They thus envision language planning as a collaborative effort by the community and various governmental and other institutions, in order to affect societal change.

2.2 Language and Politics

2.2.1 Language as a means of control

There are many instances throughout history when the process of language planning did not resemble the ideal situation described above and when language planning was not done to affect positive change for society as a whole. Instead, language planning has regularly been used by governments for sinister socio-political purposes. Webb (2002:208) has noted the use of language by governments for manipulation, discrimination and exploitation, in dividing the population and controlling it and in controlling and limiting access to the country's rights and privileges.

Hodge and Kress (as cited in Tollefson, 2002b:6) believe that language is not only a tool for communication, but also of control. They claim that when language is viewed as ideology, the role of language in manipulation becomes clear. According to Orman (2008:77), those who formulate and implement language policy and planning inevitably have political and philosophical agendas. Spolsky (2004:40) also believes that there is a strong connection between language and politics:

There is, of course, a good reason for the attention concentrated on political units, and that is the association of language policy with power and authority. In the modern world, states are an obvious locus of power, with a constitutionally established authority of governments over their citizens. In principle, and often in practice, a government can establish policy by constitution, law or regulations, and has the means to enforce or implement that policy. When the authority is divided (...) the establishment or implementation of policy becomes much more complex.

Leibowitz (1974:221-223) also proposes viewing language as a means of control, instead of just a means of communication or social interaction. He suggests that doing so allows problems faced by multilingual countries to be analysed in the same way that political scientists study federalism and empire – that is, in terms of the distribution of power between the central government and society. The importance of this distribution of power in terms of language policy and planning will be highlighted throughout this dissertation as it relates to the subsidiarity principle.

According to Leibowitz (1974:223), a federal structure is made up of military, diplomatic, scientific and economic elements. Another component is language freedom and language status, which he believes governments may use to either strengthen ties to the centre, or to decrease authority from the centre (i.e. centralisation and decentralisation). Leibowitz

maintains that governments use language to control society and limit access to economic and political life – which greatly impacts on the use of minority languages and the status of minority language speakers.

Weinstein (1990:349) also believes that governments use language for political goals and not for linguistic or communicative goals. He claims that governments influence both the identity of the political system and society by deciding who is in and who is out, as well as the patterns of participation by opening or closing access to power, wealth, and prestige, which Weinstein (1990) suggests can be achieved by controlling comprehension, employment and influence.

Blommaert (1996:417) argues that language is inextricably linked to politics and ideology:

The link between language planning and socio-political developments is obviously of paramount importance and should not be denied. Language planning studies in the 1990s and beyond, so it seems, will be a strongly political endeavour, and every neutralisation of this political-ideological dimension will prove to be counterproductive. The present upsurge of what Hobsbawm calls “identity politics” in the guise of new nationalisms, in which language is often celebrated as the primordial feature of man’s identity, underscores the relativity of the semantics of the very term “language”. Whenever some linguistic phenomenon is called “a language”, rather than “a dialect”, “code” or other derogatory terms, ideology and politics are at play. Whenever we indulge in “language” planning, we should be aware of the fact that we indulge in political linguistics.

2.2.2 Language rights

Janoski (as cited in McGroarty, 2002:25) classifies four types of citizenship rights: (i) legal rights (e.g. rights to equal treatment, freedom of speech, and property ownership); (ii) political rights (e.g. right to vote, hold office, and form or join a political party); (iii) social rights (e.g. *enabling* rights, such as access to health care and *opportunity* rights, such as access to education); and (4) participation rights (e.g. rights to job security and collective bargaining).

The UN’s *Draft Universal Declaration on Indigenous Rights* establishes the following fundamental human rights that indigenous people have (Ricento & Hornberger, 1996:93):

The right to develop and promote their own languages, including a literary language, and to use them, for administrative, judicial, cultural, and other purposes. The right to all forms of education, including in particular the right of children to have access to education in their own languages, and to establish, structure, conduct, and control their own educational systems and institutions.

Seeing as language can be used by governments in order to discriminate against entire groups of people and abuse their human rights, it is clear why the notion of language rights exists today. Linguists such as De Varennes (1996, 2007, 2015) have added greatly to the field of

minority language rights and have advocated for the protection and promotion of these rights in many countries, including South Africa.

Worldwide people enjoy varying degrees of language rights, ranging from the protection of minority language speakers against discrimination, to the promotion of minority languages and advancement of multilingualism. According to Paulston (1997:81), since language rights differ from country to country, there exists no generally accepted standard legal definition of the term 'language rights'. There are several pairs of dichotomies that are relevant when discussing language rights, which are summarised by Skutnabb-Kangas (2006:194) as follows:

- Negative versus positive rights
- Tolerance-oriented versus promotion-oriented rights
- Individual versus collective rights
- Territorial versus personal rights
- Rights in "hard law" versus "soft law"

According to Skutnabb-Kangas (2006:194), *negative rights* protect individuals from discrimination based on language, and ensure that linguistic minorities enjoy the same human rights that other citizens do. She contrast these rights with *positive rights*, which enable individuals to use their language and maintain and develop their group identity.

Pool (1987:44) states that *tolerance-oriented rights* allow linguistic minorities to cultivate their own languages, whereas *promotion-oriented rights* require public institutions to use and cultivate minority languages. Kymlicka and Patten (2003:137) define the former as the rights that individuals have against government interference with their private language choices, which permit them to speak their preferred languages in their homes, in the workplace and in the private sphere. They define the latter as the rights that individuals have to use a particular language in public institutions such as in the courts, the legislature, public schools, and the delivery of public services.

Kloss (as cited in Kymlicka and Patten, 2003:137) believes that immigrant languages should enjoy only tolerance-oriented rights, whereas long-standing national groups should enjoy both tolerance-oriented and promotion-oriented rights. Skutnabb-Kangas (2006:194-195) disagrees, and claims that proper integration of minorities can only be achieved by positive promotion-oriented rights, as negative tolerance-oriented rights may lead to forced assimilation.

Individual rights and *collective rights* protect the minority language speaker and the minority language group respectively, both of which Skutnabb-Kangas (2006:195) believe are important for successful integration. She further suggests that *territorial rights* and *personal rights* are also needed for integration, which protects the minority language speakers who live in a traditional territory, as well as those minority language speakers who are dispersed and do not inhabit a territory belonging to their group. Finally, Skutnabb-Kangas believe that both *hard law rights* and *soft law rights* are necessary for successful integration, where the former denotes the binding rights included in charters, Constitutions, etc., and the latter denotes rights included in declarations, recommendations, and so forth.

Heinz Kloss, referred to by Pool (1987:44) as the leading historian and theorist of language law, developed a scale of language rights which can be used to rate national language policies in terms of their support of linguistic minorities. Kloss divides pro-minority language policies into those that confer tolerance-oriented rights and those that confer promotion-oriented rights, which Pool (1987:45) interprets into a seven-value scale of language rights (where 1 is the least pro-minority policy and 7 the most pro-minority policy):

1. Allowing linguistic minorities fundamental political rights.
2. Allowing the use of minority languages.
3. Allowing minorities to establish institutions in which they use their language.
4. Allowing minorities to establish private schools in which they cultivate their language.
5. Allowing foreign countries to help minorities carry out activities (3) and (4).
6. Allowing state institutions to use minority languages when communicating with minorities.
7. Either allowing minorities to organise public institutions of self-government in which they use their language, or using minority languages in all state communications.

Cobarrubias (1983:305) in turn lists the following official attitudes toward minority languages: (i) attempting to kill a language; (ii) letting a language die; (iii) unsupported coexistence; (iv) partial support of specific language functions; and (v) adoption as an official language. Pool (1987:45) states that Kloss' scale can be expanded in order to include more extreme anti-minority policies, such as denial of political rights to linguistic minorities and even genocide, as well as more extreme pro-minority policies, like the exclusive state use of minority languages. Pool emphasises that although this scale can help to measure linguistic inequality,

it cannot differentiate between legitimate and illegitimate linguistic inequality, seeing as there is no line in the scale that divides rights from privileges.

According to Pool (1987:49-50) *equal linguistic treatment* is not a single notion, but comprises three related ideas which lead to different conclusions about costs and benefits. These are: (i) *the identical treatment of languages*, which require authorities to do to all languages what they do to one; (ii) *the equal treatment of languages*, which require that every inferior treatment of a language is counterbalanced by a superior treatment, so that overall, no language is treated better or worse than any other language; and (iii) *the equal treatment of speakers*, which requires that no person be treated better or worse than if he were speaking a different language.

Kymlicka and Patten (2003:138) distinguish between two different methods of accommodating speakers of a particular language in public institutions. The first is called the *norm-and-accommodation approach*, wherein a majority language is predominantly used. Only in cases where someone is not sufficiently proficient in this language, will a special accommodation be made in order to ensure successful communication. In the second approach, multiple languages enjoy official status and for the sake of equality, a speaker may receive any public service in his own language, regardless of whether he is proficient in the majority language. Kymlicka and Patten (2003:138) stress that whereas the priority of the first method is efficient communication, the second method strives to promote “a further identity or intrinsic value”.

According to Spolsky (2004:113-114), there are several problems related to the notion of language rights, such as: (i) the terms *language rights*, *linguistic rights*, and *linguistic human rights* are not clearly differentiated; (ii) there is disagreement about whether or not language rights are distinct from other human rights; (iii) there is disagreement about the distinction to be made between the rights of an individual to choose the language to be used in his community, and the collective rights of a language community to use and preserve its language; and (iv) there is disagreement as to whether the speakers or the government should be responsible for language maintenance. Spolsky (2004:120) further explains the difficulty surrounding language rights:

These are straightforward enough when applied to the individual citizen. What adds complexity has been the recent extension of these rights to minority groups and, even more controversially, to the increasingly large migrant communities appearing in so many countries. The problem arises when one moves from the rights of an individual to use his or her own language to the requirement that the state both use and support the use of the minority language.

Spolsky (2004:130) claims that although the right to use one's own language is easy to derive from human rights, advocates of linguistic rights go further and impose the responsibility to maintain minority languages on the government. Spolsky (2004:187) states that linguistic minority groups can attempt to manage themselves and modify the beliefs and practices of the other members in their group, but they can also attempt to change their country's national language policy. He also suggests that linguistic minority groups can try to exert influence by calling for clearly-defined language rights, limited autonomy, or total political independence.

May (2003:159) lists the following common arguments against Minority Language Rights (MLR) and Linguistic Ecology (LE): (i) majority languages are instrumentally valuable, while minority languages are sentimentally valuable but are obstacles to social mobility and development; (ii) learning a majority language provides individuals with greater economic and social mobility; (iii) learning a minority language, while possibly important for cultural reasons, restricts an individual's mobility; (iv) sensible minority-language speakers will choose mobility and modernity via the majority language; and (v) the decision between a majority or minority language is oppositional and even mutually exclusive.

May (2003:160) believes that these arguments, which view the majority language as the most if not the only instrumentally useful language, remain prevalent and are difficult to refute. He (2003:160-161) argues that because of these persistent language attitudes in society, the "social justice arguments" underlying MLR are ignored and the central tenet of MLR – mother tongue education – is undermined. May (2003:161) claims that the arguments listed above are marked by "fundamental misconceptions, inconsistencies and contradictions" and that they hinder minority language planning.

According to Sridhar (1994:630), there are two forces involved in the preservation or loss of a minority language. The first and strongest force is socio-political and economic factors, and the second force is the minority group's commitment to the preservation of its ethnocultural identity and values. Spolsky (2004:216), on the other hand, insists that the loss of linguistic diversity is not due to language policies and social, economic, religious and political forces – or linguistic genocide – but rather, due to linguistic suicide.

Skutnabb-Kangas (2006:189-190) states that although some people feel *linguistic genocide* is too strong a term, two of the five definitions of genocide - provided by The UN International Convention on the Prevention and Punishment of the Crime of Genocide – fit today's state of indigenous and minority education (i.e. the lack of mother tongue education), namely: (i)

forcibly transferring children of the group to another group; and (ii) causing serious bodily or mental harm to members of the group. Despite the negative socio-economic impact that minority language death (whether or not it is due to linguistic genocide or suicide) has on minority groups, Spolsky (2004:216) maintains that language activists have failed to convince governments that maintaining linguistic diversity is their responsibility.

Sridhar (1994:630) believes that minority languages can survive when the entire society respects and not just tolerates differences, and when there is a true commitment to multiculturalism. According to Dunbar (2001:117), it is crucial that minority language communities are involved in the design and implementation of policies that affect them and their language community. He (2001:120) points out, however, that even though minority language groups may insist on their language rights, they are still dependant on their government to respect, protect and grant these linguistic rights. In this sense, all countries have a centralised national language policy regime, seeing as the authority to grant linguistic rights to minorities mostly resides with the central government.

2.2.3 Language conflict

According to Kelman (1971:177), the historical setting and language policy of a country frequently lead to the discontentment of certain language groups. The dissatisfied group, who usually speak a minority language, are prone to feel that their rights are not being granted and that they are being denied opportunities because of their language. In addition to the suppression of minority groups, Kelman lists the following three scenarios where language conflict may arise: (i) the majority group is socio-economically disadvantaged, in comparison to a minority group; (ii) the majority group's language does not enjoy international status, or is less powerful than one of the minority languages in the country; and (iii) the majority group is convinced that too much resources and/or rights are granted to minority groups.

Davis (1994:9) states that language problems often arise in traditional multilingual nations during socio-political or economic transitions. She hypothesises that since language traditions are widely perceived as central to social cohesion and national unity, it becomes difficult to realise the changes in the needs, purposes and use of different languages demanded by economic transitions. Davis (1994:9) claims that in order to address the need for change and to recognise traditional values, governments usually establish language policies which stresses both "ethnic authenticity" and "modern efficiency".

According to Kelman (1971:178), language conflicts are exacerbated by the presence of sentimental and instrumental attachments to language. He posits that the aggrieved group will sense a threat (at the sentimental level) to their group identity, language, culture, literary expression, and education. Since their language is not being recognised, Kelman claims, the group will experience discrimination at the instrumental level as well, meaning that their members are denied equal opportunities and participation in the system, and that they are socio-economically hindered. Kelman (1971:178-179) emphasises the severity of language conflict situations as follows:

Assuming that the primary impetus for major linguistic conflicts is an instrumentally based grievance – a response by the weaker language group to discrimination, to exclusion, and to denial of its rightful share of power and resources – the conflict readily becomes intensified by sentimental elaborations. Since language is so closely tied to group identity, language-based discrimination against a group is perceived as a threat to its very existence as a recognisable entity and as an attack on its sacred objects and symbols. The issue is no longer merely a redistribution of power and resources, but it is self-preservation of the group and defence against genocide. The conflict becomes highly charged with emotion and increasingly unmanageable.

Different languages, Kelman (1971:177) claims, usually correlate with ethnic, religious and socio-economic differences between groups – all factors that can lead to serious conflict. Grin (2003:512) agrees that linguistic diversity has a “conflictual” nature, since different linguistic groups are often in competition for access to the same resources, both material and symbolic. Tollefson (2002b:5) believes that since language conflict usually sprouts from the competition for political power and economic resources between different linguistic groups, it is important to examine the underlying socio-economic and political struggles that language conflict represents, in order to gain a deeper understanding of specific language debates.

According to Tollefson (2002b:5), governments and/or ethnolinguistic groups can see language conflict as beneficial to their own political agendas and may use language policies to not only resolve conflict, but also to create and sustain it. He (2002d:337) states that critical linguists and advocates of progressive language policies should remain cognisant of the fact that ethnolinguistic conflict is often created (in order to gain or retain political power) and is therefore, contrary to widespread belief, not natural or inevitable.

Ethnolinguistic diversity, Tollefson (2002d:335) suggests, can be dealt with by state authorities in two ways: they can either extend democratic pluralism, or they can repress ethnolinguistic differences by creating two categories of citizens – those who enjoy full rights and privileges and those who do not. Tollefson (2002d) argues that while this approach can be temporarily

successful, it requires substantial costs and often leads to even greater social conflict. He lists apartheid South Africa, Yugoslavia, Turkey, Rwanda and Indonesia as examples of countries that have taken this approach to managing diversity.

Despite the obvious policy concerns and other socio-political problems related to language conflict, Tollefson (2002b:5) believes that language policies that seek to reduce linguistic diversity are usually very unrealistic. Skutnabb-Kangas (2001:204) suggests that if minority groups' language rights, including their educational language rights, are not supported by the state, it leads to ethnic conflict and demands for secession. It is therefore of the utmost importance that language conflict be responsibly managed and that the underlying political and socio-economic inequalities between linguistic groups be addressed.

According to Kelman (1971:166), language has the ability to unite a diverse population, as well as to cause major separation and internal conflict in a country. He suggests that this dual nature of language should be taken into consideration during language policy formulation, not only in developing nations, but also in developed nations that are marked by diglossia, such as Canada and Belgium (Chapters 4, 5 and 6 will illustrate how language can lead to separation and ethnolinguistic conflict in South Africa and Belgium).

2.3 National Language Policy

2.3.1 Monolingual nation states

A discussion on language and politics in nation states might seem out of place in a dissertation about language policy and planning in multilingual countries. However, as will become apparent throughout this dissertation, the notion of nation states is very relevant to the Belgian and South African case-studies.¹ I will elaborate on the link between nation states, language, and Belgium and South Africa in Chapter 6.

The ideology of a nation state has three distinct features according to Kelman (1971:167), namely: (i) the establishment of a political system with jurisdiction over a population is justified on the grounds that the system is ethnically and culturally representative of the population; (ii) the nation state is the main political authority that governs over all other

¹ The term *nation state*, as used throughout this dissertation, should not be understood to simply denote *country* or *nation*. I refer specifically to the notion of a state with a national language, culture and identity, and therefore, a high level of homogeneity.

political units; and (iii) all members of the population are expected to contribute to the task of maintaining the independence, integrity and efficiency of the nation state.

Kelman (1971:167) claims that the involvement of citizens in the national system depends on their acceptance of the system's ideology – if citizens believe that the state is legitimate, they can be mobilised by the government in its support and to make sacrifices during national crises. He (1971:168) further posits that the legitimacy of a nation state depends on two factors: (i) the degree to which it reflects the ethnic and cultural identity of the population; and (ii) the degree to which it meets the needs and interests of that population:

In the long run, a political system cannot maintain its legitimacy unless, at least, a significant proportion of the population perceives it as meeting their needs and interests (although it can, of course, retain power by relying on coercive means, even if only a small elite are adequately integrated into the system). In shorter runs, however, a system can maintain its legitimacy – even if it is not working effectively, is facing serious economic difficulties, or is torn by internal conflicts so that it can adequately provide for the needs and interests of only some segments of the population at the expense of others – as long as it is seen by wide segments of the population as representing their national (ethnic-cultural) identity.

According to Kelman (1971:168), an individual is sentimentally attached to the national system when it represents him and embodies the group in which his personal identity lies. He lists three ways in which sentimental attachment is channelled: (i) the individual is committed to the values of the national culture and takes interest and pride in the culture, traditions and history of his people; (ii) the individual may be identified with the role of the national, signifying an emotional commitment when group symbols are used; and (iii) the individual is committed to the state since it embodies his people and thus deserves his obedience of its authoritative demands.

Kelman (1971:168) suggests that an individual is instrumentally attached to the national system when he sees it as an effective vehicle for achieving his own ends. He (1971:170) lists three ways in which instrumental attachment is channelled: (i) the individual is committed to the ideology underlying social and economic institutions as it promotes the needs and interests of the entire population; (ii) the individual is committed to a variety of social roles whose success depends on the effective functioning of the national system; and (iii) the individual is committed to law and order and is concerned with keeping the fabric of everyday life intact. Kelman (1971:171) elaborates on the effect of sentimental and instrumental attachments to the national system:

Thus, if sentimental attachments are strong, the system can maintain its legitimacy even though it does not adequately meet the needs and interests of the population or does so only for a small proportion of the population. By appealing to the common national identity of the people, the leadership may be able to elicit their loyalty despite internal divisions and inequities. This is a particularly valuable resource in the initial stages of political development, when elites typically have to mobilise mass support without being able to offer many concrete benefits to the majority of the population. Similarly, if instrumental attachments are strong, the system can maintain its legitimacy even though it does not adequately reflect the ethnic-cultural identity of the population or does so only for a small proportion of the population.

According to Kelman (1971:174), at the sentimental level, a national language can function as a symbol of attachment and link an individual to a dispersed population whose members he does not personally know. He suggests that this attachment to distant group members can grow so strong that it can take on the emotional intensity of a primary relationship. Kelman (1971:175) further states that at the instrumental level, a national language can integrate the system and connect new members to it, which makes it possible for countries to develop political, economic, and social institutions that serve the entire population.

Kelman (1971:179) believes that in a monolingual country, sentimental and instrumental attachments constantly reinforce each other which leads to national unity, whereas in a multilingual country, however, language divisions often lead to an instrumental conflict between different groups. When this happens, fundamental identity differences between these groups are brought into focus, changing the conflict to a sentimental one. According to Kelman, the mutual trust between groups fades, which makes successful negotiation nearly impossible to achieve. He (1971:180-181) elaborates:

(...) when we focus on the effort to create a nation-state, not merely out of a population that is largely tied to local communities and not at all oriented towards a national centre, but out of a population that is divided into separate ethnic groups, each engendering strong sentimental attachments and often with a history of intense conflict among them. In such a situation, deliberate attempts to create a common national identity are likely to face particularly great obstacles and may well increase the disintegration rather than the unity of the society. (...) This threat to ethnic identity is likely to arouse sentimental attachments to the group in their fullest emotional intensity and to create tremendous resistance to the policies designed to promote national identity.

2.3.2 Multilingual multinational states

It is important to distinguish between the different types of multilingualism when discussing officially multilingual countries. While normally a distinction is made between *societal* and

individual multilingualism,² some authors have identified a third and even a fourth type, namely, *institutional* and *discursive* multilingualism.³ These four types of multilingualism denote the ability of societies, individuals, institutions and groups to use more than one language on a daily basis (Franceschini, 2011:346).

According to Franceschini (2011:346), a society (such as the Swiss or the Belgian) is classified as multilingual because of the coexistence of two or more language groups, while institutions may be defined as multilingual when they use more than one language (for example in company documents). She states that an individual is multilingual when they speak more than one language, and when multilingual individuals interact with one another, the discussions of the group may also be described as multilingual.

While a society may consist of several language groups and be described as multilingual, this does not necessarily imply that any institutions, individuals, or groups in that society are multilingual. In fact, it is entirely possible for an officially multilingual country to consist of completely monolingual institutions, individuals, and by extension groups. As I will later argue, it is possible to create monolingual areas in a multilingual country, which increase societal multilingualism in the public domain, but decrease individual, institutional and discursive multilingualism.

According to Kelman (1971:177), language can be a unifying force in monolingual countries and a divisive force in multilingual countries. He (1971:166) believes that while the development of a national language can lead to the establishment of a national identity in nation states, the deliberate use of language for this purpose in multinational states may have the opposite effect i.e. of disunity.⁴

Kelman (1971:177) states that although a common language is not a prerequisite for a united country, there are countless examples of multilingual countries in which there have been or still is language conflict. Thus while linguistically and culturally homogeneous nation states can rely on a shared language to unite all citizens and reinforce the governmental system, linguistically and culturally heterogeneous multinational states have to find other ways to unite a diverse population through their national language policies.

² See Weber and Horner (2012) for a comprehensive discussion on societal and individual multilingualism.

³ Franceschini (2011) expands on the tripartite definition of, among others, Lüdi (1996).

⁴ The term *multinational state* refers to sovereign states consisting of more than one nation, i.e. a country that is multilingual, multi-ethnic and multicultural.

When formulating the language policy of a multilingual nation, Stewart (1968:138) recommends considering how the languages involved differ from each other in terms of their structure, their histories, their relationships to one another, the degree to which their use is codified and the manner of their diffusion from generation to generation. Stewart states that every language will have a different configuration of these characteristics and will fall into different categories of intrinsic social value, called *language types*. According to Stewart (1968:138), language types are a vital factor in determining whether or not a particular language will be accepted by the national community as suitable for some specific role, such as for use as an official language.

According to Stewart (1968:142), the function of each of the languages in the national community should be specified when describing the multilingual situation in a country. He (1968:143) suggests that multilingual countries are stable when the different languages do not compete geographically, socially, or functionally. He claims that two or more languages can have the same function without language conflict arising, as long as they are languages of different local administrative units, or different social or ethnic groups. Although this language situation could cause less language conflict in the short-term, it creates other problems which eventually enflame ethnolinguistic conflict once again (I will elaborate on this in Chapter 4).

Stewart (1968:144) defines national multilingualism as the established use of more than one language (with an o, p, w, c, or g function) within a single polity. He (1968:136) suggests that the multilingualism in Asia, Africa and Latin America, which is often accompanied by ethnic and cultural pluralism, leads to communication problems. In such instances, Stewart continues, national governments initiate remedial programmes that often favour one of the following two policies: (i) the elimination, through education or by law, of all but one language which is to remain as the national language; or (ii) the recognition and preservation of important languages within the national territory, and the adoption of one or more languages as official language and lingua franca within the nation.

According to Stewart (1968:137), the first policy attempts to eradicate linguistic diversity, and by extension cultural diversity, by promoting a national language and culture among ethnic minorities. The second policy, which has been adopted by many African states, recognises cultural diversity as a central characteristic of the country. Stewart (1968:137) claims that the specific cultural, linguistic and political situation will dictate which policy is the most suitable, and reminds that both approaches necessitate direct language manipulation.

Kelman (1971:181) maintains that if multinational states want to formulate policies that do not enflame group identities and lead to ethnolinguistic conflict, they have to avoid direct manipulation of the national identity and protect group identities. He believes that central governments should grant minority groups the right to develop their own cultural institutions, maintain their own schools, and preserve their own language, which will increase their instrumental attachment to the central system because it services their sentimental attachment to their group identity.

Galston (as cited in McGroarty, 2002:26) states that a very controversial matter in contemporary social theory is the extent to which liberal democracies that are dependent on majority-rule can accommodate pluralism, and in the case of LPP, multilingualism. Tollefson (2002d:336) believes that democratic pluralism has to be accepted by dominant groups to a certain extent. He argues that this is unlikely, since it would require dominant groups to forfeit their advantage, which may include wealth redistribution and political power shifts (in both cases from them, to minority groups).

According to Kymlicka and Patten (2003:141), all liberal democracies have been involved in a nation-building process, which requires the adoption of policies that promote a common language and identity. They claim that these nation-building projects are oftentimes viewed as illiberal and as promoting cultural imperialism and ethnocentric prejudice. They believe, however, that the motivations behind nation-building are usually more complex.

As I will argue in Chapter 5, there are countries whose geographical borders were arbitrarily drawn, and the ethnolinguistic groups they contain happened to share the same geographical space at the point of unification. Historically, these groups have had very distinct identities, and have had many conflicts and even wars between them. In order to prevent both the political fragmentation of the country along ethnolinguistic lines and to prevent further conflict between these groups, central governments are necessitated to promote a national identity that transcends group identities and increases attachment to the national system. Weinstock (2014:267) agrees that nation-building is a necessary step in binding diverse groups to the central political system:

Nations are often the result of deliberate, institutionally mediated nation-building, through which states have had to convince political subjects thrown together within the same political borders as a result of the vagaries of history that they are actually bound by something more than happenstance. Where such nation-building enterprises have been successful, it has at least in most cases been because citizens have arrived at a

sense of shared identity through their partaking in shared institutions. So it is possible to exaggerate the extent to which nations are “natural” and “prepolitical”.

2.3.3 Language policy and planning in Europe

Europe consists of both monolingual nation states, such as Germany and England, and multilingual multinational states, such as Switzerland and Belgium. Language conflict and linguistic diversity issues are therefore not as prevalent in some European countries as they are in others.⁵ However, due to the supranational government, the European Union (EU), which connects many of these European countries, the languages of nation states are minoritised by more dominant languages of other European countries, who all compete for the position of lingua franca of the EU.

According to Vítores (2011:160), the EU has faced linguistic diversity issues throughout its history – back when there were only four official languages at the time of its inception in 1957,⁶ as well as today, when 24 languages enjoy official status.⁷ Vítores states that the creation of the EU’s linguistic regime was a result of the balancing act the EU had to perform between effective communication between the various Member States on the one hand and equal representation of linguistic groups on the other. Vítores (2011) points out, however, that the status given to each language did little to change its de facto status.

Vítores (2011:161) claims that two language trends developed in Europe after the establishment of the EU, namely: (i) the gradual replacement of French and German by English as the lingua franca of the EU – brought on by the inclusion of the United Kingdom and Ireland in the EU in 1973, which exposed the EU to the same global market forces that contributed to the dominance of English as a tool for international communication outside of Europe; and (ii) the transfer of the management of language policies from the European institutions to the various Member States – legitimised in 1992 with the introduction of the principle of

⁵ No European country is exempt from language problems or the need for LPP, due to the presence of immigrants from other European countries and the high number of migrant populations.

⁶ I refer to the EU in this section for simplification and comprehension, although the supranational governmental body only became known as such in 1993. Chapter 3 will deal with this topic in depth.

⁷ These are: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish and Swedish. EU citizens enjoy the rights to use any of the official languages in correspondence with EU institutions and to receive a response in that same language. All EU regulations and documents are published in all official languages. Representatives in the European Parliament also enjoy the right to use any of the official languages. The EU is home to over 60 indigenous and minority language in total. For more reading, see: https://europa.eu/european-union/topics/multilingualism_en

subsidiarity, which was intended to maintain linguistic diversity in an EU increasingly faced by the threat of monolingualism and the loss of linguistic and cultural heritage.

The EU, Vítors (2011:163) maintains, has always attempted to integrate respect for multilingualism in its policies and many official and unofficial statements have defined multilingualism as one of the distinguishing features of the continent and a prerequisite for building a united Europe. In education, the EU advocates for a mother tongue plus two policy, whereby schoolchildren are introduced to two foreign languages at an early age.⁸

Vítors (2011:174) claims that although individual bilingualism in the EU has grown considerably since 1970, the lingua franca used most often is English, ahead of both French and German, signifying a definite growth in English-monolingualism in supranational relations. According to Vítors (2011:167; 172), faced with the inevitable rise of English as the lingua franca of the EU, France and later Germany began supporting the subsidiarity principle in LPP, not because they wished to promote linguistic diversity, but because they wanted to protect the dominant position of French and German in the EU. Vítors (2011:176) claims that this strategy, which was supported by other non-English-speaking Member States, has not been able to stop the spread of English in the EU and thus promote the use of the other official EU languages.

2.3.4 Language policy and planning in Africa

Webb (2002:28) suggests that a distinction should be made between the types of multilingualism in countries, seeing as multilingual countries “are not multilingual in the same way”. He explains that many European countries, such as Britain, France, Germany and the Netherlands, are very multilingual in that they contain many different languages and minority language groups (mainly immigrants). However, Webb continues, in Africa the minority languages are spoken by the majority of the population, which creates very different language problems than in Europe, where one language is spoken as a mother tongue by the majority of the population.

According to Stewart (1968:136), new and developing nations face several problems related to language, such as widespread illiteracy, the lack of a standardised national language, the need for pedagogical tools in locally-adopted language teaching and the lack of modern technical vocabularies in languages which must suddenly be employed for communicating scientific

⁸ This policy was agreed to by EU heads of state and government in 2002. For more reading on multilingualism policy in the EU, see: https://ec.europa.eu/education/policies/multilingualism/about-multilingualism-policy_en

knowledge. Stewart claims that while both linguistically uniform and linguistically diverse countries may encounter these problems, it is in linguistically diverse countries that these problems are more complex and in which finding solutions is more difficult.

According to Kotzé (2014:16), the process of liberation from colonial rule in Africa has left two characteristic marks on the language situations in ex-colonies, namely: (i) the presence of individual and societal multilingualism, and higher functions that are dominated by the use of a European language, such as English, Portuguese or French; and (ii) sociolinguistic inequality between the indigenous languages of the specific African country and its colonial language(s). Kotzé believes that this inequality is a consequence of the hegemony of colonial languages in the public domain in Africa and is most clearly observable in the realm of language in education.

Spolsky (2004:131) states that in an attempt to find an ethnically neutral language, many African countries elect a colonial language as official language. Spolsky explains that in these highly pluralistic settings, multilingualism is seen as working against national unity, while the election of a local language as national and/or official language is seen as causing further inequality between the various linguistic groups.

Therefore, while most African countries have a very high degree of societal multilingualism, the public domain is ironically largely monolingual and indigenous languages are underutilised in higher functions. Webb (2002:27) rightly suggests that African countries that officially support multilingualism, such as South Africa, have to increase their levels of individual and institutional multilingualism, in order to reflect their high levels of societal multilingualism.

In African states, a policy of multilingualism cannot refer to “creating a multilingual society”, simply because this is the natural state of affairs in these societies anyway. “Multilingualism” must mean, first of all, promoting *individual multilingualism* (so that the members of the society can communicate with one another because they share competence in overlapping languages); secondly, establishing a *multilingual attitude and way of thought*; and, thirdly, creating a *multilingual official or public society* (where all major languages of the country are used for the **high public functions**).

2.4 Language-in-Education Policy

2.4.1 The importance of LPP in education

Tollefson (2002b:3) states that two branches of applied linguistics attract a lot of interest: (i) critical linguistics, which studies language as it occurs in its social, political and historical context, with a specific focus on inequality, language discrimination and language rights; and

(ii) language policy, which studies the role of governments and other powerful organisations in influencing language use and language acquisition. According to Tollefson (2002b:3-4) these two areas merge in the study of language policies in education, in which the following type of questions are asked:

- How do language policies in schools (and in universities) create inequalities among learners?
- How do policies marginalise some students while granting privilege to others?
- How do language policies in education serve the interests of the dominant groups within society?
- How can linguistic minorities further their interests through attempts to change language policies in schools (and universities)?

Paulston (1997:84) lists the following findings regarding language-in-education policies: (i) language policies represent the interests of those in power; (ii) such interests serve to maintain the socio-economic status of the elites; (iii) these ideologies permeate society at all levels and all its institutions; and (iv) individuals do not have freedom of language choice, neither in education nor in social life. According to Tollefson (2002b:5), a major goal of policymakers may be the use of educational language policies to reduce the potential for social and political conflict.

In terms of social stratification, language is but one difference between language groups. Groups may vary significantly from one another in terms of economic and social status, political power and levels of education and employment. Since language can easily become a proxy issue for these more serious societal problems, it is not shocking that the use of language in education is a contentious issue in many parts of the world and frequently leads to language conflict, as education is vital in solving these societal issues.

Heller and Martin-Jones (as cited in Martin-Jones, 2007:316), believe that educational choices should transcend questions about how to achieve linguistic proficiency and include choices about how to distribute linguistic resources and what value to assign to linguistic forms and practices. They believe that these considerations directly affect the economic, political and social standing of language groups and impact individuals' economic potential, social standing, and power relations.

McCarty's (2002:299) *Critical Framework for Indigenous Language Education, Planning and Policy*, unites language planning and education under three headings, namely: (i) status planning, which includes deciding how and where the indigenous language will be used; (ii) acquisition/cultivation planning, or deciding who will use the language and for what purpose; and (iii) corpus planning, which consists of developing the language in written form for instructional purposes.

According to McCarty (2002:301), the work done under status planning should take into account factors such as English hegemony, the effect that colonial education has had on indigenous languages and identities as well as compensatory and paternalistic national policies. She also points out that status planning is carried out in a context of political and economic marginalisation and is thus a direct act against the dominant race, class and power structure.

McCarty (2002:301) further notes that work done under acquisition/cultivation planning creates opportunities to promote bilingualism, educational achievement and cultural pride, by promoting the use of indigenous languages in education. She maintains that not only does it revitalise the language, but it also creates socio-political and economic transformation, for example, by cultivating a professional class of indigenous educators necessary for successful bilingual education.

Lastly, McCarty (2002:302) claims that in corpus planning, the codification and elaboration of indigenous languages create opportunities to anchor the school curriculum in the local language and culture, which she believes leads to new literacies and literatures and gives voice to indigenous writers who can challenge colonising texts. McCarty calls these socio-political acts and states that they are vital to the ability of minority groups to maintain local educational control and in maintaining representation in the face of growing pressure for homogenisation.

In public discourse in multilingual countries, there is a variety of views on what the best language policy in education is in terms of ensuring quality education, as well as of protecting minorities and promoting equality and unity between different language groups. These views can be placed into three main categories: (i) English as medium of instruction; (ii) mother tongue education (MTE); and (iii) bilingual education (BLE) and multilingual education (MLE).

2.4.2 English as medium of instruction (MoI)

According to Mazrui (2002:267), in Africa, the British colonial discussion on language in education has oscillated between universalism and relativism, or as Davis termed it in section 2.2.3, modern efficiency and ethnic authenticity. He states that while some colonial pioneers believed English is best able to aid development in Africa, others believed that indigenous languages are better suited for the task. Mazrui (2002:268) lists Esk'ia Mphahlele, Chinua Achebe and Nuruddin Farah as notable proponents of the former view and states that they believe that decolonisation in Anglophone Africa can only be achieved by the use of English, due to the condition of the indigenous languages. As I will argue in Chapter 5, this is a problematic view for many reasons – at least in the South African context.

Despite this dichotomy in the theoretical literature, Mazrui (2002:269) claims that in practice, English dominates as medium of instruction (MoI) in African education and receives wide public and financial support. He (2002:272) laments the lack of debate on the supposed advantages of English hegemony in African education:

Particularly noteworthy in this entire debate is the total absence of voices suggesting, even mildly, that perhaps the policy of English medium instruction from the earliest years of an African child's education deserves another look altogether. The question that preoccupied the British colonial administrators and missionaries – which language was most suited to learning in early childhood education – has virtually disappeared from current African debates on English as medium of instruction and its implications for the acquisition of knowledge in other subjects in general. The situation affirms once again the triumph of the “English-only” ideology and policy in education in many British ex-colonies in Africa.

Mazrui (2002:275-276) further accuses African universities of being foreign and culturally alienating, which he claims has resulted in a generation of African academics who despise their heritage and who are *linguistically*, *intellectually* and *scientifically* dependent on the West. Stroud (2001:116) adds that many African countries are not only *economically* dependent on their previous colonisers, but also *culturally* dependent. This dependency, I would argue, runs counter to the goal of decolonisation as it reinforces the idea of African inferiority. Moreover, English as medium of instruction in African education exacerbates many existing issues, such as poor quality of education, high academic failure rates and further inequality between language groups (more on this in Chapter 5).

According to Tollefson (2002b:12), African countries are progressively demanding “more and better” English in education, in order to improve the standards of other school subjects. Mazrui

(2002:271) claims that despite the spread of English to primary education and the accompanying support and investment, there are many who claim that the standard of English in educational institutions and in society is on the decline.

In addition to the poor quality of English education, Skutnabb-Kangas (2001:206) claims that in *assimilationist submersion education*, mental harm is caused to minorities who are taught through the medium of dominant languages. She refers to this as *subtractive education*, which teaches children a dominant language at the cost of their mother tongue and, instead, advocates for *additive education* in which dominant languages are taught in addition to the mother tongue. Institutional language policies of schools and universities that have English as MoI usually do not incorporate the use of other languages and may thus be referred to as monolingual-medium policies.

2.4.3 Mother tongue education (MTE)

Brock-Utne (2001:115) claims that there are two distinct trends regarding languages in African countries: (i) a strengthening of dominant languages, i.e. the former colonial languages; (ii) and advocacy from African ministers of education and some intellectuals for the preservation and revival of African languages as MoI in at least primary education. She (2001:118) insists that the choice of medium of instruction in Africa is a political choice and that when choosing an indigenous language as the language of instruction, power is redistributed from the “privileged few to the masses”. According to Thomas (2009:85), the closure of minority language schools and universities has contributed to heightened ethnic tensions in many countries.

Whereas most African countries use English (or one of the other colonial languages) as MoI, education in Europe fully embraces mother tongue education (MTE). In its 1953 report titled *The Use of Vernacular Languages in Education*, UNESCO (as cited in Fasold, 1984:2) argued for the importance of the mother tongue in education:

It is axiomatic that the best medium for teaching a child is his mother tongue. Psychologically, it is the system of meaningful signs that in his mind works automatically for expression and understanding. Sociologically, it is a means of identification among the members of the community to which he belongs. Educationally, he learns more quickly through it than through an unfamiliar linguistic medium.

Kamwangamalu (2005:734) suggests that despite the domination of ex-colonial languages in virtually all higher functions in postcolonial countries, the MTE issue has been revisited. He

(2005:735) states that this is due to the UNESCO report, as well as the findings of several studies around the world that demonstrated that children perform better at school when they are taught through their mother tongue instead of through a second or foreign language. He claims that for these reasons, mother tongue education is the norm and “deeply entrenched” in Western societies, including Belgium (see Chapter 4). Currently, MTE is still the exception in most African countries, including South Africa, for a host of reasons (see Chapter 5).

2.4.4 Bilingual education (BLE) and multilingual education (MLE)

Stoop (2017:18) defines bilingual education (BLE) as the use of two languages, the mother tongue and a secondary language, as MoI, and states that BLE develops literacy skills in both of these languages. Stoop distinguishes between *additive* and *subtractive* bilingualism, where the former denotes the use of the mother tongue as MoI until proficiency allows for the introduction of the second language, and the latter denotes the situation where the teaching of the second language hinders the successful acquisition of the mother tongue.⁹ Additive bilingualism therefore prioritises the acquisition of the mother tongue, whereas subtractive bilingualism prioritises the acquisition of the additional language.

T. Du Plessis (2006:89) further distinguishes between two types of bilingualism at universities, namely institutional bilingualism and individual bilingualism. The former may refer to institutions that offer courses in two languages, i.e. students choose between two options for monolingual-medium education, which is called parallel-medium education (PME) or double monolingual education. T. Du Plessis states that the former could also refer to institutions that use two languages for conducting university business (while only having one language as MoI), which he (2006:90) refers to as technical bilingual education.

Individual bilingual education, T. Du Plessis (2006:90) continues, denotes bilingual studies where tuition is offered in two languages to the same individual, which he calls a truly bilingual institution. He states that in such an institution, education may be referred to as dual-medium education (DME) or double-medium education, which he suggests increases the individual bilingualism of students. T. Du Plessis (2006:90-91) also states that DME should not be confused with Mixed Medium Education, where two languages are simultaneously used as MoI in the same classroom (which can be achieved through interpreting practices).

⁹ With additive bilingualism, a second language is only introduced once the child acquires CALP, or cognitive academic language proficiency. Van Wyk (2014:207) believes that in South Africa, the transition from mother tongue to English is made before schoolchildren attain CALP.

Multilingual education (MLE) can be defined as the use of at least three languages as MoI, namely the mother tongue, a regional or national language, and an international language, although it can also be understood to mean the use of two or more languages as MoI (thus including BLE).¹⁰ MLE and BLE are antonymous to monolingual-medium education, but are not in contradiction with mother tongue education. MTE values the use of the mother tongue in education and can therefore be represented by both monolingual and multilingual institutional language policies.

Thomas (2009:83) notes that MTE is often misunderstood to mean mother tongue-only education. However, in multilingual contexts the call for MTE rarely means the exclusion of other languages, but rather the inclusion of the mother tongue in existing monolingual language policies. She states that policymakers often wrongly believe that mother tongue education will mean that children will never be proficient in a national, majority or international language.

Thomas (2009) insists that research shows that minority language children progress faster in both their mother tongue (MT) and the majority language, when they first receive education in their MT and other languages are gradually introduced. Brock-Utne (2001:125-126) also suggests that the best basis for learning a foreign language is “the best possible command” of the MT, indicating that it should be used as MoI up to a high level of education. She also believes that when a foreign language is the MoI, the language will often become a barrier to knowledge throughout education.

Seeing as MTE can include the teaching of and through other languages, it is not in competition with MLE, and may thus be combined to form mother tongue-based multilingual education (MTB-MLE). Stoop (2017:20) describes MTB-MLE as *mother tongue first*, meaning that school is started in the mother tongue, and later a switch is made to additional languages. She states that MTB-MLE can also signify the use of the mother tongue and two or more other languages as MoI throughout schooling.

Stoop (2017:20) states the MTB-MLE bridges language gaps and inequalities in education between different language groups, and Thomas (2009:85) believes that interethnic conflict can be reduced when countries implement MTB-MLE programmes. MTB-MLE is therefore additive multilingual education (as defined by Skutnabb-Kangas and Stoop), where children predominantly learn through their mother tongue and other languages are introduced over time.

¹⁰ For more reading on multilingual education, see: <http://unesdoc.unesco.org/images/0022/002265/226554e.pdf>

MTB-MLE enables children to reap the benefits of MTE, namely successful education, as well as the benefits of being multilingual, which are social, political and economic participation in the country and in the global community.

McGroarty (2002:31) suggests that in order to promote support for pedagogical language policies that accommodate minority languages, three political developments are vital, namely: (i) minority language groups should develop a strong electoral presence; (ii) they should mobilise around language-in-education issues; and (iii) professional educators, researchers, and policymakers should advocate multilingual instruction and communicate its goals and accomplishments accurately and persuasively to the public. McGroarty states that minority language speakers should preferably attain some degree of political power in order to affect change in language-in-education policies. In order to increase the political power of minorities, I suggest investigating the subsidiarity principle and its potential uses in LPP.

In Chapter 2, I discussed the field of language policy and planning (LPP), highlighted the link between language and politics, explored national language policies and LPP in Europe and Africa, and investigated the key tenets of language-in-education policy. This chapter has achieved its aim of providing a theoretical basis of LPP which will inform the following chapters, and enable the reader to follow the content which will be dealt with and arguments which will be made. This chapter also achieve its aims of advocating for informed language policy and planning and linguistic justice.

Chapter 3: The Principle of Subsidiarity

This chapter is divided into three sections which cover the historical background of the subsidiarity principle, its application in the European Union, the United States and Africa, and provide a theoretical basis for the use of subsidiarity in language policy and planning. In the first section, I will discuss the principle's origins and different formulations throughout its history and provide a clear definition of the principle. The second section will explore the applicability of the subsidiarity principle and investigate its utilisation in polities around the world. In the third section, I will discuss those aspects of the principle which overlap with existing theories within language policy and planning (LPP) and highlight the principle's relevance to LPP and educational institutions. The aim of this chapter is firstly to provide the reader with an in-depth exploration of subsidiarity seeing as the principle is not as widely-used in South Africa, i.e. widely-understood, as it is elsewhere. The second aim of this chapter is to build the theoretical framework of the utilisation of subsidiarity in LPP.

3.1 Conceptualisations of Subsidiarity throughout History

3.1.1 Aristotle, Aquinas and Althusius

The term 'subsidiarity' is derived from the Latin *subsidium*, meaning 'to help or to aid'; lit. 'to sit behind'. The etymology dates back to Imperial Rome where in the military, *subsidium* referred to a group of soldiers that stayed behind and acted as reinforcement when other troops were in trouble. Today, the word 'subsidiarity' is used in reference to governments and their intervention in societal matters, and suggests that the role of governing bodies is to "sit behind" and lend support to smaller institutions when needed (Beabout, 2008:226; Endo, 1994:632; Evans, 2013:44).

The principle of subsidiarity has been conceptualised in various forms throughout history, before making its way into European politics. Its first appearance can be traced back to Ancient Greece, when Aristotle (384-322 BC) stated that the *polis* (city-state) should not replace its constituents, namely the *oikia* (household) and the *kome* (village). Whereas his teacher Plato claimed that "the highest unity of a state is its highest good", Aristotle believed that "a lesser degree of unity is preferable to the greater" (Aroney, 2014:14).

Aristotle viewed society as an organic relationship between different social groups, wherein each group addresses the needs of its individuals and each group has its needs met by a higher social group. Although he believed that the highest level of society takes precedence over the

lower levels, he was the first to recognise the individual and his needs as a component of society. Aristotle thought the only self-sufficient level (*autarkeia*) to be the city-state level, but strongly disapproved of political systems that attempt to regulate every aspect of society (Aroney, 2014:13-14; Demirci, 2003:8).

Aristotle did not believe that *ethnos* (an entire people or nation) or any other large body of people could be a *polis*, since it could not have the same kind of *politeia* (political or constitutional government) as a city-state (Aroney, 2014:16). According to Aroney (2014:18), when compared to Plato, Aristotle's notion of the ideal *polis* more closely resembles a subsidiarity state. However, for a complete formulation of the subsidiarity principle, a larger political community would need to be envisioned and the individual viewed as a social being instead of a political one. Some 1500 years later, during the High Middle Ages, Thomas Aquinas (1225-1274) did just that.

According to Aroney (2014:18), a central motif in Aquinas' thought was the intersection between reason and religion. Aquinas attempted to reconcile the truths attained through logic with the concepts of Christian doctrine, by synthesising Aristotle's work with interpretations of the Bible as well as the philosophical work of theological writers, most notably that of Augustine of Hippo (Aroney, 2014:19).

Whereas Aristotle drew borders at the *polis* and believed that what is beneficial to the individual lies within its confines, Aquinas placed the *polis* into a wider theological context, allowing him to see the *polis* as relative not only to its broader context, but also to "those forms of human sociality that are 'smaller' than the state" (Aroney, 2014:19). Aquinas differed from Aristotle in his view of human beings as well, opting to refer to them as "social animals", instead of "political animals" (Aroney, 2014:20). This shift in perspective with regards to the weight of the city-state, as well as the view of humans as fundamentally different and separate from their political context, paved the way for the discourse on the relationship between social beings and their broader political environment.

Aquinas differentiated between two types of society, namely: (i) *public* societies, such as cities, provinces and kingdoms; and (ii) *private* societies, such as households, business partnerships, craft guilds and religious associations. Aquinas considered these two types of society to be both independent from and interdependent on each other, seeing as a person can be a part of a specific private society (which is self-governing to a degree), and at the same time form part

of a larger public society in which the private society rests, and in whose governing institutions members of the private society can partake (Aroney, 2014:21-22).

Aroney (2014:22) claims this demonstrates Aquinas' conceptualisation of both "an inclusive membership in a set of integrated societies", as well as of "membership of several private or public societies separately and simultaneously" (including the notion of dual citizenship), which is not present in Aristotle's work. Aquinas did, however, borrow from Aristotle when proposing that societies progress from families, through villages to entire city-states, and that the *polis* exists to ensure the common good of the society as a whole – although he believed the same to undoubtedly hold true of provinces, kingdoms and possibly even empires (Aroney, 2014:25)

Aroney (2014:12) refers to the role played by Aristotle and Aquinas in the development of the principle of subsidiarity as "complex and intriguing". He states that neither expressed the principle of subsidiarity in definite terms (although Aquinas came close), and that some vital elements of Aristotle's writings contradicted the principle of subsidiarity – alterations made to these teachings by Aquinas contributed greatly to the development of the principle. Nonetheless, Aroney states that both Aquinas' social thought and the Catholic principle of subsidiarity bear the manifest mark of Aristotle's political philosophy.

The first person to expressly use *subsidium* in a political context, was Johannes Althusius (1557-1638), a Calvinist philosopher commonly referred to as the father of modern federalism. Althusius is best known for his 1603 book *Politica Methodice Digesta* which he revised in 1610 and again in 1614, as well as his 1617 book *Dicaeologica*, in which he attempts to develop a comprehensive juridical system out of Biblical and Roman law. He makes use of the word *subsidia* in his writing, and clearly advocates for the subsidiarity principle (Carney, 1995: xi; Endo, 1994:631-630).

According to Endo (1994:630-629), Althusius believed that no individual is self-sufficient and because of the need for others, associations such as families, social clubs, cities, provinces and States naturally develop. Althusius used the biblical concept of *foedus* (the etymology of the word "federalism") – the bond between God and men – to describe the symbiotic relationship between these associations. Endo (1994:629) states that Althusius was "a man of subsidiarity", since he believed that sovereignty belongs to constituent cities and provinces and tried to ensure that they remain autonomous and safeguarded against undue interference from more powerful associations.

3.1.2 Roman Catholic social teaching

In the late 19th Century, when Europe was facing several political, social and economic revolutions, the Catholic Church (albeit supportive of some of these movements) grew concerned with its changing role in society, which led to the rise of the principle of subsidiarity in Roman Catholic social teaching (Flanagan, 2014:183). Although it shares similarities with Calvinist teaching, the principle of subsidiarity is said to be a cornerstone of the Catholic Church's social doctrine (Zimmermann, 2014:86). The *Compendium of the Social Doctrine of the Church* (2004) refers to the subsidiarity principle as one of the most constant and characteristic directives of the Church's social doctrine (Brennan, 2014:32).

The principle first appeared in the papal encyclical *Rerum Novarum* (1891), and thereafter in *Quadragesimo Anno* (1931) and *Mater et Magistra* (1961). It was introduced by Pope Leo XIII in 1891, and declared a central principle of Catholic social theory by Pope Pius XI 40 years later (Evans & Zimmermann, 2014a:1; Zimmermann, 2014:86). While *Rerum Novarum* contained the basic idea of subsidiarity, the term only entered the Catholic social doctrine lexicon with *Quadragesimo Anno*, in which the phrase *servato hoc 'subsidiarii' officii principio* – meaning 'in observance of the principle of subsidiarity function' – was used (Brennan, 2014:32).

Pope Pius XI was a proponent of a social hierarchy that starts with the individual, moves upwards to the community, then organisations and corporations, and finally ends with the State. He suggested that action should be taken, as far as possible, at an individual or lower level, instead of at a higher level of this social hierarchy (Evans, 2013:45). According to Flanagan (2014:184), Pope Pius XI most thoroughly outlined the subsidiarity principle, defining it as follows:

... (subsidiarity is) the most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals, what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign a greater and higher association what lesser and subordinate organisations can do. For every social activity ought of its very nature to furnish help to members of the body social, and never destroy or absorb them.

Quadragesimo Anno par. 79

Endo (1994:568) suggests that the subsidiarity principle became somewhat irrelevant during the late 1960s and early 1970s, in part because central authorities were expected to definitively

intervene in matters, especially those concerning social security, which therefore demanded more centralisation. However, by the end of the 1970s, the trend reversed again as a result of the rise of neoliberalism and the desire for smaller governments (Endo, 1994:567). The principle of subsidiarity was accordingly discussed again in the 1986 pastoral letter *Economic Justice for All*, in which the National Conference of Catholic Bishops assert (Flanagan, 2014:185):

The principle of subsidiarity states that, in order to protect justice, government should undertake only those initiatives which exceed the capacities of individuals or private groups acting independently. Government should not replace or destroy smaller communities and individual initiatives. Rather it should help them contribute more effectively to social well-being and supplement their activity when the demands of justice exceed their capacities.

Economic Justice for All, p. 28

In Catholic social theory, the principle of subsidiarity is based on empowering individuals to carry out problem-solving and decision-making on their own at grassroots level, without larger and more centralised bodies, like the Church or the State, interfering (Evans, 2013:54; Evans & Zimmermann, 2014a:1). Evans (2013:54) states that the individual citizen's autonomy is respected and that there is a strong preference for issues to be resolved at the lowest possible level, or "closest to the problem at hand". Individuals, family and community organisations should retain their autonomy in dealing with the matters that affect them, instead of having the State, which is removed from the issue, intervene.

Flanagan (2014:186) agrees that those closest to the matter should be provided with the opportunity to address the issue. Evans and Zimmermann (2014a:1) suggest that according to the subsidiarity principle, individuals can only develop freely in society when "what they can accomplish by their initiative is not given or taken away from them by a higher authority". The subsidiarity principle therefore obligates the State to help and assist individuals and social groups to prosper and to refrain from overpowering and absorbing them (Zimmermann, 2014:86).

Fundamentally, the subsidiarity principle specifies the relationship between individuals and societal and governmental institutions, placing the individual in the centre and empowering the individual to meet his own needs and make his own decisions (Evans, 2013:51; Flanagan, 2014:188). The principle of subsidiarity also not only allows but encourages citizens to

“associate and organise”, by for example being a member of a trade union or other rights groups (Evans, 2013:51).

In *Rerum Novarum*, for example, Pope Leo XIII noted the existence of associations and organisations throughout the history of the Catholic Church from the time of “ancient artificers’ guilds”. This indicates that although subsidiarity was only first mentioned explicitly by Pope Pius XI, the principle existed in the Catholic Church long before 1891 (Evans, 2013:51). Pope Leo XIII insisted that the State should allow for the existence of private associations, as far as they are not bad, illegal or harmful to the State (Evans, 2013:52).

Evans (2013:54) posits that the ultimate goal of subsidiarity in Catholic social theory is to provide a social hierarchy which ensures that each issue is dealt with by the most efficient, appropriate and relevant institution. In this hierarchy, social institutions are sovereign and autonomous. They however complement each other in order to effectively address issues. In this hierarchy, consisting of the individual, the family, the local community, and the Church or the State, centralised power is limited seeing as the preference is for matters to be dealt with at the lowest possible level (Evans & Zimmermann, 2014a:2).

In Evans’ (2013:54) opinion, exploring the conception of the subsidiarity principle in Catholic social theory, illustrates the potential usefulness of subsidiarity in a political context, seeing as it prescribes a model for the distribution of powers and recommends that power should be awarded to the institution or individual that can best exercise them. The principle of subsidiarity profoundly favours and promotes a democratic society, in which citizens stand in the centre of society (as opposed to the government) and where they enjoy great personal freedom and are encouraged to be active members of the political and civic community. Evans (2013:56) also believes that subsidiarity affords individuals the opportunity to participate in government and decision-making that affects them.

The possible applications of the subsidiarity principle, as well as its potential for use in law (as opposed to solely in social philosophy) was extensively examined post-WWII, led by Germany’s desire to undo substantial centralisation caused by national socialism. It took until the 1970s, however, for the principle to appear in European politics and European Community (EC) documents. Jacques Delors played a significant role in the principle’s inclusion in the Maastricht Treaty while he was president of the European Commission in 1991 (Carozza, 2003:50). I will discuss the role of the subsidiarity principle in the formation of the European Union in subsection 3.2.2.

According to Endo (1994:568), the principle of subsidiarity is a distinctive product of European political thought and is deeply entrenched in Western European society. Although traces of the subsidiarity principle may be found in various philosophical and political writings throughout the ages, only the Catholic Church can truly claim ownership of the principle. Endo (1994:627) claims that it was the Catholic Church who founded the idea of subsidiarity as an important principle and made deliberate efforts to systematise this principle.

3.1.3 Defining the subsidiarity principle

Subsidiarity dictates that in a community of societal pluralism, the larger social unit (the State) should only take over responsibility for functions when the smaller social unit (the individual or smaller institutions) is unable to perform them (Sibanda, 2007:430-431). Raffaelli (2017:2) believes that while the goal of subsidiarity is to ensure that lower/local authorities maintain a level of independence from higher authorities or central governments, the principle mandates power-sharing between all levels of authority.

Aroney (2014:11) agrees, stating that while the principle mandates that the smaller and lower institutions should be allowed to fulfil their functions without “arrogation, destruction or absorption” from the State, it still prescribes a clear hierarchy wherein the State remains the supreme authority. Therefore, the independence of individuals and smaller institutions from the State does not imply the elimination of the State. The subsidiarity principle does not promote political ideologies which desire the creation of a parallel State, political secession from the central government, or abolishment of the central government altogether.

Carozza (2003:43) suggests that the subsidiarity principle presupposes that human flourishing requires liberty. He suggests that in order to respect the dignity of the individual and the integrity of the social groups or institutions of which he or she is a member, all forms of society have to be oriented toward the freedom of “lower” forms of association – and ultimately toward the freedom of the individual. He claims that the subsidiarity principle “takes the freedom necessary to human dignity and extends it to a regard for freedom at all levels of social organisation.”

Accordingly, Evans (2013:56) suggests that subsidiarity can be viewed as a human rights principle since its core is the dignity of the individual. She exemplifies this through Carozza’s (2003) viewpoint that by protecting the individual’s right to participate in social and political life and to belong to social and political institutions, the *Universal Declaration of Human Rights* embodies the principle of subsidiarity.

According to Bieliauskaitė (2012:236), natural human rights protect the dignity and autonomy of the individual, and “denial of the individual as the main master of his/her life” constitutes a violation of those rights. These rights, she continues, acknowledge the fact that individuals have and pursue interests and goals that are different from those of the state. She states that seeing as the individual is not self-sufficient and cannot achieve all his or her goals alone, the aid of family, society, state or other social institutions are still needed in order to preserve the personal autonomy of the individual. Bieliauskaitė (2012:236-237) elaborates on the connection between the subsidiarity principle and human rights as follows:

The principle of subsidiarity transfers this constitutional function of the protection of personal autonomy to the institutional level. It obliges larger social units to allow and not to disturb smaller social units (including a person as a smallest social unit) to act independently when dealing with problems of their existence (negative sense of subsidiarity). Though also it indicates responsibility of the state and other larger institutions to provide assistance for smaller social units to assume their duties, realise their rights and guarantee the protection of their legitimate interest, if they can not do it by themselves or larger social units can do it better (positive sense of subsidiarity). Thus the orientation of the principle of subsidiarity towards the person suggests that the reason for the application of this principle for regulating the relations of members of the society lies in the concept of natural human rights, and that subsidiarity needs to be regarded as an important principle of law that has significant impact on the protection of human rights and the creation of secure life in the society.

Evans (2013:56) also compares the subsidiarity principle with human rights principles, claiming that both limit the power of the State to interfere with civil liberties and both acknowledge and celebrate a pluralistic and diverse society through the protection of the individual’s right to participate in various social and political relationships (such as freedom of religion). Carozza (2003:78) elaborates on the subsidiarity principle’s value in international human rights (and highlights that it does not support indiscriminate decentralisation) as follows:

(...) an understanding of human rights and international law that takes subsidiarity seriously into account would actually strengthen human rights in theory and practice. Subsidiarity offers a contrast to prevailing patterns of understanding the place of human rights in the international order, which are based largely on more limited conceptions of sovereignty. It values the freedom and integrity of local culture without reducing particularism to pure devolution and decentralisation of authority; it affirms internationalism and intervention without the temptation for a superstate or other centralised global authority.

Evans (2013:44) acknowledges that the subsidiarity principle is an ambiguous principle, since its meaning depends on the context in which it is used. She states that there are no scholarly

publications devoted to subsidiarity in all its facets – thus the wide spectrum of interpretations of the principle – and asserts that there is usually only a short discussion or chapter on subsidiarity in texts whose focus is Catholic social theory or European Union Law. This is surprising, maintains Evans, because of subsidiarity’s prominence in European Union Law and its potential reach in informing discussions on social policy, human rights, federalism and democracy. She argues that the subsidiarity principle should not be disregarded and underutilised, as it is of great value in better understanding different social and political issues.

Carozza (2003:79) agrees with Evans (2013) that subsidiarity is a general principle and not a clear rule. He claims that although the principle is extensively used in European Union law and politics, the principle is not “a hard enough concept” in order to single-handedly solve the complex issues that go hand in hand with concepts such as unity and pluralism. Carozza further suggests that the nature of subsidiarity does not lend itself to abstract reasoning *ex-ante*, or the ability to forecast the outcomes of its implementation, as the principle’s results *ex-post* will always be contextual and fluid. Carozza (2003) cautions that as subsidiarity is increasingly being made relevant to human rights issues, the practical application of the principle will require prudence and openness to reasoned disagreement.

Moreover, nothing should lead us to believe that it will be easy. Subsidiarity cannot be reduced to a simple devolution of authority to more local levels. While it clearly expresses a presumption in favour of the freedom of smaller and more local forms of human association, it does seek to balance *both* the idea of non-interference *and* that of intervention or assistance. It therefore requires serious consideration of the ways that more local authorities may sometimes be less capable of ensuring the protection of human rights without external intervention or assistance. The most obvious such local authorities are those who wilfully flout the good of the people under their control, the corrupt and criminal regimes responsible for persistent, gross violations of human rights. But other circumstances, perhaps more nuanced, need to be considered too. For example, the nature of the right or the politics of the dispute might make it necessary to remove the interested actors of local politics further from the problem to avoid bias or distortion.

The contrastive concepts of intervention and non-interference by the central government, i.e. centralisation and decentralisation, concerns positive and negative rights. In the previous chapter, I mentioned positive and negative rights as they relate to minority language rights (MLR). These rights are also applicable to the subsidiarity principle and are commonly referred to as positive and negative subsidiarity.

3.1.4 Positive and negative subsidiarity

According to Bieliauskaitė (2012:234), subsidiarity is among the most vital principles regarding the distribution of powers and competences. The principle's requirement that decisions be made at their most effective level has a decentralising effect on society, as it advises the devolution of functions and responsibilities from the central government to the lower authorities and thus the *substitution* of the state by smaller units. Bieliauskaitė (2012) maintains that these units, such as the family, community, or local self-government institutions, are better positioned to address the individual's needs than the state or other large-scale institutions, because the latter is crippled by a lack of information, as well as bureaucratic inefficiency.

Evans (2013:55) also states that subsidiarity discourages centralisation in a political context, since it calls for issues to be resolved locally and nearest to the individual. Zimmermann (2014:85) explains that the subsidiarity principle demands that a larger and more distant level of power should not do anything that could be done by a smaller and more local level of power. Because of this, Zimmermann (2014) believes, subsidiarity safeguards the principles of limited government and individual liberty, which counters the pull towards "bureaucratic centralisation which is characteristic of the welfare state".

The subsidiarity principle requires *decentralisation*, or the devolution of decision-making to lower levels of authority and autonomy and non-interference from the central government. It is worth emphasising, however, that the subsidiarity principle also requires *centralisation*, or intervention by the central government in lower level matters when local institutions require their support, or the handling of matters of national concern by the central government when only it has the capacity to do so. The former may also be referred to as *negative* subsidiarity and the latter as *positive* subsidiarity.

Endo (1994:568) claims that when Pope Pius XI developed the principle in 1931, it was done as a reaction of the Roman Catholic Church against the "omnipresent State". As such, Pope Pius XI focused more on the *limitation* of the actions of larger institutions than on its duty of *intervention*. Endo states that Pope Pius XI thus developed the subsidiarity principle as primarily a *negative* concept, although by affirming the obligation of the State to aid those in need, he did develop subsidiarity as a *positive* concept as well. Brennan (2014:35) concurs that subsidiarity is awarded both positive and negative aspects in the *Quadragesimo Anno*, for which he provides the following description:

Negatively, it is a principle of non-absorption of lower societies by higher societies, above all by the state. This is the aspect of subsidiarity that is commonly invoked today, but it represents only half the story. Positively, subsidiarity is also the principle that when aid is given to a particular society, including by the state, it be for the purpose of encouraging and strengthening that society; correlatively, flourishing societies contribute to the flourishing of the greater societies of which they are so many irreducible parts.

According to Endo (1994:642-641; his italics), negative subsidiarity means that: (i) the higher organisation *cannot* intervene if the lower entity *can* satisfactorily accomplish its aims; or (ii) (a more strict version) the higher organisation *should not* intervene if the lower entity alone *can* accomplish its aims; or (iii) (as a variant) the higher organisation *cannot* intervene if it is not assigned to do so. In his view, positive subsidiarity means that: (i) the higher organisation *can* intervene if (or to the extent that) the lower entity *cannot* satisfactorily accomplish its aims; or (ii) (as its stronger expression) the higher organisation *should* intervene if the lower entity alone *cannot* accomplish its aims; or (iii) (as a variant) the higher organisation *can* and/or *must* intervene if assigned to do so.

Whenever subsidiarity is discussed (or co-opted in political philosophies and ideological debates), the emphasis is usually on negative subsidiarity, or, those situations where higher authorities should not impinge on the freedom of lower authorities to independently address the issues closest to them. Often, the principle of positive subsidiarity is neglected, or, those instances when the individual or community cannot meet their needs independently, and for which they require the assistance of a higher authority. The danger of focusing purely on negative subsidiarity while failing to consider positive subsidiarity, is that it allows for the subsidiarity principle to be misappropriated by anti-government movements, wherein central governments are represented as an unnecessary entity that poses a threat to citizens. Such a view actively ignores and misrepresents the role that subsidiarity assigns to central authorities.

The subsidiarity principle is often confused and conflated with other political ideologies, such as neoliberalism and libertarianism.¹¹ Although some of the basic tenets of libertarianism espouse the values of the subsidiarity principle – such as the liberty of the individual and his right to form private associations free from governmental interference – the principle differs from libertarianism in one key aspect. Whereas libertarianism, especially right-libertarianism, is sceptical of government, views it as something the individual should be protected from and

¹¹ This is arguably what Zimmermann (2014:85) is doing in his defence of limited government and critique of “the welfare state”. While it might be possible to use negative subsidiarity and libertarianism interchangeably, the incompatibility of these two concepts becomes clear when considering positive subsidiarity.

therefore seek its abolishment,¹² the subsidiarity principle holds that there are instances where a larger and more centralised government can be beneficial to lower institutions and individuals.

Bieliauskaitė (2012:234) reminds one that subsidiarity requires a large authority to *support* smaller organisations when they are unable to properly function on their own. She explains that the negative sense of subsidiarity requires that the initiative, freedom and responsibility of smaller social units not be supplanted, whereas the positive sense of subsidiarity refers to the economic, institutional or legal assistance to smaller social units. Bieliauskaitė maintains that positive and negative subsidiarity concerns not only decision-making processes, but also the implementation of those decisions.

When the *supreme* authority of the State allows *subordinate* groups to handle matters of *lesser* importance, the State can focus on and effectively perform those function which only it can, functions which include “directing, watching, urging and restraining” (Aroney, 2014:11). To paraphrase, individuals and smaller social groups and institutions do not have the ability to perform higher level tasks, lacking the organisational and financial capacity of the State. This means that when the State ‘micromanages’ smaller institutions, they neglect the more important issues which only they can address, which in turn creates more problems for individuals and smaller institutions.

Endo (1994:641) claims that during the 1991 Maastricht Summit, the British Conservatives emphasised negative subsidiarity and their views were partially adopted in the Maastricht Treaty. He states that while negative subsidiarity is most often referenced in political discourse, and positive subsidiarity is “of secondary importance at least in its origin”, neither of the senses of the principle should be overlooked.

Demirci (2003:19) argues that there are serious problems with both excessive individualism and excessive state intervention, and suggests that there is a middle-path between these two extremes. Endo (1994:641-640) believes that the most balanced view was expressed by Jacques Delors (the President of the European Commission from 1985 to 1995) who, in all likelihood because he wished to develop the European Commission’s competences, argued:

¹² This is especially true of anarcho-capitalists that seek to supplant the public sector and the central government with free market capitalism and private corporations.

Subsidiarity is not simply a limit to intervention by a higher authority vis-à-vis a person or a community in a position to act itself, it is also an obligation for this authority to act vis-à-vis this person or this group to see that it is given the means to achieve its ends.

3.2 Subsidiarity in Governance and Politics

3.2.1 Applying the principle

The ambiguity of the subsidiarity principle is demonstrated by the fact that it is commonly associated with many different political ideologies and governance structures – not only neoliberalism and libertarianism, but also federalism (see section 3.2.3). Soudan (1998:177) states that subsidiarity has been interpreted and appropriated freely by social groups that span from the extreme left to the extreme right. Flanagan (2014:183), however, claims that developing and implementing social programmes based on the principle of subsidiarity allows policymakers to move beyond the rigid liberal or conservative approaches, in lieu of an approach that is able to identify the most appropriate level of government to be involved and respects the autonomy of the beneficiaries of the social programmes.

According to Føllesdal (2014:215), the popularity of the subsidiarity principle partly lies in its obfuscation of the central issues and discussions on subsidiarity rarely resolve disagreements about the allocation of authority. However, Føllesdal (2014:226) does believe that there are benefits to the subsidiarity principle, such as its ability to structure arguments regarding the most appropriate level of authority over specific issues, as well as its ability to enhance the stability of “(quasi-) federal orders”. Sibanda (2007:431-432) also believes in the benefits and importance of the subsidiarity principle, stating the following in relation to the establishment of supranational bodies such as the EU:

In other words, subsidiarity is conceptually important in international human rights law for the role it can play in performing a balancing function between providing for the pursuit of common human rights goals that may require the intervention of a supranational institution, and the exercise of local state ‘autonomy’ which demands that a certain degree of sovereign space be maintained. This understanding of the principle of subsidiarity seeks to establish a theoretical foundation against which the inherent tension between supranational organisations and sovereign states can be balanced. It is with such considerations in mind that Carozza has argued that for international systems of human rights to function optimally ‘we should regard subsidiarity as a structural principle of international human rights law’.

Weinstock (2014:262) states that different proponents of the subsidiarity principle offer various arguments and justifications regarding the benefits of the principle, such as: (i) subsidiarity is the best way to protect individual liberty, based on the hypothesis that local authorities are not

as likely to abuse their power as more distant higher authorities; (ii) federal structures founded on subsidiarity strengthens democracy, based on the viewpoint that political structures that bring people into deliberation over local issues, are more likely to improve citizen involvement and democratic virtue; (iii) subsidiarity increases efficiency; (iv) the “all affected principle”, which dictates that individuals’ democratic say in political decision-making processes should be equal to the extent to which they will be affected by the outcome of those processes; and (v) the value of self-determination.

Weinstock (2014:270) claims that bringing decision-making processes regarding local issues closer to the people who are directly affected by them, would follow the “all-affected principle” more than centralised decision-making. When the issue under discussion is closer to the individual, Weinstock explains, motivation to partake in politics increases, which in turn leads to more democratic engagement of citizens in public matters. Evans and Zimmermann (2014a:2) agree that the subsidiarity principle improves political participation and participation in the community, which they claim are vital for democracy:

Democratic governments are characterised by the assignment of powers and functions in accordance with the wishes and aspirations of the people. In this perspective it becomes imperative to encourage individual participation and the cooperation of all citizens in the achievement of the common good. In order for such participation to be put in practice, there is a corresponding need not only for the presence of social pluralism and safeguard of basic human rights, but also for the prevalence of ‘appropriate methods for making citizens more responsible in actively “being a part” of the political and social reality of their country’.

In Weinstock’s (2014) opinion, the call for self-determination based on the principle of subsidiarity is not justified. He (2014:263) states that when giving ultimate authority to subsidiarity, the principle of self-determination is undercut instead of strengthened. This dichotomy between self-determination and subsidiarity relates to the statement I made earlier about the incompatibility of the subsidiarity principles with anti-government movements and demands for political secession.

The presence of subsidiarity in national governance does not naturally beget these political sentiments. The principle of subsidiarity does not promote an anti-government or anti-globalisation ideology. It is simply a principle of decision-making, which when applied in national governance, can increase political involvement from citizens, establish autonomous and efficient lower levels of government, increase support from the central government, and strengthen democracy overall.

In addition to the strengthening role the subsidiarity principle can play in democratic societies in the political realm, it can also be of great value in the private sector. Evans and Zimmermann (2014b:222-223) state that corporations and universities have centralised systems of governance, where lower level management and individual employees usually have very little decision-making authority. They believe that this principle can also be applied in the areas of employer-employee relations, human resources, marketing and business management, as well as in the management of other institutions such as NGO's and trade unions. Evans and Zimmermann maintain that the subsidiarity principle has the ability to adapt to and to inform many different disciplines and be applied to various social, religious, philosophical and legal contexts.

The principle of subsidiarity has wide applicability for dealing with governmental, social and economic matters and is increasingly being used, especially in Europe, as a theoretical framework with which to address a variety of issues (Flanagan, 2014:181-188). The subsidiarity principle is endorsed as a helpful “structuring principle” for international law in general and human rights law in particular and has in more recent history been used to recommend drastic reforms of the European Court of Human Rights (Føllesdal, 2014:214). Flanagan (2014:181) states that the subsidiarity principle has also been used to influence the development and implementation of policy and service delivery by business leaders, economists, education leaders, lawyers, and politicians. In the next three subsections, I will discuss how the subsidiarity principle has been utilised in the Europe Union, the United States and Africa.

3.2.2 Subsidiarity in the European Union

The European Union (EU) is a political union and economic trading bloc, comprising 28 member states, each with their own independent governments, language and cultures. Member states, fearing that this union could cause centralisation, rely on the provision for subsidiarity present in European Union law, which dictates that if a matter is not within the purview of the Community and can be better resolved by an individual member state, the central authority must not intervene (Evans & Zimmermann, 2014a:2).

The predecessor of the EU is the European Communities, which comprised three supranational organisations,¹³ namely: (i) the European Coal and Steel Community (ECSC), established by

¹³ The Merger Treaty merged these three organisations in 1967, which collectively became known as the European Communities. https://en.wikipedia.org/wiki/European_Union

the Treaty of Paris in 1952; (ii) the European Atomic Energy Community (EAEC, or Euratom), established by the Euratom Treaty in 1957; and (iii) the European Economic Community (EEC), established by the Treaty of Rome in 1957 in order to create a union of European states which had common economic goals.¹⁴

In 1993, the EU was established by the Treaty of Maastricht: the European Communities were incorporated into the EU, and the EEC was renamed the European Community (EC). In 2002, the ECSC ceased to exist, and in 2009, as a result of the Lisbon Treaty, the EC's institutions and functions were subsumed by the EU and also ceased to exist.¹⁵ The EAEC remains an organisation legally distinct from the EU, but it is governed by many of the EU's institutions.¹⁶

One reason for the subsidiarity principle's increased prominence, Føllesdal (2014:214) argues, is its inclusion in the EU founding documents. Flanagan (2014:187) maintains that the subsidiarity principle has been foundational to the formation of the EU. The EU is constitutionally based on two treaties, the Treaty on the Functioning of the European Union (TFEU),¹⁷ also called the Treaty of Rome (1957), and the Treaty on European Union (TEU), also referred to as the Treaty of Maastricht (1992). The Maastricht Treaty was amended by the Amsterdam Treaty (1997), the Nice Treaty (2001) and the Lisbon Treaty (2007).¹⁸

Blockmans *et al.* (2014:4) state that subsidiarity is one of the central organising principles of the EU and posit that it can be examined from three distinct point of views, namely: (i) Legal (as laid down in article 5 of the TEU) – the principle determines if action should be taken at the European level or at the state level, aiding the settling of disputes regarding divisions of competences; (ii) Political – the principle concerns a host of demands from, and reservations in the capabilities of, the member states, simultaneously pointing to more EU policies in some areas and less in others; and (iii) Administrative – the European Commission and national parliaments have invested in procedures to advance the application of better regulation principles (including subsidiarity and proportionality) in political decisions.

According to Sibanda (2007:434), the TFEU (1957) relies heavily on subsidiarity and effectively promotes it to the status of a constitutional principle underlying every institution in

¹⁴ <https://www.europeanlawmonitor.org/treaties/eu-treaties-treaty-on-european-union-maastricht-treaty-of-nice-lisbon-treaty.html> and https://en.wikipedia.org/wiki/European_Communities

¹⁵ https://en.wikipedia.org/wiki/European_Economic_Community

¹⁶ https://en.wikipedia.org/wiki/European_Atomic_Energy_Community

¹⁷ The TFEU was originally named the Treaty Establishing the European Community (TEC), but was renamed by the Lisbon Treaty in 2009. <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/treaty-on-the-functioning-of-the-european-union>

¹⁸ https://en.wikipedia.org/wiki/Maastricht_Treaty

the EU. He believes that the reason for the inclusion of subsidiarity in the EU was to maintain equality between the member states that prefer a powerful supranational union and those who are concerned with their own national sovereignty. Sibanda (2007) states that although the EU sets out to achieve integration between member states, it utilises the subsidiarity principle to allow each member state the freedom to find their own solutions, whilst still aspiring towards the EU's common goals and objectives.

Endo (1994:567) maintains that the popularity of the subsidiarity principle is mainly due to the discussions on the EC led by Ralf Dahrendorf, Altiero Spinelli, Jacques Delors and Giscard d'Estaing during the 1970s and 1980s, who among other things promoted the principle in the European Parliament, utilised the principle of subsidiarity to advocate against the over-bureaucratisation of the EC Commission and incorporated it into the European Parliament's Draft Treaty Establishing the European Union in 1984. Subsidiarity was originally introduced in the European Commission's *Report on European Union* – which was submitted to the Council of Ministers in 1975 and dealt with integration in Europe – and afterwards incorporated in the Single European Act (1987) in the context of environmental policy (Breton, Cassone & Fraschini, 1998:21-22; Raffaelli, 2017:1).

Finally, in 1992, the Heads of the Twelve States signed the TEU, wherein the principle of subsidiarity gained unequivocal constitutional status (Endo, 1994:567).¹⁹ According to Demirci (2003:1), the EC aspired to unite diverse political units and adopted the principle of subsidiarity in the Maastricht Treaty in order to address specific issues it had faced concerning power-sharing, namely the appropriate level of decision-making, legitimacy, democracy, participation, identification and civic loyalty. Article 3(b) of the TEU (1992), which came into effect the following year, reads as follows (Breton, Cassone & Fraschini, 1998:22-23):

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.

¹⁹ The Twelve States refer to the member states of the EU at the time of its establishment in 1993. The EU flag consists of twelve gold stars to represent each of these countries, which are: Belgium; Denmark; France; Germany; Greece; Ireland; Italy; Luxembourg; Netherlands; Portugal; Spain and the United Kingdom (Eurostat, 2014).

Evans and Zimmermann (2014a:3) state that the principle of subsidiarity again appears in the Lisbon Treaty (2009), specifically in Articles 5(1), 5(3), 5(4) and 12(b) and in the Resolutions sections. According to Føllesdal (2014:214), the Lisbon Treaty applies the principle to certain issues, necessitating that the Member States should make decisions unless central action will ensure greater efficiency and effectiveness in achieving the specified objectives. However, the TEU (on which the Lisbon Treaty is based) does not explicitly describe how the principle should be applied, which led to the formulation of instruments such as the *Protocol on the application of the principle of subsidiarity and proportionality*, which serve as a guide for the application of subsidiarity in the EU (Evans & Zimmermann, 2014a:3).

According to Breton, Cassone and Frascini (1998:49), in order to fully comprehend subsidiarity, one should have knowledge of the institutional context in which the principle has been applied throughout the development of the European governmental system. Firstly, all Member States accepted the interpretation of the European Court of Justice that where there is conflict between European law and national laws, the former reigns supreme and becomes a strong centralising force. Secondly, they explain, the Single European Act (1987) ensures that the Council of Ministers' decisions on a wide range of issues do not require unanimity, which further lends itself to centralisation, especially as new members join the EU. Lastly, the Treaty of Maastricht paved the way for further centralisation by stating that the EU should accord a place to so-called second and third pillars.

The first pillar is the European Communities and the related economic, social and environmental policies. The second pillar involves a common foreign and security policy which would require the systematic cooperation between Member States in forming a common defence. The third pillar refers to justice and home affairs, which concerns border-related issues such as immigration, asylum and residence policies, as well as cross-border criminal issues such as drugs and terrorism (Breton, Cassone and Frascini, 1998:49-50).²⁰

According to Blockmans *et al.* (2014:4), since its introduction in the Maastricht Treaty, the principle of subsidiarity has undergone instrumentalisation, making it easier to apply the complex legal concept in practice. They suggest that whereas the first two decades of subsidiarity involved getting the principle widely accepted as a political, legal and administrative tenet, the second and current phase of its development concerns the exploration

²⁰ From 1993 to 2009 the EU legally consisted of these three pillars, which were ultimately abolished by the Lisbon Treaty in favour of a single legal personality for the Union. For more reading on the three pillars see: https://en.wikipedia.org/wiki/Three_pillars_of_the_European_Union

of various possibilities for deepening and fine-tuning its application, such as in language planning and policy.

Blockmans *et al.* (2014:4) suggest that this search for practical applicability of the subsidiarity principle resonates in member states and EU institutions. They believe that the current debates on phase two of subsidiarity touch on the subject of deepening European integration and the increasing concerns this has caused in relation to democratic legitimacy, the perception of centralisation, and the threat of an omnipresent EU. Blockmans *et al.* (2014:6) elaborate on this renewed interest in the principle of subsidiarity and its accompanying criticisms within the EU as follows:

The notion of subsidiarity again basks in the limelight – albeit with varying support. Subsidiarity has once again become a prominent theme on the EU’s agenda – propelled by a multitude of challenges, including eroding EU legitimacy, the need for better EU output, insecurity over the EU’s deepening integration in the field of economic integration, the feeling of sometimes overly burdensome EU regulation and a rising concern about the growing distance between the public and EU decisions. Yet member states and EU institutions place different accents and have varying priorities within this debate, and commitment varies.

According to Blockmans *et al.* (2014:8), civil society has recently become uneasy about the EU, due to concerns over “creeping competences” and red tape caused by over-regulation in the EU.²¹ They claim that the EU commission has tried to allay the public’s fears by developing and expanding subsidiarity. European Commission President José Manuel Barroso, during his State of the Union speech in 2013, insisted that the EU should be “big on big things, and smaller on small things”, reflecting the notion of subsidiarity that government should only become involved when lower authorities lack the ability to handle a given situation independently. This concern for over-centralisation in the EU illustrates the larger emphasis that is often placed on negative subsidiarity, as opposed to positive subsidiarity.

In 2017, the current President of the European Commission, Jean-Claude Juncker, established the task force on *Subsidiarity, Proportionality and “doing less, more efficiently”*, tasked with, among other things, making recommendations on how to improve the application of subsidiarity in the EU.²² The task force handed its final report over to Juncker in July 2018,

²¹ The result of the Brexit referendum illustrates the public’s concern with increasing centralisation in the EU and the decreasing autonomy of member states.

²² <https://www.eubusiness.com/news-eu/doing-less.14lk>

who related his conclusions in his State of the Union speech on 12 September 2018 (European Commission, 2018).²³

3.2.3 Subsidiarity in the United States

Whereas the subsidiarity principle has been used to develop, guide and implement public policy in the EU, its use in the United States (US) has been more limited – in part due to the historic role of the Catholic Church in European society and culture, leading to some degree of comfort in adopting principles related to the Church (Flanagan, 2014:187). Despite the limited use of the subsidiarity principle in the US, it is being used more and more in the American legal community, particularly in understanding the Establishment Clause and resolving questions about the Church and the State,²⁴ in defining intergovernmental relations and in developing and managing social programmes (Flanagan, 2014:188).

According to Føllesdal (2014:214), in addition to European integration and constitutionalisation of international law, the subsidiarity principle has also been utilised in the US in topics such as US constitutional interpretation, federalism and fiscal federalism. He suggests that the principle is popular because it aims to address the allocation or use of authority within a political order, typically those where authority is dispersed between a centre and various member units – such as between a federal government and several state governments.

Keil (2016:11) identifies two federal traditions in the academic literature, namely: (i) the Continental European Tradition, which is based on the theories of subsidiarity and sovereignty, as was influenced by the Enlightenment; and (ii) the Anglo-American Tradition, which is based on federalism as “a permanent contract”, the connection between federalism and democracy and the belief that federalism requires a strong central government. European federalism is thus more concerned with decentralisation than US federalism and is more generally more sceptical of centralisation than the US.

While, whenever the subsidiarity principle is discussed in the US, it is most often in conjunction with federalism, it has however also been appropriated by libertarians.²⁵ Although there are

²³ The report can be accessed here: https://ec.europa.eu/commission/sites/beta-political/files/report-task-force-subsidiarity-proportionality-doing-less-more-efficiently_1.pdf

²⁴ In US law, the First Amendment’s Establishment Clause prohibits the government from establishing an official religion, discriminating on the basis of religion, or preferring religion over non-religion or vice versa, i.e. the separation of Church and State – or non-interference of the government. https://www.law.cornell.edu/wex/establishment_clause

²⁵ Conservative Republicans in the US have equated subsidiarity with libertarianism as a justification for opposing increasing federal government social spending and for their “allergy to powerful, centralised government” (D’Antonio, Tuch and Baker, 2013:25; Golemboski, 2015:530).

many similarities between subsidiarity and federalism – there exists a vast body of research exploring the link between these two concepts – there are also key differences.²⁶ Subsidiarity is not exclusive to federalism and can also be utilised in other governmental structures, such as in confederal and unitary states (more on this in Chapter 6).

3.2.4 Subsidiarity in Africa

There exists markedly less literature on the subsidiarity principle in Africa than in Europe or the United States. The authors that have investigated the subsidiarity principle in Africa and South Africa, such as De Visser (2010), L. Du Plessis (2006), Murcott and Van der Westhuizen (2015) and Sibanda (2007), have done so from a broad legal and national governmental perspective and have largely neglected the correlation between subsidiarity and multilingualism and LPP.

Sibanda (2007:438) notes that the origin of the political organisation of Africa as a region lies with the Organisation of African Unity (OAU), which was established in 1963 and replaced by the African Union (AU) in 2002.²⁷ The OAU was not founded to establish a political union or a confederation of independent African states, claims Sibanda (2007:438-439), but rather out of the desire to form an association of countries that are based on principles such as solidarity, the recognition of mutual state sovereign equality and territorial integrity.

According to Sibanda (2007:439), with sovereignty and non-interference as its basis, the OAU was in actuality “a loose affiliation of states”. He states that the AU has also been referred to by Olivier and Olivier (2004) as “a loosed confederalist formation that prioritises sovereignty” and also claim that despite its ideals of integration, the nature of the AU is not supranational (such as the EU), but rather intergovernmental.

Sibanda (2007:439-440) claims that the OAU and AU’s founding principles of sovereignty, territorial integrity, independence of member states and non-interference in the internal affairs of member states, have rendered both the OAU and the AU ineffective in compelling any action in member states. Sibanda (2007) concludes that this illustrates that it was not contemplated

²⁶ Drew and Grant (2017:522) argue that in federalism literature, subsidiarity is equated to decentralisation and denuded of its moral foundations, which neglects the mandate for achieving human dignity and common good, and can also lead to fiscal crises and social dysfunction. Therefore, a bigger emphasis is made on negative subsidiarity than on positive subsidiarity. Golemboski (2015:546) states that subsidiarity is a broader principle than federalism, as it is also concerned with non-political associations. Gussen (2016:388) argues that not only is subsidiarity a broader principle and one which subsumes federalism, but it is also more dynamic, since while federalism limits sovereignty by *dividing* it between federal and state levels, subsidiarity also envisions *sharing* such powers.

²⁷ <https://www.sahistory.org.za/topic/organisation-african-unity-oau>

during the drafting of the AU Constitutive Act that the subsidiarity principle should act as a formative or constitutional concept. This further suggests that while the principles of liberty and non-interference are important, national and supranational governance require some degree of centralisation in order to be efficient and effective.

According to Sibanda (2007:438), the African continent's history of colonialism and its subsequent struggles for independence, has heavily influenced its development as a region, and, I would specify, its national political systems and national language policy regimes. He suggests that while African countries have adopted some European models of state and regional structures, due to their colonial past and the resulting desire to retain their newfound independence, African countries often attempt to develop their own institutions and approaches. This priority of creating characteristically African institutions, Sibanda (2007) laments, has often resulted in woefully ineffective and dysfunctional regional institutions.

I would broaden this point to include African politics and governments as a whole, as the cooperation between African states and the functioning of the African Union (AU) is nowhere near as successful as the European model. While the African and European contexts differ significantly, I believe that the subsidiarity principle could also be a valuable guiding principle in Africa, and its use in politics and law could help to inform national and institutional LPP, unite diverse groups and countries, improve cooperation between African states, and improve governance in African countries and Africa as a whole. One author, however, argues that African Union (AU) law is currently developing in the same direction as EU law and already borrows legal principles, like subsidiarity, from the EU.²⁸

In Europe the devastating effects of hundreds of years of wars between different cultural and ethnolinguistic groups necessitated the cooperation between European countries in order to achieve political stability and economic prosperity. The need for unity between various groups while still maintaining independence, does not only hold true when looking at different countries, but also when looking at different cultural, linguistic, and/or religious groups within one country. This is especially true of many African countries, including South Africa, who have also experienced severe ethnolinguistic conflict. It is therefore fitting that Africa and South Africa is starting to embrace and utilise the subsidiarity principle, as it faces many of the same integration and independence issues.

²⁸ Amao (2018) makes this argument in his book *African Union Law*. https://www.huffingtonpost.co.za/staff-reporter/could-african-union-law-shape-a-new-legal-order-for-the-continent_a_23481952/

3.3 Subsidiarity in language policy and planning (LPP)

3.3.1 Non-territorial and territorial subsidiarity

Endo (1994:640) suggests that, besides the positive and negative aspects, there is another distinction to be made when discussing the subsidiarity principle, namely between the *territorial* and the *non-territorial* concept. He states that in Catholic doctrine the principle of subsidiarity represented the delimitation of spheres between the private sectors and the public. The Church, guilds and the family are non-territorial in nature and have to retain their own sphere of authority. Endo claims, however, that the focus of subsidiarity has shifted from this non-territorial scheme to the territorial one, that is, the division of powers among several levels such as the EC, the State, the Region and the Local Authority, which can all be territorially imagined by the people.

According to Endo (1994:568), the classic conceptualisation of subsidiarity by Pope Pius XI consists of three components, namely: (i) a hierarchical view of Society; (ii) an attachment to the intermediate bodies; and (iii) the full realisation of each person's potential. Moreover, it was concerned with non-territorial entities such as the individual, the family and occupational groups. Endo (1994) believes that this non-territorial idea of subsidiarity has gradually been replaced by the territorial one, as subsidiarity became associated and joined with federalism. He states that the first clear shift to territorial subsidiarity was made in the German Constitution or *Grundgesetz* of 1949, followed by the introduction of subsidiarity to European Federalism in the mid-1970s.

McRae (1975:269) states that in a federal system, language policies can differ significantly from the city or provincial level to the federal government and even from one city or province to another. The city or province may choose to keep language policies uniform in the entire region, or it can decentralise policy decisions even further to the local government level. He claims that even though this devolution of powers to lower authorities is equally possible in unitary states, some develop a highly centralised language regime and use the supremacy of the central government to force local authorities to abide by the national standard. McRae believes that centralised decision-making is able to ensure uniformity and reciprocity of rights which is important at the symbolic level. It can however also escalate local issues and increase tensions, instead of diffusing and localising them.

3.3.2 Territoriality and personality principles

Just as positive and negative subsidiarity is related to positive and negative rights, Endo's (1994) territorial and non-territorial subsidiarity are also closely related to a broader human rights division, namely between territorial and personal rights. I very briefly touched on the territoriality and personality principles as they relate to LPP in the previous chapter. However, I have delayed full discussion of these principles to this chapter (even though they are usually associated with LPP), seeing as they represent one of the largest, if not the largest, existing overlap between the LPP framework and the subsidiarity principle. As will be revealed in the following chapters, when discussing the subsidiarity principle in LPP in Belgium and South Africa (and other multilingual countries such as Canada and Switzerland), the territoriality-personality dichotomy becomes very relevant.

According to McRae (1975:258), in LPP the *territoriality principle* means that the language rules to be applied in a specific situation will depend entirely on the territory in question while the *personality principle* means that the language rules to be applied will depend solely on the linguistic status of the person or persons concerned. The former resembles territorial subsidiarity, where authority, autonomy and/or rights are granted to territories as a whole, whereas the latter is similar to non-territorial subsidiarity, where the focus is on individuals, families, or other social groups.

Paulston (1997:84) states that officially bilingual or multilingual states often resort to either the territoriality or the personality principle in their language legislation. She provides Belgium and Switzerland as examples of countries who follow the territoriality principle, and Canada as an example of a country that follows the personality principle. According to Paulston (1997:85), it has been argued, following the study of the linguistic situations in Belgium and Canada, that policies based on either the territoriality or the personality principles are inappropriate. Seeing as these complex linguistic situations necessitate a certain amount of compromise, a more fitting model would fall between the two principles.

The personality principle entails that language rights 'follow' a speaker in whichever territory they choose to live. Therefore in Canada, federal government services are provided in both official languages, English and French, throughout the country (McCarty, 2018:88). In Switzerland and Belgium, however, the territoriality principle only protects citizens' language rights in certain territories, or as Webb (2002:158) puts it, human rights are handled on the

basis of region and a federal system of government is in operation. Van Parijs (2012:2) elaborates on the territoriality principle as follows:

By definition and in contrast to an accommodating regime, a territorially differentiated coercive linguistic regime (or, for short, a territorial regime) is a set of rules that constrains the choice of the language to be used in public communication and public education within a given territory.

Kloss (1971:14) states that the territoriality principle has been in force in Switzerland since the 18th Century and in Belgium since 1932. He lists the various names the principle has – *principe de territorialité* in French and *Territorialprinzip* and *Sprachgebietsprinzip* in German – and suggests that the principle rather be referred to as the ‘speech area principle’. According to Kloss (1971), the principle requires that in every speech area of multinational states, only one language (that of the indigenous group) enjoys official status and is allowed in the public schools, the regional and local administration and the courts.

In such a language regime, Kloss (1971) explains, minority language speakers are expected to adapt culturally to the new environment and to ensure that their children adopt the official language. He maintains that with this principle, Dutch schools in the French Wallonia and German schools in the French cantons of Switzerland would not be allowed and even private schools would not be able to teach in languages other than the official language of their region. Notice how the territoriality principle in LPP goes hand in hand with territorial subsidiarity, where the focus is on devolving power to regions, instead of individuals or other groups and institutions.

Weinstock (2014:280) argues that a city differs from the broader society in which it exists, in terms of political culture – a term he clarifies as involving political concerns, debates and disputes. He invokes the example of Montreal, a French-English multilingual city, located in a largely Francophone province, which in turn is part of a mostly Anglophone federation. In Montreal, Weinstock posits, linguistic issues are much more central to political life than in other parts of Canada.

According to Weinstock (20104:280), the same holds true for other multilingual cities, especially in countries which have a history of conflict between linguistic groups, such as Brussels in Belgium. Weinstock emphasises that many issues which are important to city dwellers, will not gain the attention of citizens elsewhere in the country, as it does not affect them. In light of this view of cities as uniquely diverse constituents, Weinstock (2014:282) critiques nation-building as follows:

Nation-building exercises aim at a certain degree of cultural homogeneity that is both impracticable and unattractive when imposed upon cities. It is impracticable in virtue of the constantly changing population that results from successive waves of immigration. It is unattractive because in the context of a culturally plural and fluid population, nation-building can succeed only by means of the use of illiberal, repressive methods.

According to McRae (1975:273), political organisation has historically been just as concerned with reducing domestic tensions as it has been with solving international conflict. He states that if the old adage ‘good fences make good neighbours’ is taken to be true, it would be fitting to use the territoriality principle for regulating conflict between linguistic groups. McRae (1975) cautions, however, that just as it may arouse negative emotions from the community when a traditionally linguistically homogeneous territory is ‘invaded’ by other language groups, creating a linguistically homogeneous territory in a traditionally multilingual region by political authority can cause the same adverse reaction from the minority language groups. McRae (1975:273) elaborates on the choice between the territoriality and personality principles as follows:

A more important argument is that where languages are intermingled citizens are more likely to know members of the other linguistic group as individuals rather than as abstractions or stereotypes, though the personality principle is no guarantee in itself that the groups will mingle in social life. Whether more knowledge of the other group leads to more favourable attitudes seems to be something of an open discussion. If matters do reach extremes, the territoriality principle has an outlet in political separation, while the personality principle points towards endemic violence. As between these alternatives the former seems clearly preferable, but if the dangers of the latter are realised they may act as a deterrent to extremism.

Weinstock (2014:286) suggests that it is more appropriate to link membership of a city to residence, as opposed to nationality, seeing as residents are directly affected by the decisions that are taken in the city in which they reside and thus have a larger stake in these decisions than other citizens in the country who also have the right to vote in city-related matters. By this logic, stakeholders in provinces, cities and public institutions should be able to determine the language policy of subnational units or institutions, or, subnational units and institutions should do language policy and planning with their ‘residents’ in mind.

The necessity of decentralising LPP decisions and devolving power from the central government becomes evident in the Canadian example: to allow non-Montreal Canadian nationals to determine the specific language policies of Montreal, would be unjust and would most likely lead to the violation of MLR of French citizens in Montreal. The subsidiarity

principle dictates that those closest to the matter should be allowed the opportunity to address the issue. Therefore, the language policies of Canada should be determined by Canadians, whereas the language policies of Montreal should be determined by residents of Montreal. By extension, language-in-education policies should also be determined locally, instead of nationally.

3.3.3 Subsidiarity, language and education

As I stated in the previous chapter, McRae (1975:265-266) believes that in order to comprehensively analyse and evaluate language policies and regimes and draft national language policies, one has to take into account linguistic equality and minority status, domain comprehensiveness, the degree of centralisation and decentralisation in decision-making, as well as the territorial-personality axis. According to McRae (1975:269-271), there are two groups of factors that influence these considerations and by extension the language policy that will ultimately be drafted and implemented, namely: (i) environmental factors, such as the relative numbers of the language groups, their geographical distribution, economic and social status and level of political development; and (ii) the set of goals of the relevant society or of one of its constituent groups.

The geographical distribution of language groups is the most important environmental factor, McRae (1975) argues, seeing as linguistic concentration clearly favours the territoriality principle, whereas dispersion of the linguistic group favours the personality principle. He notes that when the degree of linguistic concentration or dispersion is very high, the options of language policies available may decrease markedly, depending on the other factors. In other words, when a territory has a high rate of linguistic homogeneity, the territoriality principle and by extension territorial subsidiarity is preferred, while linguistically heterogeneous territories dictate the utilisation of the personality principle and non-territorial subsidiarity.

McRae (1975) explains that when linguistic groups who differ in terms of social, occupational, or educational profiles are geographically intermingled, equal linguistic coexistence may be difficult to achieve. The same holds true when there are serious numerical disparities between the various linguistic groups, although this becomes less of a problem when the numerically weaker group has a higher economic or social status. McRae suggests that whenever there is a serious numerical and/or socio-economic imbalance between different linguistic groups, the only realistic way of attaining linguistic stability is in recognising the principle of territoriality. However, as I will argue in Chapter 6, a classical interpretation of the subsidiarity principle,

which is cognisant of its positive and negative aspects and which views it as a non-territorial principle (which Endo argued was originally the case), dictates that the personality principle be the one adhered to in LPP – and even more so when there is a high rate of geographical distribution of languages.²⁹

In contemporary societies self-rule is valued highly, states McRae (1975:272) and a linguistic group's self-rule may range from private voluntary activities, to educational and cultural autonomy, to economic self-management, to substantial political autonomy and even to independence, depending on circumstances. McRae (1975) claims that when the boundaries of a linguistic group is geographically delimited, desires for autonomy and demands for full political independence are likely to emerge, which can be accommodated in varying degrees by territorial federalism.

Webb (2002) also made the link between the territoriality principle in LPP and federalism as a governmental structure. This would suggest that in the framework of the subsidiarity principle in LPP, there is an existing overlap between linguistically homogenous territories, the territoriality principle in LPP, territorial subsidiarity, federalism and the desire for political secession. If this line of thought is continued, could it also be argued that in the framework of the subsidiarity principle in LPP, there will also be an overlap between linguistically heterogeneous territories, the personality principle in LPP, non-territorial subsidiarity, unitary government systems, and more regional integration? I will discuss this further in Chapter 6 by considering the Belgian and South African case-studies.

According to McRae (1975:272), in contemporary societies with an egalitarian value structure, calls for economic equality and some redistribution of income to disadvantaged groups or areas are usually made. He suggests that when different language groups are involved, it may be challenging to equalise opportunities across language groups. When groups are geographically concentrated, McRae (1975) believes, inequality is especially noticeable, as regions can easily be compared with each other.

In a territorial scenario, McRae explains (1975:272-273), remedial policies may include regional economic development initiatives and incentives for new local industries. In a personality scenario, remedial policies may include improvement of the educational system and special recruitment and promotion policies in the public sector. McRae (1975) posits that

²⁹ One serious problem facing the territoriality principle in LPP is that it presupposes a static population. In the face of globalisation and high levels of migration, linguistically homogeneous regions are on the decline.

when the disadvantaged groups are living as a dispersed linguistic minority within a dominant culture and value system, it may be challenging to solve their economic problems.

Although, as I have argued, some decisions regarding LPP should be decentralised, Kelman (1971:175), believes that economic planning should be done with the entire country treated as a single arena and that central authorities are better suited to make decisions in this scenario. Therefore, if some of the goals of a multilingual country (which McRae (1975) argues influences LPP) is equality between different language groups and economic prosperity for all citizens, some decisions (for example, regarding the national education system) would need to be centralised in order to ensure that the goals are met. Kelman (1971) postulates that more decentralised units of power lead to duplication of effort and inefficiency, whereas a central authority is able to divide the labour between different regions of the country.

In the context of multilingual countries, Kelman (1971:175) insists that nations should strive towards reaching a common language, since multiple linguistic groups necessitate separate administrative units, which leads to more waste and inflexibility. He claims that a single national language promotes an educational system that provides equal opportunity to all citizens. As I will argue in Chapters 5 and 6, there are many reasons why a language-in-education policy of the dominant language furthers inequality between language groups, instead of decreasing it. In this case, where a dominant language-in-education policy failed to provide minorities with a quality education, remedial measures also lead to waste and inefficiency.

What is interesting to note is that Kelman (1971), similar to Sibanda (2007), argues that a degree of centralisation is necessary in order to avoid inefficiencies and governmental failures on the national level. Breton, Cassone and Frascini (1998:50) also argued something similar in the context of the EU and proposed the strengthening of the European Parliament. If centralisation is needed, it would also mean that effective LPP, while requiring some decentralisation as I have argued with the Montreal example, would also require a degree of centralisation in order to ensure that the national language policy regime is effective (and in order to reach other national goals, which I will expand on in Chapters 6 and 7).

Vítores (2011), for example, has argued that in the EU, indiscriminate decentralisation of LPP has ironically led to less linguistic diversity and the strengthening of English as *lingua franca*. Therefore, if a multilingual country wishes to maintain its linguistic diversity and achieve equality between language groups (national goals) while still granting MLR to the various

language groups (who are either territorially concentrated or dispersed), LPP would require both decentralisation and centralisation. LPP would then also require both positive and negative subsidiarity, as local units would have to enjoy autonomy over local language matters, whilst still receiving aid from the central government to implement the national language policy (or achieve the national goal).

It is vital to stress again that while the subsidiarity principle is most commonly associated with decentralisation, it more accurately prescribes the appropriate level of decision-making, which means it is also possible that subsidiarity could require more centralisation (consider, for instance, issues such as national security and defence or developing infrastructure). As regards LPP, it could be possible therefore that the utilisation of the subsidiarity principle would require some decisions to be devolved to lower governmental levels or institutions, while some aspects that are of national concern would remain the responsibility of the central government. Kelman (1971:179) believes that the central government should not concern itself with homogenising society.

It is clear from what I have said that a common language offers many advantages to central authorities in their attempt to develop and consolidate a unified and cohesive political system. It does not follow, however, that central authorities in multilingual systems ought to direct their language policies towards the development or establishment of a common language. Because of the sentimental and instrumental considerations that I have discussed in the last section, such policies may well create inequities and meet with resistance and may hamper, rather than enhance, the unity and integration of the system. (...) I bring to this discussion a general bias against *deliberate* attempts by *central* political authorities to create a sense of national identity, whether by a policy of establishing a national language or by any other means.

While Kelman (1971) favours linguistic homogeneity over diversity, for the reason that the latter requires more planning and can lead to political instability, he does not suggest that central governments of multilingual countries should attempt to alter their situation in the direction of more homogeneity. His “general bias” against overreaching state intervention in matters related to LPP, does suggest that he prefers the devolution of LPP decision-making, i.e. adhering to the subsidiarity principle in national LPP, specifically the negative aspect. Despite Kelman (1971) not explicitly referencing the subsidiarity principle, his views on multilingualism are thus compatible with this principle.

According to Kelman (1971:179-180) therefore, although a sense of national identity is vital, it should not be directly developed through centralised policies, but rather (and is most likely to) emerge out of a national system that meets the needs and interests of the entire population.

Kelman therefore also promotes the idea of positive subsidiarity in LPP, by suggesting that the centralised government's main priority in dealing with various language groups is to provide them with well-functioning institutions that can effectively and efficiently serve them, that decrease inequalities between different language groups, increase instrumental attachments to the system, and thereby promote unity between language groups and develop a legitimate national identity that is not predicated upon linguistic homogeneity.

Leibowitz (1974:248) states that language impacts the public's experience and attitude toward life – it can either be satisfying and a source of comfort, or, when externally imposed, it can be threatening and forbidding. He elaborates on centralised authorities' preference for a common national language, in lieu of a common national identity, as follows:

From a central government's standpoint, a common language forges a similarity of attitude and values which can have important unifying aspects, while different languages tend to divide and make direction from the centre more difficult. Every Federal government (...) has been concerned with balancing the role that a non-national mother tongue plays for its citizenry: on the one hand the annealing, productive, and harmonising effect resulting from the comfort obtained in the course of its use by members somewhat alien to the culture of the dominant society; and, on the other hand, the divisive potential brought on by its retention and strengthening.

Leibowitz (1974) is alluding to the fact that central governments are in a power struggle with the various language groups it presides over, since their multilingualism and diversity makes it harder to direct them. However, if the subsidiarity principle were to be accepted as a guiding principle in LPP and governance in general, by both the central government and the various language groups, this should not be a serious concern.

Kelman (1971:180) reiterates that central authorities should primarily be concerned with ensuring the functional integration of the system, by: (i) establishing and maintaining institutional arrangement that serves the entire population; and (ii) provide maximal opportunities for all citizens to participate in the running of the system and in its benefits. Kelman (1971:180) believes that this approach would lead to the creation of instrumental attachments to the system, from which sentimental attachments will emerge.

I am afraid that a concentration of central authorities on the direct manipulation of sentimental attachment may serve as a substitute for the work they should be doing at the instrumental level and as a cover for failures to create adequate socio-economic institutions and to provide meaningful roles for all segments of the society. Although my bias against deliberate attempts to create national identity derives from my value position, I also believe that this is not a very effective way of promoting national identity. I would propose – and this, of course, is a proposition that can and must be put

to an empirical test – that a sense of national identity is more likely to develop when it is not forced but allowed to emerge out of functional relationships within the national society.

In other words, what Kelman (1971) is suggesting is that if the goals of a central government is to unite a linguistically diverse population, it should refrain from engaging in social construction by manufacturing a national identity based on linguistic homogeneity. Instead, a central government in this situation should focus on addressing socio-economic problems by creating and/or supporting institutions that serve all citizens, regardless of race, language or culture. Such a national language policy regime would adhere to both positive and negative subsidiarity.

As I have discussed in the previous chapter, linguistic diversity is often accompanied by political, social, educational and economic inequality between different language groups and language is often a proxy for these serious issues. Therefore, if (a) these socio-economic problems are adequately addressed and equality between different language groups is achieved, and (b) these various language groups are granted the opportunity to share in the same systems and institutions without requiring them to linguistically homogenise, then different languages would not represent any other differences between language groups, and it would then be possible to form a shared identity.

A common language should not precede a common national identity, implying that when people from different linguistic groups enjoy equal opportunities and all are accommodated, these groups may converge over time. Language only serves as a polarising force when it represents more serious differences between linguistic groups, such as economic or educational disparities. When these true gaps between linguistic groups are bridged, the use of different languages will not be such an incendiary act.

In Chapter 2, I noted the centrality of language in interethnic conflict and inequality and argued the importance of LPP in national political stability and language-in-education policies. In this chapter, I argued for the importance of the subsidiarity principle in national politics and LPP. Considering the fact that education has the potential to increase inequality between different language groups, I also propose that the utilisation of the subsidiarity principle should be extended to national education systems as a whole.

While there is much to be said about the benefits of granting local authorities, such as school governing bodies, more authority and autonomy over their institutions, indiscriminate decentralisation of national education systems leads to significant differences in curricula and standards of education. When educational systems are decentralised in multilingual countries, especially those with linguistically homogeneous territories, these differences translate to inequality between ethnolinguistic groups. Similarly, Zajda (2006) claims that neoliberalism in education preserves inequality and argues against the absolute decentralisation of education. The centralisation of some aspects of the education system relates to positive subsidiarity, as the central government is better suited than individual educational institutions to address issues of national concern such as systemic inequality between language groups.

In this chapter, I traced the origin of the subsidiarity principle and discussed its various conceptualisations throughout history. I explored its applications in different fields and polities, and connected certain aspects of subsidiarity with existing theories within the field of language policy and planning (LPP). Chapter 3 achieved its aims of providing the reader with an in-depth exploration of the principle of subsidiarity and building a solid theoretical framework of the utilisation of the principle in LPP. In the coming chapters, I will reveal how the principle of subsidiarity is relevant to governance, LPP and educational institutions in Belgium and South Africa. In Chapter 4, I will discuss the range of topics covered so far in this dissertation as they relate to the Belgium case-study.

Chapter 4: Language and Subsidiarity in Belgium

In Chapter 2, I explored the framework of language policy and planning (LPP) and how it relates to politics, monolingual and multilingual countries, and education. In Chapter 3, I traced the history of the subsidiarity principle and investigated its application in national and supranational governance, and in LPP and education. This chapter will continue to investigate the link between the subsidiarity principle and LPP, by taking a closer look at the political, linguistic and educational situation in Belgium.

This chapter consist of four sections. In the first section I will briefly explain why I chose Belgium, not only to be compared with South Africa, but also to be examined in terms of the subsidiarity principle in LPP. In the second section, I will provide a historical account of Belgium, focussing specifically on the country's history of language legislation and development of its governmental structures. The third section will investigate the current language and political situation in Belgium by discussing its Constitution and other topics such as territoriality, separation and inequality. In the final section of this chapter, I will closely examine the education system in Belgium, the language policies of its top universities, and finally, provide an analysis of the subsidiarity principle in LPP and educational institutions in Belgium.

The first aim of this chapter is to establish a framework for the investigation of a country's governmental structures, language policies and educational institutions in terms of their adherence to the subsidiarity principle. The second aim of this chapter is to provide the reader with an analysis of Belgium's adherence to the subsidiarity principle, in its Constitution and governmental structures, its national education system and its universities. The final aim of this chapter is to provide the reader with enough insight into the language and political situation in Belgium to allow for a comprehensive comparison with the situation in South Africa.

4.1 Why Belgium?

The Belgium case-study is particularly interesting for the purposes of this study for two main reasons. Firstly, Belgium is closely linked to the subsidiarity principle – the literature on the applications of subsidiarity in its judicial, economic and legislative domains is vast. Belgium is also a federal state, which as I demonstrated in the previous chapter, is often associated with the subsidiarity principle. Furthermore, Belgium is one of the original member states that

founded the European Communities, referred to as the Inner Six,³⁰ and one of the twelve member states that founded the EU. Its capital, Brussels, serves as the de facto capital and headquarters of the EU which, as I also showed in the previous chapter, explicitly relies on the subsidiarity principle in its policy documents.

Secondly, Belgium is, similar to South Africa, well-known for its multilingualism and language debate. It has three official languages, Dutch, French and German, each of which are predominantly spoken in its own region, but two of which co-exist in the multilingual city of Brussels alongside other immigrant languages. As noted in Chapter 2, multilingual countries can be multilingual in different ways, and societal multilingualism does not necessarily signify institutional or individual multilingualism. The Belgium case-study allows me to investigate their approach to LPP in both monolingual and multilingual regions, as well as their utilisation of the subsidiarity principle in their national governmental structures, and in their national, regional and educational LPP.

According to Belgian linguist Jan Blommaert (2011), there is a long tradition in sociolinguistics of looking at Belgium as a unique, albeit problematic, instance of societal multilingualism. He (2011:241-242) describes the linguistic history and current situation in Belgium as follows:

It is known that the Kingdom of Belgium has an exceptionally elaborate complex of language laws, the outcome of a history of language-related legislation starting in the late nineteenth century and persisting until today. This history has resulted in a Herderian state, in which three regions are being defined (Flanders, Wallonia and Brussels) and three language-based communities (Flemish, Francophones and German-speaking). Flanders is a region that entirely overlaps with the Flemish community; Wallonia hosts both the Francophone community and the (small) German-speaking community; while Brussels is an officially bilingual Flemish-Francophone region. The regions and communities each have their own government, although the Flemish chose to have a single government for regional and community matters. The sub-federal governments have considerable power, and the powers of different governments can and do overlap and clash, resulting in never-ending appeals to further ‘power-splitting’ measures. The country is blessed with six governments ruling the barely 10 million Belgians: the Federal Government, the Flemish Government, the Walloon Government, the Francophone Community government, the Germanophone Community Government and the Brussels Government. The supra-state level of the European Union adds another layer of political and legislative complexity to this. Administrative life for the ordinary Belgian citizen is complex.

It is precisely this complexity brought on by multilingualism, which makes Belgium a suitable country to compare with South Africa - a nation that has to grapple with achieving unity despite

³⁰ The Inner Six are: Belgium; France; Italy; Luxembourg; the Netherlands; and West Germany.
https://en.wikipedia.org/wiki/Inner_Six

having 11 official languages, a myriad of language issues related to sociocultural, economic and political identities, an extensive history of ethnolinguistic conflict, and a complex territorial distribution of linguistic and cultural groups.

4.2 The History of Belgium (pre-1993)

4.2.1 A brief overview of the Kingdom of Belgium

The Belgian Revolution occurred in 1830 when, after only 15 years of union with the United Kingdom of the Netherlands, the southern provinces of Netherlands seceded and became the independent Kingdom of Belgium. This was partly due to religious conflicts – the northern population was mainly Calvinist, whereas the southern population was almost entirely Catholic - as well as resentment by the marginalised French population in the south against the *vernederlandsing* (Dutchification) policies implemented by William I, King of the United Netherlands (Hooghe, 1993:45; Wencker, 2013:5-6).

The map below shows the linguistic and religious distribution in the Kingdom of the Netherlands from 1815 to 1830 on the left-hand side, as well as the geographical borders of the Netherlands and Belgium post-1830 secession on the right-hand side.³¹

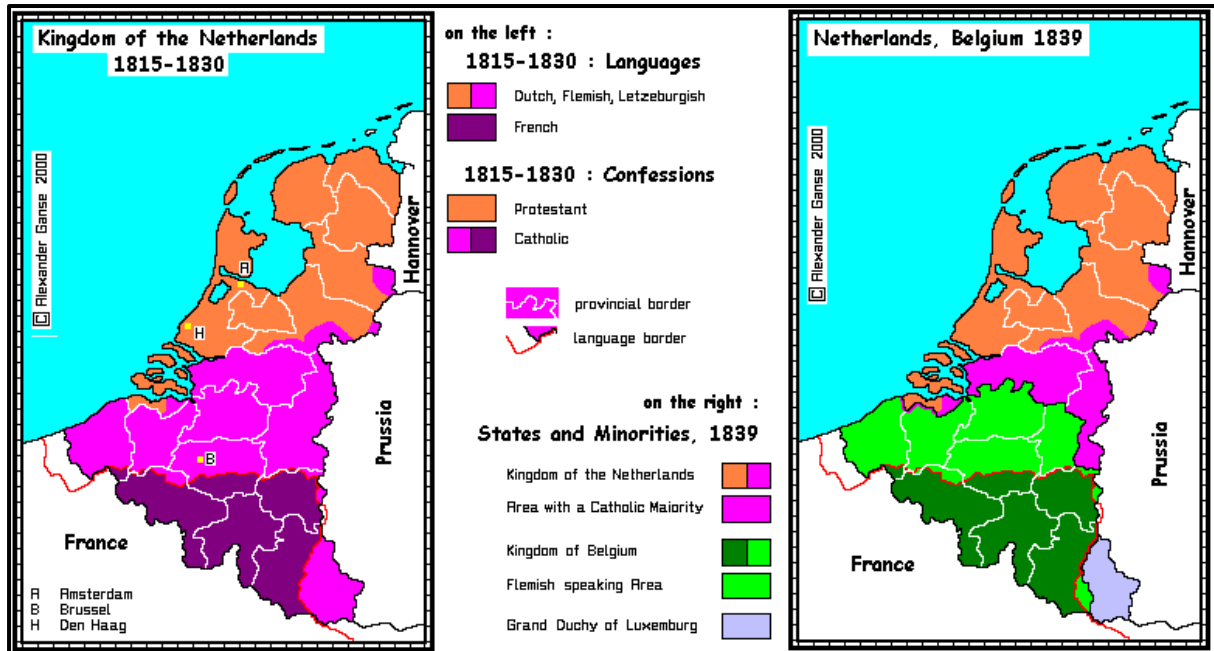


Figure 1: The Netherlands (1815-1830) and the Netherlands and Belgium (post-1830)

³¹ The map can be accessed here: <https://www.zum.de/whkmla/histatlas/lowcountries/nl181539.gif>

The red line on the map above illustrates the language border that runs horizontally through Belgium – the north (Flanders) borders with the Netherlands and is mostly Dutch-speaking,³² and the south (Wallonia) borders with France and is mostly French-speaking. In 1846, the first official language census reported that 57.0% of Belgians predominantly spoke Dutch, 42.1% French, and 0.8% German (Hooghe, 1993:46). These figures hint at the largely monolingual character of the two halves of Belgium.

After Belgian Independence, however, immigration from the south rapidly changed the linguistic situation in Brussels (located in Flanders). Brussels became increasingly under pressure of *verfransing* (Frenchification) – more so than any other region in Belgium. The 1846 census found that French usage was much higher in Brussels (37%), than in other cities in Flanders such as Ghent (5%) or Antwerp (1.9%). By 1947, French had undoubtedly overtaken Flemish in the Brussels area – the census of that year found that 24.4% of the population used mainly Dutch, and 70.6% used mainly French. Between the 1866 census and the 1947 census, the number of Dutch monolinguals in Brussels decreased from 46.2% to 9.5%, and the number of French monolinguals increased from 19.3% to 37%. (Hooghe, 1993:47; Treffers-Daller, 2002:51-52).

Due to the Frenchification of Brussels, language became such a sensitive issue in Belgium that a proper language census has not been taken since 1947. For this reason, figures on the current language usage in Flanders, Wallonia and Brussels are merely estimates (Hooghe, 1993:47). Despite the absence of language censuses in Belgium since 1947, Dutch is universally recognised as the majority language of Belgium. In Brussels, the capital of Belgium and Flanders, however, French has surpassed Dutch as the majority language (O'Donnell and Toebosch, 2008:157).

4.2.2 Language legislation

The Constitution of the Kingdom of Belgium (1831) was adopted shortly after Belgian Independence. Kuzelewska (2015:2) states that although it guaranteed linguistic freedom, French became the sole official language of the newly-founded Belgium, including the sole

³² De Keere and Elchardus (2011:233) state that Dutch and Flemish are the same language – in Belgium, the language spoken by Flemings is officially referred to as Dutch, and colloquially as Flemish. I therefore use Dutch and Flemish interchangeably throughout this dissertation. Flemish can also be referred to as Flemish Dutch, Belgian Dutch, or Southern Dutch, and denotes all the dialects of Dutch spoken in Belgium. <https://en.wikipedia.org/wiki/Flemish>

MoI in education.³³ She (2015:3-4) emphasises that French dominated in education, administration, politics and public life, despite the fact that Dutch was the majority language in Belgium.

This discrimination against the Dutch during the 19th Century led intellectuals in Flanders to form the *Vlaamse Beweging* (Flemish Movement), in order to advance individual language rights and achieve the emancipation and recognition of the Flemish community (De Keere & Elchardus, 2011:222; Kuźelewska, 2015:3). Blommaert (2011:246-247) suggests that the Flemish nationalists were not concerned with language use in the private sphere (as many of them were fluent in French), but rather in the public sphere, meaning language used in education, administration, government and the public service. Hooghe (1993:49) believes that due to the Flemish pressure, language policy in Belgium evolved from *laissez-faire* to language planning.

According to Hooghe (1993:45; 49), nationalism in Belgium was initially defined as a language issue, but the language struggle gradually became intermingled with broader aspects of social life. The Flemish cultural movement was followed by a Walloon nationalism caused by the different *economic* developments between north and south following World War II. Kuźelewska (2015:3) believes that although part of the language struggle involved the official recognition of Dutch as an official language, more accurately, the struggle was between Dutch speakers and French speakers, and not between Dutch and French per se. Hooghe (1993:45) states that the conflict between these two diverse cultural groups culminated in a Francophone nationalist movement in Brussels during the 1960s and 1970s.

Language legislation in Belgium was massively influenced by these movements, and can be divided into three main phases: (i) the language laws of the late 19th Century, which sought to grant equal rights to Dutch speakers and resulted in bilingualism in Flanders; (ii) the language laws of the 1930s, which led to Dutch-monolingualism in Flanders and French-monolingualism in Wallonia; and (iii) the language laws of the 1960s, which further advanced territorial monolingualism and froze the language border of Belgium and, more specifically, Brussels.

The first wave of language laws consisted of three laws regarding the use of Dutch in the public domain in Flanders. The 1873 law allowed for the use of Dutch in the judicial system, the 1878 law permitted the use of Dutch in public administration, and the 1883 law legalised the use of

³³ https://en.wikipedia.org/wiki/Language_legislation_in_Belgium

Dutch as a medium of instruction. These laws did not lead to the replacement of French by Dutch, but instead led to institutional bilingualism in Flanders. Kuzelewska (2015:3) and Hooghe (1993:49) argue that these laws resulted in asymmetrical bilingualism in Belgium, seeing as Flanders became bilingual while Wallonia remained French-monolingual. Hooghe (1993) suggests that although this first round of language legislation was limited, an important symbolic act was sanctioned by the Equalisation Act (1898), which made Dutch an official language in Belgium alongside French.

According to Hambye and Richards (2012:167), official bilingualism was reluctantly established in Belgium following demands by the Dutch whose language and culture were “minoritised and despised by the bourgeoisie”. They claim, however, that in areas where the Dutch and French coexisted, the Dutch feared that bilingualism would lead to linguistic assimilation to the more prestigious French. Hambye and Richards (2012:168) suggest that it is precisely because of the one-way linguistic assimilation from Dutch to French, and the desire to protect their community, that Flemish political parties began to advocate for the territoriality principle and promoted laws establishing two monolingual areas.

Witte (1993:207-208), however, insists that the principle of linguistically homogeneous territories was mainly introduced by the Walloons, who faced an increasingly stronger Flanders, politically and numerically-speaking. She states that the Walloons rejected the notion of a bilingual Belgium and were in favour of the territoriality principle, as they were vehemently opposed to changing the Francophone character of Wallonia, and because they would be necessitated to learn Dutch as a minority group in a unitary Belgium which they did not care to do.

After multilingualism, or more accurately, Flemish language rights were accepted in Belgium, lawmakers were faced with a choice between the personality and territoriality principles in LPP. The former would grant Belgians language rights no matter where in Belgium they live, and the latter would limit speakers’ language rights to specific areas in Belgium. Therefore, the choice was between a multilingual Belgium and monolingual regions of different languages in Belgium. Due to the concerns of both Flemings and Walloons listed above, the territoriality principle was chosen, which would prohibit the official use of languages outside of their assigned territory.

According to Hooghe (1993:49), the second round of language laws, which were adopted in the 1930s, promoted territorial monolingualism in Flanders and Wallonia, and bilingual

institutions in Brussels and other areas with linguistic minorities. She explains that the core law of 1932 regulated the use of languages in the administration and in its dealings with the public, followed by the regulation of language use in education, the judiciary and the army. Hooghe (1993) states that the main principles underlying the individual pieces of legislation, were: (i) the introduction of official monolingualism in Flanders and Wallonia – only municipalities with a significant linguistic minority population had to offer public services in the minority language; (ii) the central public service was bilingual, but its employees monolingual; and (iii) Brussels became officially bilingual.

Kuźelewska (2015:4) states that this second wave of language laws required the language of primary and secondary education to be the language of the territory, i.e. Flemish-only education in Flanders and French-only education in Wallonia. The Flemish Movement also achieved the Dutchification of tertiary education in Flanders during this time (more on this in subsection 4.4.3). In bilingual Brussels, citizens now had a choice between French and Dutch as official language, and also had to choose between these two languages as MoI in all levels of education. In this sense, Brussels was societally bilingual, but not institutionally bilingual in terms of education, as there existed only French-monolingual and Dutch-monolingual schools, and none of the bilingual and multilingual policies and practices listed in Chapter 2.

The 1932 law also provided that the borders of the language areas in Belgium could be redrawn every ten years, based on the findings of the national language census.³⁴ After each census Flemish territory, especially around Brussels, was lost to Frenchification, and the Flemings became concerned that the territorial monolingualism policy based on the dominant language of the region, combined with the increase in French speakers in Flanders, would eventually lead to Flanders becoming French-monolingual once again. The findings of the 1947 census did not allay their fears, which led to Flemish local government authorities boycotting subsequent language censuses. These grievances, as well as the revelation of the fundamental political differences between the north and south, led to the third and final wave of linguistic laws in the 1960s which solidified territorial monolingualism in Belgium and bilingualism in Brussels, and made German an official language alongside Dutch and French (Blommaert, 2011:246-247; Hooghe, 1993:49-50; Kuźelewska, 2015:4).

According to Hooghe (1993:50), the most vital of these laws was the 1963 law which divided Belgium into four language areas, namely: (i) the monolingual Dutch-speaking Flanders; (ii)

³⁴ <http://www.efnil.org/projects/lle/belgium/belgium>

the monolingual French-speaking Wallonia; (iii) the monolingual German-speaking area; and (iv) the Dutch-French bilingual Brussels area. Hooghe (1993:47-48) notes that the 1963 language law increased the linguistic homogeneity of Flanders and Wallonia by transferring 25 communes (about 87 000 inhabitants) from Flanders to Wallonia and 24 communes (about 24 000 inhabitants) from Wallonia to Flanders, as well as many other smaller territories across the language border, also called the linguistic frontier.

Hooghe (1993:50) states that the 1963 law froze the language border between Dutch-speaking Belgium, French-speaking Belgium and bilingual Belgium. Many Francophones have, however, refused to accept the freezing of the frontier around Brussels, which essentially prevents further Frenchification of Brussels. Blommaert (2011:246) expands on the language border legislation as follows:

Belgium was now officially and administratively divided into regions based on majority language use: Flanders became an official Dutch-speaking region; Wallonia a Francophone one; the German-speaking minority got its own circumscription within Wallonia; and Brussels remained as the only officially bilingual part of Belgium. Flanders and Wallonia became *monolingual* regions; the German-speaking community acquired language rights in public life within Wallonia; and a handful of border areas had to offer so-called 'language facilities' to members of the other community. Francophone minorities in Flemish border places got such facilities, and Flemish minorities got similar ones in Walloon border areas. This division of the country in language-based regions, however, did not come with effective power sharing. Belgium remained a centralised state for another decade (...)

4.2.3 Federalisation

The application of the territoriality principle in Belgium, introduced and advanced by the language laws of the 1930s and 1960s, does not only concern LPP. According to Hooghe (1993:45), the territorial approach became the main strategy for conflict management in Belgium, and was the reason behind Belgium's devolution from regionalism to federalism. As I argued in Chapter 3, the territoriality principle in LPP can be linked with territorial subsidiarity, which is, in turn, associated with federalism.

The move towards territoriality in Belgium's LPP therefore also entailed the decentralisation of other issues to the territorial level, such as education (see subsection 4.4.1). From 1970 until 1993, the Belgian Constitution underwent several amendments increasing regional autonomy over a variety of matters, and thus advancing negative subsidiarity. The four state reforms of

1970, 1980, 1988-1989, and 1993, gradually transformed Belgium from a unitary state to a federal state.³⁵

The first state reform (1970) was brought on by the pursuit of cultural autonomy by the Flemings and economic autonomy by the Walloons, and was the first significant institutional response to regionalism.³⁶ This first revision of the Belgian Constitution decentralised government in two ways: three Cultural Communities, namely the Dutch Cultural Community, the French Cultural Community and the German Cultural Community, and three Regions, namely Flanders, Wallonia and Brussels, were constitutionally recognised. The Cultural Communities were granted autonomy over cultural matters, and the Regions were granted autonomy over socio-economic matters. The new governmental system attempted to maintain unity of authority by intertwining the central and regional levels, which meant that these provisions were not fully implemented until the next state reform (Hooghe, 1993:55-56; Kuzelewska, 2015:5).

According to Kuzelewska (2015:5-6), since the Dutch and French Cultural Communities not only referred to the Dutch speakers in Flanders and the French speakers in Wallonia respectively, but also included the Dutch and French speakers in Brussels, the Cultural Communities were non-territorial units, as opposed to the Regions. This would suggest that the concepts of both non-territorial and territorial subsidiarity were present in the first constitutional reforms.

However, I would argue that the Cultural Communities were also territorial units. In the case of the Dutch and French Cultural Communities, the territories were simply expanded to include Brussels, and did not account for French speakers in Flanders, or Dutch speakers in Wallonia. The Cultural Communities also did not provide for the presence of German speakers in either Flanders or Brussels, which illustrates that territorial rights, and not personal rights, were being promoted. This territoriality-based decentralisation of governance, i.e. the implementation of territorial (negative) subsidiarity, is a logical continuation of the decision to observe the territoriality principle in LPP in Belgium.³⁷

³⁵ https://en.wikipedia.org/wiki/State_reform_in_Belgium#1970:_The_first_state_reform

³⁶ https://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state

³⁷ Hooghe (1993:57) argues that whereas the Regions are based on the principle of territoriality, the Communities are based on the principle of nationality. She suggests that regionalisation in Belgium combined these two units, and thereby institutionalised ethno-regional interests. I agree with this assessment of the ideological underpinnings of decentralisation in Belgium. The nationalist (or more accurately, regionalist) motivation of the devolution of authority to the Communities, I would point out, is still territorial in nature, seeing as each Community largely corresponds with a specific geographical territory. There would have to be a much higher level of linguistic

In addition to decentralising cultural matters and promoting regionalism, the first state reform also involved the recognition of collective language rights at state level. Hooghe (1993:55) states that the 1970 constitutional amendment introduced four measures of power-sharing between the Flemish and the Francophones, namely: (i) the government was required to consist of an equal number of Dutch- and French-speaking ministers making decisions by consensus; (ii) members of the national parliament were divided into separate Dutch and French language groups; (iii) language policy legislation and some constitutional laws were made subject to special voting requirements – a majority of each language group has to be present and support the law, and overall two-thirds majority have to be in favour of the law; and (iv) an “alarm bell procedure” was instituted, which allowed for legislative measures to be postponed and referred to the national cabinet if 75% of a language group deemed it harmful to relations between the Dutch and French Communities.

The second state reform (1980) more explicitly promoted regionalisation and set Belgium on the path of territorial devolution by expanding the competences of the Cultural Communities, creating institutional infrastructure for the socio-economic Regions, and strengthening regional autonomy overall (Hooghe, 1993:55; Kuzelewska, 2015:6). According to Hooghe (1993:56), nationalist forces pushed this reform in divergent directions – regionalisation preserved unitary features, but it also assumed federal and even confederal characteristics (more on this in Chapter 6). Communities and Regions obtained separate institutions, including a separate executive and civil service.

The Cultural Communities became known as the Communities after being granted autonomy over matters beyond culture, such as health and social services, and the three Regions were reduced to two, the Walloon Region and the Flemish Region. The three Communities and two Regions were each granted a Council (or Parliament) and a Government - the Flemish Community and the Flemish Region were merged due to the existing geographical overlap between these two bodies, whereas the Walloon Region and the French Community remained separate due to the location of Francophone Brussels outside of Wallonia, as well as the presence of the German Community in the Walloon Region.³⁸

dispersion in Belgium for the Communities to be considered non-territorial units.

³⁸ https://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/first_and_second_reform_of_state/

The third state reform (1988-1989) promoted the federalisation of Belgium by dividing labour and competences between the Regions, the Communities, and the federal government.³⁹ The delivery of public goods was almost entirely devolved to the Regions and Communities, which involves responsibilities such as subsidising cultural events, organising and funding education, environmental and industrial investment, and public housing. The federal government remained responsible for public utilities, such as transport, communication and energy infrastructure, and redistribution, which meant that the Regions and Communities had limited financial autonomy (Hooghe, 1993:58-59).

The third constitutional amendment reintroduced a third Region, namely the Brussels-Capital Region, which also received its own Parliament and Government. The Communities and Regions were granted more autonomy – the most notable responsibility that was devolved to the Communities was education.⁴⁰ According to Hooghe (1993:55), as a result of the conflicting 150 year history of both a strong unitary Belgian government, as well as strong interethnic conflict, each of these three state reforms is a contradictory combination of strong unitary and autonomist tendencies.

The fourth state reform (1993) was the last major constitutional amendment and fully federalised Belgium (De Keere & Elchardus, 2011:222). The fifth (2001) and sixth (2011) state reforms further devolved responsibilities over key matters, such as fisheries, agriculture and trade, to the Communities and the Regions, and granted them much more fiscal autonomy.⁴¹ In the next section, I will look at the current political and linguistic situation in Belgium, following the fourth constitutional amendment.

4.3 The Current Situation in Belgium (post-1993)

4.3.1 The borders, languages and Constitution of the federal state of Belgium

Article 1 of the Belgian Constitution (2014) states that Belgium is a federal state composed of Communities and Regions. Article 2 identifies the three *Communities* as the Flemish Community, the French Community and the German-speaking Community, and Article 3 identifies the three *Regions* as the Flemish Region, the Walloon Region and the Brussels

³⁹ This illustrates Gussen's (2016:388) point that federalism divides power between the federal level and state/regional levels, whereas subsidiarity envisions these governmental levels sharing power.

⁴⁰ https://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/third_and_fourth_reform_of_state/

⁴¹ https://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/fifth_reform_of_state

Region. Article 4 states that Belgium comprises four *linguistic regions*, namely the Dutch-speaking region, the French-speaking region, the bilingual region of Brussels-Capital and the German-speaking region. Below is a map showing the Communities, Regions and linguistic regions of modern-day Belgium.⁴²

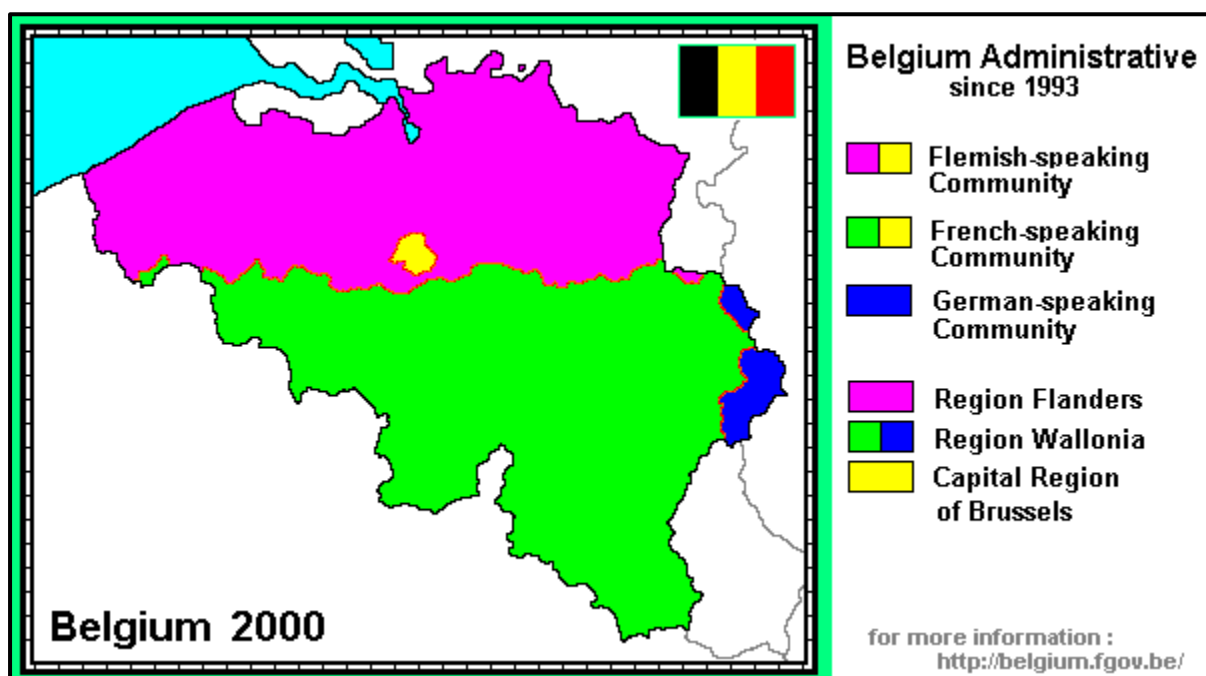


Figure 2: Communities, Regions and linguistic regions of Belgium (post-1993)

Although the Constitution does not explicitly list the official languages of Belgium, the abovementioned provisions suggest that Belgium is a Dutch-French-German trilingual country. Monolingual Dutch-speaking Flanders (*Vlaanderen* in Dutch) is situated in the north, monolingual French-speaking Wallonia (*Wallonie* in French) is situated in the south, the German-speaking area, recently named East Belgium (*Ostbelgien* in German),⁴³ is located in the east of Wallonia on the German border, and the officially French-Dutch bilingual Brussels is situated in Flanders, a short distance north of the language border. Nearly 60% of the Belgian population live in the Dutch-speaking region, over 30% live in the French-speaking region, 10% live in the bilingual Brussels region, and less than 1% live in the German-speaking region (Kuzelewska, 2015:2; O'Donnell & Toebosch, 2008:155; Treffers-Daller, 2002:53).

⁴² The map is available here: <https://www.zum.de/whkmla/histatlas/lowcountries/belregions2001.gif>

⁴³ It has been suggested that the recent branding of the German-speaking community as East Belgium paves the way for the German-speaking Community to demand political and fiscal independence from Wallonia, i.e. the creation of a fourth Region, which would constitute "another step towards the disintegration of Belgium." <http://www.euronews.com/2017/04/03/belgium-s-german-speaking-region-gets-a-new-name>

O'Donnell and Toebosch (2008:154) suggest that although Belgium has three *official* languages, only French and Dutch can be considered as *national* languages of Belgium. McRae (1975:266) agrees that German's official recognition is much more limited and localised than the full legal equality that French and Dutch enjoy in Belgium. De Keere and Elchardus (2011:233) also point out that the small German-speaking community (roughly 77 000 people)⁴⁴ does not play any role in the linguistic conflict found between the Francophones and the Flemish.

Not only does the German-speaking community not play a role in the current language conflict, but Hooghe (1993:48) believes that the monolingual character of Flanders and Wallonia is also not a political issue anymore. This would suggest that the current language debate in Belgium is centred on the only remaining multilingual area in the entire country, Brussels. The Frenchification of Brussels and the surrounding Flemish municipalities, is a source of serious conflict between the Flemish and the Francophones in Belgium.

Brussels is situated on the Germanic side of the language border, in a territory that was formerly entirely Dutch-speaking. O'Donnell and Toebosch (2008:154) believe that Brussels is linguistically an interesting place, due to its multilingual status in an otherwise monolingual Belgium. Whilst Flanders and Wallonia follow the principle of territorial monolingualism, Brussels is officially French-Dutch bilingual.⁴⁵ According to Treffers-Daller (2002:50), Brussels occupies a very unique position on the language border, because the 19 municipalities which form the Brussels metropolis are an autonomous region in the federal state of Belgium.

The three Regions of Belgium are largely autonomous as a result of federalisation, and further decentralisation has also granted the Communities autonomy over a couple of key issues. Article 35 of the Belgian Constitution (2014) *divides* the responsibility over matters between the federal government, and the Communities and the Regions. Articles 115 and 121 state that the Communities and Regions each have their own Parliament and their own Government. Article 127 grants the Flemish and French Communities authority and autonomy over cultural matters and education, not only in their respective linguistic regions, but also “in those

⁴⁴ This is the most recent figure available based on a 2017 survey of the area. http://www.ostbelgienstatistik.be/desktopdefault.aspx/tabid-2569/4686_read-32765/

⁴⁵ Although the territoriality principle most often leads to monolingualism, bilingual Brussels also follows the territoriality principle and not the personality principle. Van Parijs (2012:3) seemingly agrees, claiming that instead of one language being protected against all others, in Brussels, both Dutch and French enjoy protections against Arabic (the Region's second mother tongue) and English (the second best known language after French).

institutions established in the bilingual Region of Brussels-Capital which, because of their activities, must be considered as belonging exclusively to one Community or the other”.

Article 129 grants the Flemish and French Communities authority over the use of languages for administrative matters, education, as well as social relations between employers and personnel and company acts and documents. Article 130 grants the German-speaking Community authority over cultural matters, education, and the use of languages for education. Articles 175, 176, 177 and 178 grant the Communities and the Regions the right to decide on the use of their revenues, with the exception of the Brussels-Capital Region which reports to the Flemish and French Communities in this regard. In addition to the provisions concerning the Regions and Communities, Article 162 further devolves authority to provincial and municipal institutions.

Although the Belgian Constitution does not explicitly refer to the subsidiarity principle – it does refer to decentralisation – it can be argued that it utilises at least some of the basic tenets of subsidiarity. The federal character of Belgium also allows for its analysis as a subsidiarity-based governmental structure, even if it is just a de facto situation and not an official position. The constitutional provisions listed above clearly decentralise authority from the federal government, and devolve authority and autonomy to lower levels of government.

Belgium’s application of the subsidiarity principle in national governance does however strongly rely on the principle of negative subsidiarity, more so than on positive subsidiarity. Although some responsibilities still reside with the central government, the constitutional amendments since 1970 illustrate that the pull of the decentralisation-centralisation dichotomy is only in one direction. Even when negative consequences of the indiscriminate decentralisation of matters of national concern become apparent, there is no attempt to recentralise the matter to the federal level. This situation becomes manifest especially in the economic inequality between Regions (see subsection 4.3.3) and the disparities in quality of education between Regions (see subsection 4.4.1).

In addition to its reliance on negative subsidiarity, Belgium’s governmental structure also demonstrates an application of territorial subsidiarity, and not the original non-territorial conceptualisation of the principle (see Endo in subsection 3.3.1). In the same way that the territoriality principle dictates LPP in Belgium, so territorial subsidiarity dictates the manner and degree of decentralisation. As I have argued, both the Communities and the Regions are territorial entities and power is rarely devolved further than those governmental bodies. For

instance, the Belgian Constitution explicitly grants Communities authority over institutional LPP, and not individual institutions. Even democratic rights are granted to Belgian citizens on a territorial basis. Blommaert (2011:242) explains:

Belgium claims to be a federal state, but is in effect more of an immature confederation than a mature federation. There are, for instance, no federal political parties (all parties are either Flemish or Francophone, and this is a constitutional obligation) and most Belgian citizens can only vote within their language-group: people in Flanders can only vote for Flemish political parties; Francophones for Francophones. In the wider Brussels region, citizens can vote for a party of their choice. This is the only anomaly in a country dominated by strict monolingual-ethnic political ideals and structures, and this anomaly has for the past decades consistently led to political conflicts.

According to Hooghe (1993:44), language has been a major cause of ethnic conflict in Belgium, and ethnic demands and conflict management strategies became increasingly territorial, due to the fact that Dutch and French speakers were to a great extent territorially separated. Kuzelewska (2015:2) suggests that Belgium's experience in dealing with a multicultural and multilingual polity can provide valuable insights to other nations faced with ever-increasing diversity in their own country. She believes that while the territoriality principle has resolved some tensions between linguistic groups in Belgium by ensuring linguistic rights within geographic borders, it has not fully resolved those tensions.

Blommaert (1996:406-407) states that language planning is often too narrowly defined to mean forms of language treatment in a multilingual context in third world or emergent states that are consciously planned, politically inspired but rationally implemented by language planners. Under this rigid definition, Blommaert argues, Belgium would thus not be a typical example of language planning, despite its complex linguistic legislation:

Apparently the Belgian language planning work is too legalistic in nature, leaving insufficient space for linguists to take initiatives, to deserve the label of language planning. Yet language is clearly planned in Belgium, and the ingredients currently found in language planning literature are there: societal multilingualism; connections between language behaviour, attitudes and ethnic identity; nation-building and nationalism; economic differences between ethnolinguistic groups; standardisation requirements; purism and so on.

Blommaert (1996:407) claims, however, that language planning is increasingly being defined as a political phenomenon, which involves societal disciplining, homogenising or dividing, and which can rely on sociolinguistic insights. He (1996:408) believes that language planning practices punish and forbid specific types of speech behaviour, and that a realistic definition of language planning is whenever authorities attempt to shape the sociolinguistic profile of a

society. It is with this definition in mind that I explore the current linguistic situation in Belgium, elucidating those instances where language legislation prohibits the language practices of certain groups, advances homogenisation within regions, and yet causes linguistic, cultural, and economic separation between regions.

In Belgium, the territoriality principle in LPP has led to regional, institutional and individual *monolingualism*. The territoriality principle in governance, which concerns federalism and territorial subsidiarity, has led to regional *separation* in terms of language, culture, and economic status, i.e. inequality between ethnolinguistic groups. In the next two subsections I will discuss these topics.

4.3.2 Territorial, institutional and individual monolingualism

Blommaert (2011:247) believes that the introduction of territoriality is essential in understanding language-related political conflicts in Belgium, seeing as it changed the politics and ideologies guiding the process post-1963. He claims that nationalism in Belgium could be redesigned once territories were defined based on dominant language use.

The major ideological effect was that the ideological construction of sociolinguistic identities in Belgium changed, from an Enlightenment (viz. French Jacobinism-inspired) view focused on citizenship and equal language rights within a multilingual state to an *ethnic* and *territorial* view of language-related identities. Speaking Dutch now entirely coincided with Flemish ethnicity and Flemish territory. We thus move from a dominant Jacobin ideology in which language was seen as an instrument enabling full participation of citizens in the public life of a rationally organised state, to a Herderian one in which language is seen as the defining element of members of an ethnic group who occupy a given territory. Note that the former Jacobin ideology focused on language in the public sphere, while the latter ideology captures language in general, i.e. in public *as well as private spheres*. It is not enough to speak Dutch in public, one must speak Dutch *all the time and everywhere*. Hence ‘in Flanders Flemish!’: everywhere in Flanders, and always in Flanders.

According to Van Parijs (2012:22), territoriality is not synonymous with local monolingualism. He suggests that shared proficiency in languages other than the one that is protected in a speaker’s region, i.e. the other national language, is vital. He further believes that in Europe, proficiency in the other regional language could prevent anglicisation and achieve the ideals of the EU’s slogan “Mother tongue plus two”. However, in Belgium, the territoriality principle has in fact done the opposite. In addition to the lack of regional and institutional multilingualism, with the exception of Brussels, there is evidence which suggests that individual multilingualism is on the decline, and that the threat of anglicisation is ever-increasing.

Blommaert (2011:247; 252) posits that there are two lingering problems concerning language in Belgium, namely: (i) the denial of bilingualism and the dominance of a monolingual homogeneous ideology; and (ii) the denial of diversity which causes minority rights to be neglected. He explains that before the introduction of the language border in 1963, Flemish nationalism sought to create a *bilingual Belgium*. However, once the principle of territoriality was introduced, the goal instead became to create a *monolingual Flanders*. As Witte (1993) argues, the Francophones also desired a *monolingual Wallonia*. According to Blommaert (2011:248), bilingualism in Belgium is ironically being denied and “the idea of territorial monolingual purity and Dutch-speaking essentialism is now hegemonic in Belgium, and Herder’s romantic view of the ‘Volk’ is back in force”.

The Flemings and Walloons are in actuality not opposed to a societally multilingual Belgium, i.e. where more than one language is used in the public domain. After the introduction of the territoriality principle, Belgium remained *societally* multilingual, but became *regionally* monolingual, meaning that the official languages do not compete in the same territory. These two language groups are opposed to *institutional* multilingualism, meaning they do not wish to serve each other (in their mother tongues) in the public sphere of their respective Regions. Therefore, the post-1963 political conflicts in Belgium involved the removal of bilingual institutions and practices from monolingual regional territories, especially tertiary educational institutions (Blommaert, 2011:248).

Of the 308 municipalities in the Flemish Region and the 262 municipalities in the Walloon Region,⁴⁶ only 27 municipalities have language facilities for minority speakers, although these municipalities are still officially monolingual (O’Donnell & Toebosch, 2008:155). Blommaert (2011:249) notes that the regional governments in Belgium are becoming increasingly intolerant of the use of other languages on their territories, and are aiming to achieve full *territorial monolingualism* and *institutional autonomy*.⁴⁷ The only exception to the hegemony of monolingual territoriality in Belgium is Brussels, which has been an officially bilingual region since 1963 (Blommaert, 2011:249). The 19 municipalities that constitute the Brussels Region are the only bilingual institutions in the entire country.

⁴⁶ https://en.wikipedia.org/wiki/List_of_municipalities_of_Belgium

⁴⁷ The approach to solving language and political problems in Belgium is therefore not only one of territoriality as argued by Hooghe (1993), but also of perpetual decentralisation – which again suggests the application of territorial subsidiarity and negative subsidiarity in Belgium.

Belgium's ironic lack of multilingualism is however also exemplified in Brussels, where, despite its regional and institutional bilingualism, educational institutions are all monolingual and the rate of (Dutch-French) individual bilingualism is very low. In political, administrative and educational matters, each inhabitant of Brussels has to make a choice between French-monolingualism and Dutch-monolingualism. Blommaert (2011:249-250) elaborates on the lack of and opposition to multilingualism in Brussels and Belgium as follows:

Anomalies such as Brussels, where the two institutionally separated communities have to collaborate, and the areas with 'language facilities' where speakers of the other language have to be offered some administrative services in their own language (and where administrative personnel, consequently, need to be bilingual), are met with increasing impatience. Brussels is in this context of monolingual-territorial hegemony increasingly seen as an 'unsolvable problem' (...). And the bottom line is that Belgium has moved from a monolingual Francophone state, to an officially bilingual state, and then to an amalgamation of two monolingual regions and one bilingual one. Bilingualism, once the key defining feature of Belgium and the Belgians, has disappeared.

Despite the Brussels Region's status as Dutch-French bilingual, Blommaert (2011:249) notes, it is estimated that only 7% of the Brussels population is of 'pure' Dutch-speaking descent, and only 8.6% are 'traditionally bilingual', which means that Dutch represents a mere 15% of the population of Brussels. Estimates in the 1990s and early 2000s put the Dutch-speaking population of the Brussels Region at 10%-20% and 14%-27% respectively (Hooghe, 1993:48; Treffers-Daller 2002:52). Despite the minority status of Dutch in Brussels, the Flemish enjoy equal linguistic recognition and political representation to the Francophones. Blommaert (2011) posits that it was imperative for the Flemish to have a political presence in Brussels, because of its demographic weakness there.

For this reason, Blommaert (2011:249) refers to the Flemish in Brussels as the "best protected linguistic minority in the world", because despite their demographic weakness, they have a guaranteed number of seats in the Brussels regional parliament, and are always represented in the Brussels regional government. The Francophone population of Brussels are, needless to say, frustrated with the overrepresentation of the Flemish in Brussels' institutions. This power-struggle between the Flemish and the Francophone is unrelenting – the Flemish call for the eradication of French language facilities in Flemish areas, and in turn, the Francophones regularly demand the abovementioned structural power imbalances in Brussels to be reviewed.

Kuźelewska (2015:4) suggests that in Belgium, the Dutch language is "on the defensive and stands to benefit from linguistic legislation, while French is clearly stronger and less in need

of legislative protection”. This is definitely the case in Brussels and the surrounding areas in Flanders that have been affected by Frenchification. However, the changing economic situations in Flanders and Wallonia could potentially not only strengthen the position of Flemish in the Flanders and Walloon Regions, but also in the Brussels Region. I will elaborate on this point in the next subsection.

Hambye and Richards (2012:168) suggest that in spite of the officially bilingual status of Belgium, regions and institutions are monolingual in order to protect the less prestigious (or less dominant) linguistic group from assimilation. They caution that official bilingualism in Belgium should also not be confused with individual bilingualism, and cite the Royal Commission on Bilingualism and Biculturalism’s report of 1967 to illustrate the distinction between the two principles:

A bilingual country is not one where all the inhabitants necessarily have to speak two languages; rather it is a country where the principal public and private institutions must provide services in two languages to the citizens, the vast majority of whom may well be unilingual.

According to Hambye and Richards (2012:168), bilingualism is therefore a *symbolic* feature of the State, and not a *necessity* or *obligation* for individuals, even if they are encouraged to learn the other official language. Although Belgium is well-known as a multilingual country, existing legislation actively promotes monolingualism and the public is paradoxically opposed to multilingualism.

Treffers-Daller (2002:53) suggests that both the Francophones and the Flemish have negative attitudes towards bilingualism – the Francophones consider bilingualism to be useful for the Flemish and not the Walloons, and the Flemish fear that bilingualism means nothing more than a transition to French-monolingualism, which was indeed the case for many indigenous and immigrant Flemish speakers in Brussels. She claims that linguistic reforms in Belgium have not aimed for individual bilingualism, but rather, bilingual structures based on individual monolingualism. Accordingly, the rate of individual bilingualism in Belgium’s only officially bilingual Region is very low. Blommaert (2011:249) estimates that only 8.6% of the population of Brussels is Dutch-French bilingual. Van Parijs (2016) places that figure at 20% but indicates that the figure is rapidly declining.

It is not only institutional and individual multilingualism that is falling out of favour in Belgium – it is linguistic diversity in general. In Belgium, Blommaert (2011:250) explains, very little tolerance is shown to minorities who deviate from the monolingual norm. He believes that the

monolingual-territorial hegemony is a stifling environment for migrants, since social, cultural and linguistic diversity is increasingly seen as problematic.

In addition to the multilingualism in the public sphere, the growing linguistic diversity in the private sphere is also seen as a major problem in Brussels. According to Blommaert (2011:250), Brussels has experienced a massive growth in its immigrant population as a result of globalisation, and because it is home to the EU and NATO headquarters which has attracted many elite migrants. The demographic result of this mass migration is that less than half of the current Brussels population is of Belgian descent, and nearly one third is of non-European descent.

For this reason, Blommaert argues that the official status of Brussels as Dutch-French bilingual, is increasingly becoming incompatible with the sociolinguistic reality, seeing as Brussels is no longer bilingual but extremely multilingual. The institutional linguistic regime of the region, however, does not accommodate any of the home languages of the migrants. A monolingual language regime exists in the education system, public administration and service delivery, forcing migrants to choose between Dutch or French.

As expected, the monolingual territorial hegemony in Belgium does not apply to English. Blommaert (2011:251) states that while Belgians generally hold negative views on multilingualism - especially with regards to immigrants – the elite English-other multilingualism of highly-skilled migrants is viewed positively and as a mark of globalised social mobility and individual success. Blommaert claims that the denial of diversity is one-sided, since the multilingualism of the poor is seen as *bad* and is rejected and combated, whereas the multilingualism of the elites is seen as *good* and is encouraged. He adds that it is remarkable that the Flemish are at the forefront of the adoption of English as the language of elite activities. This illustrates the ability of language to be used in power struggles between different socio-economic classes and to further inequality between them.

4.3.3 Ethnolinguistic separation and socio-economic inequality

As stated in Chapter 2, language is seldom an issue on its own and is often entangled with other broader problems, differences and inequalities. Just as LPP has an effect on many other socio-economic factors, so too LPP is influenced by those factors. According to Blommaert (2011:243-245), representations of Belgium as an example of language-based nationalism that transformed into a federal state as a consequence of the “language struggle” of Flemish

speakers, is incorrect. Instead, he proposes, language in Belgium only became a part of modern nationalist discourse once it combined with other social, economic and political issues.

Blommaert (2011:246) argues that up until the 1960s, political conflicts in Belgium involved socio-economic factors intermingled with language. Although Dutch was demographically the majority language, it had a minority status due to the socio-economic weakness of Flanders. When social, political and economic progress was made in Belgium, Dutch received more language rights. Blommaert reiterates that language was “never the only factor, not even the dominant one”, but only emblematic of more important democratisation and enfranchisement processes.

In Belgium then, language differences and oppression of linguistic minorities signifies more serious issues and inequalities between the Communities, or the various ethnolinguistic groups. This relates to Kuzelewska’s earlier point that the language struggle in Belgium is not between Dutch and French, but between Dutch speakers and French speakers. Since Belgium was regionalised and then federalised, the language struggle became territorialised, as Hooghe argued. The present language struggle can therefore also be seen as a struggle between the Regions, and inequalities between Flanders and Wallonia become visible.

Blommaert (2011:253) claims that more than a century of nationalism in Belgium has failed to solve the problems it was designed to, instead creating an unbelievably complex state administration, as well as a range of ideological positions that are politically, socially and sociolinguistically questionable. Blommaert also believes that nationalism, and not language issues, has historically been the driving force behind Belgium politics – nationalists only appropriated language as an emblem in order to mass-mobilise behind their agenda to attain social, economic and political power.

Hooghe (1993:44) states that ethnic conflict later also acquired a socio-economic dimension. This increased territorial emphasis in ethnolinguistic politics, Hooghe suggests, led to the emergence of *economic ethno-nationalism*. Hooghe claims that these two forms of nationalism required different types of territorial solutions - either language or socio-economic interests would have to be prioritised above the other in order to address ethnic conflict. The constitutionalisation of the language border illustrates that language and ethnic identity was prioritised, and not socio-economic issues.

While much of this chapter has focused on the threat posed by French to the survival of Dutch because of social prestige and economic status, in recent years, many authors have written

about the reversal of this trend. According to Blommaert (2011:246), in the 1950s, Flanders was predominantly rural, while Wallonia was dominated by coal mining and steel industries. However, Blommaert explains, Flanders began a process of rapid industrial development which eventually shifted the centre of economic power from Wallonia to Flanders.

De Keere and Elchardus (2011:222) argue that the recognition of the Flemish language was brought about by the shift of political and economic power from Wallonia to Flanders. They further suggest that instead of creating greater equality between French speakers and Dutch speakers, the amelioration of the linguistic, socio-economic and political status of the Flemish is now leading to the oppression of the Walloons.

The disparity in rates of economic growth and the numerical superiority of the Flemish have also changed political power relations. Indicative of this is that for the last 30 years all prime ministers of Belgium have been Flemish.

Due to the implementation of territoriality in LPP, and territorial subsidiarity that followed this economic shift, the economic inequality between the Regions is becoming very noticeable. Kuzelewska (2015:11) claims that political, economic, cultural, linguistic and institutional asymmetry exists between the Flemish and the Walloons, and that the adoption of territorial monolingualism in Belgium has caused cultural disunity between Flanders and Wallonia. She further postulates that Flanders is culturally orienting itself towards the Netherlands and that the influence of French in Flanders is diminishing, which widens the gap between these two Regions. De Keere and Elchardus (2011:222) also note that the conflict between the French and the Dutch is now less linguistic in nature, than it is “communitarian”.

Due to the improved economic status of Flanders, the threat to the survival of Flemish (because of Frenchification) is also subsiding – French might even be losing its dominant position in Brussels. According to Van Parijs (2016), the Frenchification of Brussels is halting and possibly even reversing. He claims that the number of Dutch-monolinguals is increasing whereas the number of French-monolinguals is stagnant – he even suggest that there is evidence that French inhabitants in Brussels are starting to learn Dutch.

However, globalisation has brought a new threat to both Dutch and French in Brussels. Van Parijs (2016) states that there is a growing part of the population that do not speak Dutch or French (10%, of which 8% do not speak English either). Kuzelewska (2015:12) states that even though English is increasingly being used as lingua franca in economic and cultural settings in Brussels, the most important language in the city is still French. She suggests that French is not

only the language of the middle class, and the dominant lingua franca in the public domain in Brussels, but it is also increasingly becoming the second language of immigrants in the city. Van Parijs (2016) suggests that although French is still the most widely-spoken language in Brussels (nearly 90% of the population speak French well or very well), the rise of English as lingua franca is changing the language situation in Brussels.⁴⁸

So far in this chapter I have discussed the language laws of Belgium and the federalisation and decentralisation that has occurred in the country, and have highlighted the effect that the territoriality principle and territorial subsidiarity have on multilingualism and interethnic equality. In the next section, I will take a closer look at the education system in Belgium, and discuss how existing language laws and subsidiarity influence the functioning of LPP at the schooling system in general, and at Belgian universities specifically.

4.4 Education in Belgium

4.4.1 The Belgian educational system

The third state reform (1988-1989) devolved authority over education from the federal level to the three Communities, resulting in three autonomous education systems in Belgium. The federal government's only remaining authority regarding education relates to general matters, such as determining the duration and age range of compulsory education, establishing the requirements for the delivery of recognised qualifications, and setting retirement regulations for educational staff (Nusche *et al.*, 2015:30; OECD, 2017:4).

The Flemish Community has authority over education in the Flemish Region, as well as over Dutch-medium education in the Brussels Region. The French Community has authority over French-medium education in the Walloon Region and in the Brussels Region. The German-speaking Community has authority over German-medium education in the Walloon Region – which is limited to the eastern cantons. Therefore, the Flemish Region has only Flemish Community schools, while the Brussels Region has both Flemish and French Community schools, and the Walloon Region has both German-speaking and French Community schools (Nusche *et al.*, 2015:30; OECD, 2017:4).

About 58% of schoolchildren attend Flemish Community schools, 37% attend French Community schools, and 5% attend German-speaking Community schools. Less than 1% of

⁴⁸ Although language questions have been removed from the national census in Belgium, comprehensive language surveys for the Brussels Region have been conducted every five years since 2001. These surveys are funded by the Flemish government and are called the Taalbarometer of the Vrije Universiteit Brussel (Van Parijs, 2016).

schools in Belgium are fully private (in terms of funding and management) and do not fall under the purview of a Community or any other governmental authority. In addition to the autonomy enjoyed by the three Communities over their educational systems (including tertiary education), especially with regards to infrastructure and budgetary decisions, authority over specific educational matters have been further devolved to individual schools and institutions. In Belgium, all schools are free to develop their own curricula, assessments and self-evaluations (OECD, 2017:4).

Geyer (2009:1) claims that freedom of education, as protected by Article 24 of the Belgian Constitution, has always been one of the main topics in the Belgian educational system. He states that freedom of education refers to the freedom of choice, as well as pedagogical freedom to autonomously establish schools, the latter resulting in numerous private schools in Belgium which are subsidised by the state on the condition that they fulfil specific criteria. According to Geyer (2009), there also exists a small number of non-grant-aided private schools. However, the majority of children in Belgium attend grant-aided private schools.

Belgian schools enjoy full autonomy over many aspects of their operation, such as content and teaching methods, subjects offered, assessment, suspension and expulsion of pupils, allocation of the school budget, maintenance, recruitment and termination of staff, and procuring donations and loans. In the Belgian educational system, school governing bodies with parent representatives may also decide on matters such as the recruitment and termination of teachers and the school action plan of their respective institution, and may consult on topics such as school governing rules, acquisition of textbooks and provision of optional lessons (Geyer, 2009:5-8).⁴⁹

This extreme decentralisation of the education system in Belgium has led to noticeable differences in quality of education between the three autonomous streams of education, between individual schools, and between different students within the same school. The Belgian educational system has not only been criticised for yielding different standards of education and student performance, but also for being “divided among ethnic lines” and leading to the “segregation of schools” (Varin, 2006:16). According to Varin (2006:16), studies by the OECD have shown that the quality of education is much higher at Flemish Community schools than at French Community schools, and have emphasised the socio-economic problems in

⁴⁹ The areas of authority and influence of school governing bodies vary depending on the Community in which they operate: those in the Flemish Community have the most authority, and those in the German Community the least (Geyer, 2009:5-6).

Belgium such as unemployment, immigration and social and ethnic inequality. Varin (2006:47) further states that Flanders has a higher employment rate and more successful economic development than Wallonia, which research has shown is linked to the superior quality of education at Flemish Community schools.

A recent OECD report on the educational policies and practices in Belgium has found that Communities face the challenge of “providing equitable learning opportunities in a context of disparities in performance, changing demography and increasing student diversity, especially in larger urban areas” (OECD, 2017:4). The OECD report (2017:4) suggests that the different assessment and evaluation practices in Belgium’s three educational systems would “benefit from increased coherence”, which I believe suggests decreasing regional diversity in lieu of a national standard, i.e. centralising certain components of the educational system in Belgium.

The European Semester Country Report 2017 (as cited in OECD, 2017:6), also identifies a number of pressing issues related to education and training in Belgium – despite the fact that, on average, the country’s performance is good by international standards. Firstly, it found that there are massive educational inequalities and gaps in performance between schools. Secondly, it noted disparities between the three Communities in terms of performance, average scores and proportions of low and top performers. The percentage of low achievers is higher in the French Community than in the Flemish Community, while the German-speaking Community has the lowest percentage of low achievers – although its student populace is very small by comparison (Geyer, 2009:3). The report also found significant disparity between Communities and Regions in terms of early school leaving.

Although French was historically the more prestigious language and French-speakers had a higher socio-economic standing than Flemish-speakers, Flanders has enjoyed greater economic growth than Wallonia in the past few decades. According to Blommaert (2011:246), the process of rapid industrial development in Flanders shifted the centre of economic power entirely from Wallonia to Flanders. The decentralisation of the education system in Belgium resulted in further inequities between these two Regions.

The ethnolinguistic separation of the Belgian education system, coupled with regional socio-economic inequality, will undeniably enflame ethnolinguistic conflict. Varin (2006:59) agrees that the disparities between the Flemish and French school systems will not only adversely affect the economy, but also perpetuate ethnolinguistic tensions. Because of the linguistic homogeneity of these two Regions, concerns about real *economic* and *educational* inequality

is easily substituted with ethnolinguistic regionalist rhetoric. Blommaert (2011) states that in Belgium, there are those who believe that inequality should be addressed through economic, educational, and employment initiatives, while others enflame the language debate:

This is precisely the reason why the Belgian Socialist party quite consistently opposed nationalist and language-focused initiatives. For the Socialists, labour conditions and full employment were the major issues; from within their materialist analysis, language was trivial. Language was used by other, more conservative, parties (notably the Christian-Democrats) in attempts to secure or strengthen a mass basis of support for themselves. Just as Hobsbawm observed, language was only a powerful nationalist motif when it could be coupled with more substantial demands and goals, such as socio-economic equality and political power-sharing. The language motif was the emotional, rhetorical and symbolic cement that joined several ideological fractions of the struggle and helped create a mass basis for nationalist demands.

Varin (2006:55-56) suggests that because language and education are closely related to politics, both Flanders and Wallonia have fought for the preservation and domination of their language, especially through the establishment of autonomous schools in their languages. I would argue that language groups seem to partake in the language debate – by establishing institutions that are not only fully under their authority, but which only provide services to their members – in an attempt to secure economic resources and political power for their group. This strategy has proved to be successful for the Flemish in Belgium.

In addition to the educational inequality, which naturally leads to economic inequality, between Flanders and Wallonia, there is also educational inequality between locals and migrants and foreigners in Belgium. Students' performance is strongly associated with their *socio-economic background*, specifically students with a migrant background, as well as with their *mother tongue* (OECD, 2017:6).

According to the European Semester Country Report 2017 (as cited in the OECD, 2017:6), the number of students of disadvantaged groups, especially those with a migrant background, is expected to grow rapidly, which will put further strain on existing infrastructure deficiencies and cause teacher shortages, especially in major cities. The increase in diversity of the student population could also prove to be a difficult transition for teachers, who do not reflect the diversity of their students. The report cautions that this situation could lead to experienced teachers preferring to work at less diverse schools, which would exacerbate the existing inequality between schools. Increasing diversity in terms of language, culture and poverty in the school population is said to reinforce education disparities between Communities and Regions, especially in the Brussels Region.

4.4.2 Medium of instruction (MoI)

According to Kuzelewska (2015:6), the third constitutional reform (1988-1989) which granted the Communities full authority over education, resulted in separate Flemish, French and German education systems – even in bilingual Brussels. She (2015:7) argues that the devolution of the national education system to regional education systems is strengthening citizens' ignorance about other Regions and exacerbating the linguistic and cultural alienation between the Regions. Treffers-Daller (2002:57) notes that many outside observers are shocked to learn that there are no bilingual schools in Belgium, and that even schools in Brussels use only one medium of instruction.

The reason for the lack of institutional multilingualism in education is the implementation of the territoriality principle. McRae (1975:269) and Kuzelewska (2015:12) believe that whereas the Belgium linguistic regime follows the territoriality principle, the Brussels Region follows the personality principle. As I argued in the previous section, I believe that Brussels also follows the territoriality principle, seeing as the two languages of the Region have been determined by law, and language rights are not extended to speakers of any other language. If, for instance, a German speaker from the eastern cantons of Belgium were to attempt to invoke his linguistic rights in Brussels, he would not be linguistically accommodated. Speakers of languages other than French or Dutch in Brussels would have to choose between the French and Dutch streams of education.

According to Kloss (1971:14), French-speaking inhabitants of predominantly Dutch-speaking areas around Brussels filed complaints in 1962 regarding their linguistic situation, citing problematic implementation of the territoriality principle, or as Kloss refers to it, the *speech area principle* (see Chapter 2). The European Commission of Human Rights initially dealt with the lawsuit, followed by the European Court of Human Rights in Strasbourg, which in its ruling in 1968 dismissed the complaints.

Kloss (1971:14) states that the most important grievance related to the legislature forbidding the government to create or subsidise schools that are not conducted in the language of the region. The court called attention to the fact that under Belgium law, the complainants are still allowed to create non-subsidised private French-medium schools (although the government may still constitutionally impose very restrictive measures on these type of schools). The legal protections of the language of the territory thus supersedes the protections of minority language rights (MLR) and mother tongue education (MTE). Kloss (1971) argues that although the

territoriality principle is central in LPP in large parts of Europe, it is not fully compatible with linguistic human rights. According to Kuzelewska (2015:11-12), linguistic legislation in Belgium runs counter to EU legislation, embracing the principle of territoriality, instead of the principle of personality:

The Belgian language law of July 30, 1963 in Article 4 states that: “The language of education is Dutch in the Dutch language area, French in the French language area and German in the German language area, except in the cases defined by articles 6 to 8”. This article runs counter to the EU language policy. The Treaty of Rome guaranteed the linguistic freedom of all EU citizens. The European language policy is based on the personality principle, unlike the Belgian, which has adopted the territoriality principle. Establishing language areas in Belgium resulted from the balance based on two conflicting principles: territorial and personality. This balance continues to be influenced by economic changes, ethnic attitudes and migration waves.

Kloss (1971:15) argues that internal migration becomes a highly sensitive issue when there is a numerically and politically dominant group alongside regionally significant linguistic minorities. In his view, it is unthinkable that the dominant group should ever adhere to the territoriality principle, and expect its members who have migrated to a minority area to be content with having fewer linguistic rights than the members of the local numerically dominant group. Although this is sometimes the case, Kloss claims, members of the dominant group typically enjoy a privileged status. In a country with a dominant group and several minorities, it is the exception for a specific region to be dominated by a minority group, seeing as the nationally dominant group stands a greater chance of being regionally dominant as well.

Kloss (1971) is therefore suggesting that the territoriality principle is not a sufficient measure for the protection of minorities, their language rights, or their educational rights, as the dominant language group will continue to enjoy more rights than minority groups in all or most territories. Even if a minority group has a region in which it dominates, and thus with the territoriality principle has language protections in that area, those rights fall away the moment the minority leaves their territory. This is the case with German-speakers who leave the eastern cantons, Flemish-speakers in Wallonia, or French-speakers in Flanders. Kloss’ view that the territoriality principle is not compatible with linguistic human rights proves to be true in the Belgium case-study, where the territoriality principle has led to the neglect of minority language rights and mother tongue education in the case of migrants, foreigners, or the internal migration of Belgians.

4.4.3 Belgian universities

There are 104 colleges and universities in Belgium: they are publicly funded and administered by the Communities.⁵⁰ All tertiary institutions in Belgium enjoy a high level of autonomy. However, there is legislation at the federal level which defines standards relating to the structure of qualifications, procedures for recognising programmes, participative governance, funding and financial accountability, quality assurance and accreditation (OECD, 2017:21). Similar to primary and secondary schools in Belgium, the institutional language policies of universities and colleges are dictated by the territoriality principle as enshrined in the Belgian Constitution. The only exceptions are the relatively small but growing number of undergraduate and postgraduate courses presented in English, as part of internationalisation efforts to attract foreign students, as well as the limited use of German at the University of Liège. Below is a table comparing the top 7 Belgian universities and their institutional language policies.⁵¹

Table 1: Language policies of the top 7 Belgian universities

Name of University	Location	Institutional Language Policy	
		Main MoI	Additional MoI
Ghent University (UGent)	Ghent, Flanders	Dutch	English
Katholieke Universiteit Leuven (KU Leuven)	Leuven, Flanders	Dutch	English
Université catholique de Louvain (UCLouvain)	Louvain-la-Neuve, Wallonia	French	English
Vrije Universiteit Brussel (VUB)	Brussels	Dutch	English
Université Libre de Bruxelles (ULB)	Brussels	French	English
University of Antwerp (UAntwerpen)	Antwerp, Flanders	Dutch	English

⁵⁰ <http://www.european-funding-guide.eu/articles/funding-overview/higher-education-belgium>

⁵¹ The information presented in this table and in the rest of this section can be accessed on the websites of the various institutions listed here (see bibliography).

University of Liège (ULiège)	Liège, Wallonia	French	English; German
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Today, the institutional language policies of Belgian universities are based on the principle of territorial monolingualism: French-medium tertiary education in Wallonia and Brussels, and Dutch-medium tertiary education in Flanders and Brussels. In the eastern cantons of Belgium, German speakers are very limited in their choice of mother tongue tertiary education. The only options for tertiary education in the German-speaking Community are bachelor degrees for teachers, nurses, accountants, bankers and insurers.⁵² Those German speakers who wish to study a different course either attend French-medium institutions in Wallonia, or go to Germany to obtain mother tongue tertiary education.⁵³

In the past, however, only French-medium tertiary education was available in Belgium and all tertiary institutions were thus French-monolingual. According to Tytgat (2011:3), in the beginning of the 20th Century, when French was the sole medium of instruction, Flemish politicians collected petitions to defend the importance of mother tongue education in higher education, and by 1911, a bill was proposed in parliament that aimed to gradually introduce Dutch as MoI in tertiary education. She (2011) states that by the 1920s the political struggle for mother tongue education was intense, which eventually led to the creation of Dutch-French bilingual universities in Belgium.

One of these bilingual tertiary institutions was Ghent University (UGent), which was founded in 1817 by King William I as a Latin-speaking university, and which became a French-speaking university in 1830 after Belgian Independence. According to Tytgat (2011:3), the bilingual institutional language policies for tertiary education were not successful and after only a short period of bilingualism, Belgian universities adopted monolingual French- or Dutch-medium institutional language policies. Ghent University, located in the Flanders city of the same name, adopted a Dutch-monolingual language policy in 1930 – the first Belgian university to do so (Treffers-Daller, 2002:51). In 1991, the University of Ghent became an autonomous institution. Today, it offers some postgraduate courses in English but all of its undergraduate courses are only available in Dutch.

⁵² https://eacea.ec.europa.eu/national-policies/eurydice/content/belgium-german-speaking-community_en

⁵³ <https://www.topuniversities.com/where-to-study/europe/belgium/guide>

Another tertiary institution that came under fire from the Flemish Movement for its bilingual institutional language policy was the Catholic University of Leuven, where French was the sole MoI until 1911 when the first lectures were taught in Dutch. According to Blommaert (2011:248), in 1968, following widespread student upheavals in Europe, Flemish students in the Flanders town of Leuven took to the streets to demand a Dutch-monolingual language policy for the Catholic University of Leuven. The university, which offered parallel-medium education in Dutch and French at the time, was seen as an anomaly in the Flanders Region – seeing as the principle of territoriality had already established Flanders (and by implication, Leuven) as a Dutch-monolingual area by that time.

Instead of changing the language policy to Dutch-monolingualism, as had been done at Ghent University, the Catholic University of Leuven was split into two different institutions: a Dutch-medium university in Leuven, called *Katholieke Universiteit Leuven* (or KU Leuven for short), and a new French-medium university, *Université catholique de Louvain* (UCLouvain), established in the Walloon town Louvain-la-Neuve (meaning New Leuven), which was founded for the sole purpose of housing the new university. Blommaert (2011) relates the complicated proceedings of the split of the Catholic University of Leuven as follows:

In this move, one of the most absurd procedures in intellectual history was followed: the superb university library was split in two halves, using the simple criterion of odd and even catalogue numbers to assign the books to either the Flemish or the Francophone universities. Observe that while elsewhere in Europe the student protests followed a radically left-wing agenda (and were very often inspired by the Cultural Revolution in China), they followed a nationalist agenda in Belgium. While elsewhere a new generation of politicians acquired its skills shouting communist slogans, the future Belgian leaders shouted nationalist slogans. This Leuven episode was just the prelude for a seemingly endless sequence of incidents and conflicts about bilingualism since the 1970s until now. Not surprisingly, these conflicts were situated in Brussels (the officially bilingual region) and in the border areas where ‘language facilities’ existed.

KU Leuven and UCLouvain both have campuses in other locations as well, including in Brussels. Thus a once bilingual tertiary institution is now two separate institutions, each offering single-medium education in Dutch or French – not only in their respective monolingual Regions, but also in an officially bilingual Region. This underlines Blommaert’s (2011:247) observation regarding the ironic lack of bilingualism in Belgium.

Both KU Leuven and UCLouvain offer some undergraduate and postgraduate degrees in English, and UCLouvain offers a couple of English-French dual-medium postgraduate degrees. Despite the two institutions’ apparent monolingual language policies (specific information on

their websites is scarce), there is clearly a gradual shift towards English in order to accommodate foreign students (which make up 20% of both institutions' student body). The separation of French- and Dutch-medium tuition into two parallel streams of monolingualism at different institutions, coupled with the inclusion of English at both of those institutions, illustrate the perceptions of *good* and *bad* multilingualism as described by Blommaert (2011:251) in subsection 4.3.2. The languages of other Belgians are not tolerated but the elite English-multilingualism is encouraged and adopted.

The Catholic University of Leuven is, however, not the only Belgian university that went from a French-monolingual institution, to a Dutch-French bilingual institution, and then finally to two separate Dutch- and French-monolingual institutions. The Free University of Brussels was also divided into two independent institutions: the Dutch-medium *Vrije Universiteit Brussel* (VUB), and the French-medium *Université Libre de Bruxelles* (ULB).

After Belgian Independence in 1830, Brussels did not have a university despite its status as capital of Belgium. Thus in 1831, a group of leading Belgian figures pursued the creation of a Brussels university. Because the Belgian government was financially constrained by the other three universities that existed at the time, a private institution was envisioned. Eventually, in 1834, the *Université libre de Belgique* (as it was then known) was founded, and from 1842 onward it became known as the *Université libre de Bruxelles*. The University was based on the principle of Freedom of Inquiry, which rejects dogma and authority – principles that were strengthened by a 1970 statute reform, and led to a “democratic form of governance based on the participation of members of all university groups”. Although the university is a private institution, it receives 60% of its total budget from the government.

In 1935, the first Dutch courses were being taught at ULB, and by 1963, nearly all courses were taught in Dutch and French. Following the uprisings of the 1960s, the 1970 law separated the old university into a Dutch-medium institution (VUB) and a French-medium one (ULB). Similar to KU Leuven and UCLouvain, VUB and ULB have mostly monolingual language policies but are increasing their English-medium programme offering in order to accommodate their foreign students (who make up 20% and 30% of the student body respectively). ULB also offers a couple of English-French dual-medium postgraduate degrees.

The University of Antwerp (UAntwerpen) originated from three institutions which became a confederation called *Universiteit Antwerpen* in 1973, and which officially amalgamated in 2003. Similar to UGent, all undergraduate degrees at UAntwerpen are available in Dutch only.

The university offers a one year Dutch course for international students who wish to obtain their undergraduate degrees at UAntwerpen. It also has some English-medium postgraduate programmes available for foreign students (which make up 13% of its total student body).

The University of Liège (ULiège) was founded in 1817 by King William I of the Netherlands – known at the time as the State University in Liège – and was granted autonomy in 1953. As a result of the federalisation of Belgium, the University has reported to the French Community since 1989. The University of Liège is for the most part French-monolingual, although it offers some French-English and French-German dual-medium undergraduate degrees and a few English-medium postgraduate degrees to foreign students (20% of its total student population).⁵⁴ Of the Belgian universities discussed in this chapter, the University of Liège has the most multilingual practices. While many Belgian universities offer dual-medium education (DME) at postgraduate level, ULiège is the only institution to offer a bilingual course at undergraduate level, and the only institution that uses two of Belgium's official languages (French and German) in a bilingual course.⁵⁵

The historical and current language policies of the universities discussed in this section offer some insights into the progression of language policies in higher education (HE) in Belgium in general, as well as in the rest of the public domain. Firstly, French-monolingualism dominated all aspects of public life, and Francophones were the only language group to have its minority language rights (MLR) recognised and to receive mother tongue education (MTE). The Flemish Movement sought the same rights for Dutch speakers in the public sphere, and especially in education.

Once French and Dutch were on equal footing and French-Dutch bilingualism was the norm in educational institutions and in public life in Belgium, the Flemish Movement pursued the removal of French from what it deemed to be *its* territory and *its* institutions. This resulted in the sociocultural separation of the French and Dutch, and monolingual territories and institutions of either Dutch or French. However, with globalisation came anglicisation and the paradoxical increase of English-multilingualism in otherwise monolingual spaces.

According to Hambye and Richards (2012:165), globalisation has changed the importance and the forms of multilingualism in many countries. As a result of the globalised economy,

⁵⁴ https://www.expatica.com/be/education/Study-in-Belgium-Universities-in-Belgium_100219.html

⁵⁵ A complete list of the non-French-monolingual courses at the University of Liège can be found here: https://www.enseignement.uliege.be/cms/c_9537020/en/formations-dipensees-en-langues-etrangeres

individual multilingualism has become more valuable, seeing as people worldwide need to be able to communicate with one another. The globalised labour market also necessitates people to move to other countries for work, which would add further value to individual multilingualism.

Hambye and Richards (2012:166) believe that the globalised economy has contributed to the spread of English as *lingua franca*, which worldwide has caused both a rise in demand for learning English, and growing concern over the threat English poses to linguistic diversity and multilingualism. According to Phillipson (2008:146), English is the most widely taught foreign language in Europe, and English proficiency is increasingly required in public domains, such as business, EU institutions, and higher education. Due to pressure from the globalised labour market, Hambye en Richards (2012:170) posit, bilingualism has become just as important to Francophones in Belgium, who have been in economic decline for more than 50 years.

Of the universities discussed in this subsection, the French-medium institutions seem to be slightly more anglicised than the Dutch-medium institutions. The ULiège example would also suggest that generally-speaking there is less negativity towards multilingualism at universities in Wallonia than at universities in Flanders (both the elite English-multilingualism and the multilingualism of other Belgians). Wallonia's minority status in terms of economic development, educational success and political power, relative to Flanders, might explain the reason behind adopting English practices (i.e. for upward mobility).

According to Hambye and Richards (2012:173), there are some proponents of multilingualism in Belgium, such as parents associations who believe that children should be taught foreign languages, and those who believe that a better rate of bilingualism could solve political conflicts between the Flemish and the Francophones. Hambye and Richards (2012) state that learning languages as a way to understand different cultures is an idea supported by the EU, and it is believed to be a necessary skill for Europeans. They (2012:182) believe that the rise of positive sentiments towards multilingualism in Belgium will affect the current linguistic nature of educational institutions:

We have seen that, in Belgium and Canada, new discourses on multilingualism have emerged in recent years: now, bilingualism is not only considered by centripetal political forces as the fortunate union between two main communities, it has also become an important economic resource. On the other hand, conceptions of multilingualism are still very ambivalent in both countries: multilingualism is still viewed as a potential peril, which is no longer only represented by the other official language, but is also associated with the constant pressure of international languages

(mainly English and Spanish) and with the presence of many immigration languages, which have not the dominant status of English or of other major languages, but which are nonetheless threatening. These discourses are clearly related to economic and demographic changes fostered by globalisation, and which have quashed the mythic representation of a monolingual Nation-State populated by a homogenous population who would stay within the comfortable boundaries of this entity from cradle to grave. Hence, they have also interrogated the nature and the mission of educative institutions, as agents of reproduction of the Nation.

According to Hambye and Richards (2012:183), the contradictory public discourse on multilingualism – which refers to multilingualism as both beneficial and as a hindrance – demonstrate that languages are used as emblems to support ideological arguments. They suggest that discourse on multilingualism does not provide an accurate and neutral account of the multilingual reality, but instead, legitimises political agendas by sometime praising and other times rejecting multilingualism and multilingual people. Hambye and Richards (2012) explain that interestingly, these paradoxical discourses on multilingualism can coexist and the inconsistencies can go by unnoticed by the public, because they rely on different notions of language. The *good* multilingualism discourse views language as a resource or a commodity, while the *bad* multilingualism discourse views language as a symbol and vehicle of culture and identity.

There seems to exist a type of cognitive dissonance in Belgium with regards to the benefits and desirability of bilingualism and multilingualism. In Belgium, good multilingualism is associated with English proficiency and upward socio-economic mobility, whereas the languages of migrants, foreigners and the other language groups are viewed as bad multilingualism which may aggravate ethnolinguistic conflict. The inclusion of English programmes at Belgian universities, in excluding the use of languages of foreign students and Belgians from other Regions, illustrates this competing view on multilingualism in higher education.

According to Tytgat (2011:3-4), higher education in Belgium is rapidly anglicising, however, language legislation is still restrictive of the use of English. The future of non-English-medium tertiary education not only in Belgium, but also in the rest of Europe is unclear. Tollefson and Tsui (2014:320) elaborate on the reasons behind the anglicisation of higher education in Europe follows:

Within this context, the use of English as a dominant MoI has become a major phenomenon only in the past 20 years. When the policy was first mooted in some countries, strong objections were raised (e.g., in 1990, when the Dutch Minister of

Education proposed making English the official language of instruction at Dutch universities). Despite objections to such policies, the number of programs switching to English has increased dramatically, especially since the launch of the Bologna Process in 1999 to create a European Higher Education Area to facilitate the transferability of credits and degree qualifications among universities in continental Europe. The need to have a common language to facilitate staff and student mobility, particularly the latter, has led to an explosion of the number of courses and programs delivered through the medium of English. Indeed, as Phillipson (2009) observed, in the Bologna Process, “internationalisation” means English-medium higher education. The move to English-medium education is further accelerated by the fact that internationalisation of higher education is one of the key profile indicators in international rankings of universities, including the Times Higher Education University Ranking and the QS World Ranking.

Tollefson and Tsui (2014:321) claim that as a result of the anglicisation of higher education, English proficiency and academic literacy in English has to be improved before students reach university – i.e. English classes are taught as early as in primary schools. With Belgium’s current language laws enforcing territorial monolingualism, it is unclear if and/or when the anglicisation of all educational levels and flouting of the territoriality principle will lead to public dissent and court challenges, such as in France and the Netherlands.⁵⁶

4.4.4 Subsidiarity and LPP in educational institutions

Belgium has very strong legal protections in place for language groups, educational institutions and parents of schoolchildren, and grant these interest groups a large amount of autonomy and authority over educational matters. This signifies an adherence to the principle of negative subsidiarity, seeing as many of these devolved competences are indeed more appropriately decided locally by those directly affected than by the federal government. As is the case with primary and secondary education in Belgium, the basic functioning of tertiary institutions also adhere to the principle of negative subsidiarity. Despite being administered by the Communities, all levels of educational institutions are highly independent and autonomous from higher levels of government.

There is also an adherence to the principle of positive subsidiarity, since primary, secondary and tertiary educational institutions are financially supported by the federal government and the Communities. I would argue, however, that there is a neglect of the principle of positive subsidiarity in terms of ensuring a national standard of education (especially in primary and secondary education) which would be better determined and monitored by the federal

⁵⁶ For more information regarding the anglicisation of French and Dutch universities, see: <https://www.theguardian.com/world/2013/may/10/french-univerities-english-language> and <http://www.universityworldnews.com/article.php?story=20180724140627526>

government. Without federal oversight, socio-economic inequality will doubtlessly increase and worsen many old conflicts between ethnolinguistic groups in Belgium.

In addition to the lack of positive subsidiarity or centralisation in the Belgian education system in this regard, I also believe that there is a lack of negative subsidiarity in terms of language policy and planning throughout the entire education system. Although Belgium has comprehensive power-sharing legislation between language groups, and the Communities enjoy full authority over educational and cultural matters, the subsidiarity principle is completely absent in institutional language policy and planning. The lack of authority that Belgian schools and universities have over LPP is easily observed through the absence of institutional language policy documents.

The reason for the absence of the subsidiarity principle in institutional LPP, and institutional LPP altogether, is because of the dominance of the territoriality principle. Whereas the first constitutional reform which increased power-sharing and put Belgium on the path to federalism occurred in 1970, the territoriality principle was introduced in language laws as early as the 1930s. The application of the territoriality principle predates federalisation, meaning that regional and institutional languages were decided before the creation of the new forms of government, and before the Communities became responsible for education. Currently, the language laws do not allow for deviation from territorial monolingualism, which leaves the Communities and educational institutions with little room for institutional LPP.⁵⁷

There is another example in the Belgium case-study of the territoriality principle superseding the subsidiarity principle. The Belgian education system succeeds in granting minority language groups the right to manage their own language, culture and institutions (although this right is not extended to all minority groups in Belgium). However, because this right is territorially-confined, members of minority groups lose these rights as soon as they leave their assigned Region. Not only is the application of the territoriality principle leading to the neglect of MLR and denying many Belgians access to MTE, it is also prohibiting multilingual practices at Belgian universities and in the education system as a whole.

It is unsurprising that the language policies and practices of Belgian universities are largely monolingual. T. Du Plessis (2006:92) notes that there is a strong link between national

⁵⁷ It is open for debate whether or not Communities and/or educational institutions would want any other language policy besides monolingualism based on the territoriality principle. My point here is simply to highlight that their language policies were not decided by them, and that the current language laws do not allow them to alter their language policies.

language policy and university language policy. Therefore, because territorial monolingualism is the national language policy of Belgium – and not multilingualism based on the personality principle – university language policies will also observe territorial monolingualism. T. Du Plessis (2006) exemplifies his argument of the link between national language policies and university language policies by referencing five other countries where this holds true: (i) Canada, a federal state with two official language; (ii) Switzerland, a federal state with four official languages; (iii) Cameroon, a unitary state with two official languages; (iv) Finland, a unitary state with two official languages; and (v) Belarus, a unitary state with two official languages.

According to T. Du Plessis (2006), the bilingual University of Ottawa in Canada was established in order to foster cohesion between English and French speakers and promote “bilingual cohabitation”.⁵⁸ The University of Fribourg was established in a French-German bilingual canton in Switzerland for the same reason.⁵⁹ The bilingual University of Yaoundé I was established in Cameroon as a result of the political union of the Anglophone and Francophone regions.⁶⁰ Six bilingual universities were established in Finland in order to accommodate the Swedish-speaking minority. And lastly, several bilingual tertiary institutions, such as the Maxim Tank Belarusian State Pedagogical University, flowed from the Belarusian-Russian bilingual national language policy of Belarus (T. Du Plessis, 2006:92; Konchits, 2000:508).

The Belgium case-study suggests that when a country has a national language policy based on territorial monolingualism, educational institutions will also have monolingual language policies based on the territoriality principle. Even in an officially bilingual area (such as Brussels), institutional LPP will mimic national LPP, especially if there is negative sentiment not only towards multilingualism, but also towards other language groups as a whole. In a country with such a linguistic regime, coupled with strong institutional autonomy and adherence to negative subsidiarity, linguistic and cultural separation and socio-economic inequality will increase, which will aggravate existing ethnolinguistic conflict. The Belgium

⁵⁸ As the linguistic regime in Canada is based on the personality principle, where federal services are provided in two languages, a bilingual university is to be expected.

⁵⁹ While the linguistic regime in Switzerland also follows the territoriality principle like Belgium, and also consists of territories that are not monolingual, such as Brussels, the University of Fribourg remains bilingual and was not separated into two monolingual-medium institutions (such as the Free University of Brussels).

⁶⁰ The two official languages of Cameroon are ex-colonial lingua francas as is the norm in African language policies (see Chapter 2.3.4). The bilingualism at the University of Yaoundé I does not include any of the approximately 250 indigenous languages spoken in Cameroon.

case-study illustrates that in an officially multilingual country, territorial, institutional and individual monolingualism can be the norm.

In this chapter, I discussed the history of Belgium, its language legislation and process of federalisation. I explored its current political and language situation by investigating its Constitution and examining the presence of territoriality, ethnolinguistic separation and socio-economic inequality in the country. I also discussed the Belgian educational system, and subsidiarity and LPP in Belgian universities and other educational institutions.

Chapter 4 achieved its aims of establishing a framework for investigating a country's governmental structures, language policies and educational institutions in terms of adherence to the subsidiarity principle. It also provided the reader with an in-depth analysis of Belgium's adherence to the subsidiarity principle, and more specifically, its adherence to the principle in its national and educational LPP. Finally, the chapter comprehensively dealt with Belgium which will allow for a thorough comparative analysis with South Africa. In the next chapter, I will investigate the link between the subsidiarity principle and LPP in South Africa.

Chapter 5: Language and Subsidiarity in South Africa

In Chapters 2 and 3, the basis for discussing and analysing a country in terms of language policy and planning (LPP) and the subsidiarity principle was laid out. It was argued that the principle of subsidiarity can be applied to a variety of governmental, social, legal and economic matters, and be used as a theoretical framework with which to draft and implement policies – especially language policies on the national level and in the higher education context.

In Chapter 4, the multinational state of Belgium was discussed within the confines of LPP and subsidiarity. It was found that although the Belgium Constitution does not explicitly refer to the subsidiarity principle, the decentralisation of competences to provincial and municipal institutions and the devolution of the federal Belgium State to include Communities and Regions constitute a de facto application of the subsidiarity principle. The authority and autonomy awarded to the Communities especially was argued to signify an adherence to negative subsidiarity. It was further posited that the education system in Belgium adheres to the subsidiarity principle to a certain degree, seeing as schools and tertiary institutions receive financial support from the government while still enjoying a high degree of autonomy.

It was argued, however, that the subsidiarity principle is not applied in two key areas of the Belgian education system. Firstly, the lack of a national standard of education leads to inequalities, suggesting that certain domains of education should be centralised. Secondly, the implementation of the territoriality principle prohibits authority over language-in-education policies to be devolved to schools and universities, and even the Communities. This results in minority groups being denied access to mother tongue education which possibly leads to further inequality. The absence of language policy documents at Belgian universities demonstrates the lack of autonomy they have over LPP at their institutions.

In Chapter 5, South Africa will be discussed against the backdrop of LPP and the subsidiarity principle. The linguistic and political history of the country will be briefly reviewed, followed by an in-depth look at the Constitution, the linguistic ecology of South Africa, and the anglicisation of the public domain and education in particular. Finally, some of the national language policy frameworks for higher education offered by the Department of Higher Education and Training (DHET), as well as the institutional language policies of South African universities, will be discussed. The aim of this chapter is to establish whether or not the governance structures of South Africa, its education system, and LPP at South African

universities demonstrate an observation of the subsidiarity principle. This chapter also aims to provide a comprehensive analysis of the language, political and governmental situation in South Africa, which will allow for an in-depth comparative analysis with Belgium in the penultimate chapter.

South Africa is a suitable candidate for a case-study of the junction between LPP and the subsidiarity principle for various reasons. Firstly, South Africa is innately diverse and multilingual – no single cultural or linguistic group is in the majority, which makes arguments for decentralisation of powers to local authorities and institutions very appealing, especially regarding language matters. As was argued in Chapter 3, when the subsidiarity principle is applied in governance, democracy and political involvement by citizens are improved, which could in turn lead to the protection of minority rights. South Africa is also grappling with finding ways to adequately represent the eleven official languages in the public domain, a problem exacerbated by the anglicisation brought on by globalisation.

The current political, linguistic and governmental situation in higher education in South Africa also makes the country appropriate as a case-study of subsidiarity and LPP. Not only are universities already overwhelmingly English, but the Historically Afrikaans Universities (HAUs) have been under immense political pressure to amend their language policies to include English. Coupled with the complex governance situation that universities face in the midst of the ‘transformation’ debate, are the budgetary constraints and lack of support and leadership provided by the DHET regarding the implementation of institutional language policies. These factors possibly signify the neglect of both positive and negative subsidiarity.

This chapter will seek to illustrate that the subsidiarity principle is implicitly accepted in the Constitution of the Republic of South Africa (1996) and other national policy documents, and can be a helpful framework with which to guide governance in general and LPP more specifically. It will be argued that as with many of the shortcomings of South Africa, so too the lack of multilingualism in the public domain, and in higher education in particular, is not the result of existing policies, but rather, of the failure to implement existing policies. It will be argued that the utilisation of the subsidiarity principle, in conjunction with the constitutional mandate for the protection and advancement of multilingualism, could aid in achieving the national goal of multilingual tertiary education in South Africa.

5.1 The History of South Africa (pre-1994)

5.1.1 A brief overview of the settlement of South Africa

The Khoikhoi and the San, the first people of South Africa, were present throughout the country since before the year 300. From then onwards, the Bantu arrived in southern Africa and settled across the central and eastern parts of the country. In 1652, the Dutch East India Company (also known as the VOC or *Vereenigde Oostindische Compagnie*) established a post in the Cape, which led to the arrival of slaves from west and east Africa and the Far East and to Dutch (and other European) settlement. In 1659, 1673 and 1739 respectively, there were wars fought between the Dutch settlers and the Khoisan. In 1795 and 1806, the British arrived to formally assume control of the Cape from the Dutch. In 1820, the British settled the eastern Cape, and in 1836, during the Great Trek, Afrikaans-speaking farmers (i.e. Boers) moved north to escape British rule, causing violent clashes with the Bantu (Webb, 2002:76).

The Boers won the first Anglo-Boer War in 1881, and were defeated by the British in the second Anglo-Boer War in 1902. In 1910, under British rule, the Union of South Africa was established and consisted of four provinces: the Cape Province, Natal, the Orange Free State and the Transvaal. Prior to unification, South Africa consisted of two British colonies, the Cape and Natal, and two Boer republics, the *Oranje Vrijstaat* (Orange Free State) and the *Zuid-Afrikaansche Republiek* (South African Republic). In 1948, nearly four decades after unification under British rule, white Afrikaans-speaking people took control of South Africa politically, ushering in the era of apartheid (Webb, 2002:66; 76-77).

In 1959, the Promotion of Bantu Self-Government Act (the homelands or Bantustans policy) was passed which saw the establishment of homeland governments for black people. Four so-called *nation states* were founded, each with its own independent parliament, namely the Transkei, the Ciskei, Bophuthatswana and Venda; as well as six non-independent homelands, also called *self-governing regions*, namely Gazankula, (for Tsonga/Shangaan-speaking people), KaNgwane (Swazi-speaking), KwaNdebele (Ndebele-speaking), KwaZulu (Zulu-speaking), Lebowa (Pedi-speaking) and QwaQwa (Sotho-speaking) (Webb, 2002:66; 77). The map below shows the borders of South Africa pre-1994, including the 10 homelands or Bantustans:⁶¹

⁶¹ The map can be accessed here: <https://en.wikipedia.org/wiki/Bantustan>

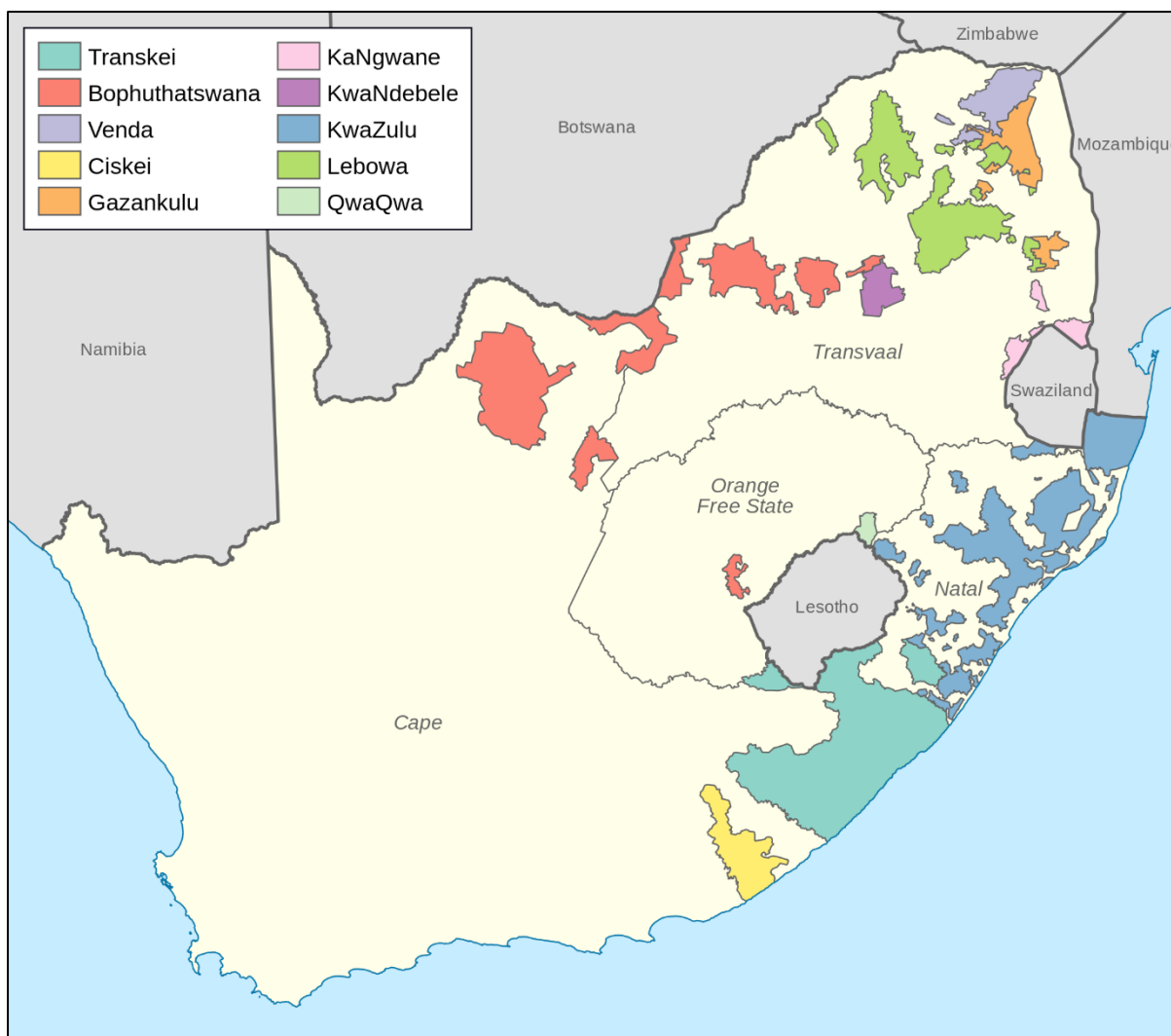


Figure 3: The homelands of the Republic of South Africa (pre-1994)

5.1.2 Language legislation

According to Lubbe and Du Plessis (2014:1), South Africa has a rich history of language legislation which can be traced back as far as 1803, when the principle of mother tongue education (MTE) was first introduced by De Mist, a Dutch commissioner-general. This policy was later supplanted by Charles Somerset, a British Lord and governor of the Cape Colony from 1814 to 1826, who believed that only English and Latin should be taught in schools, effectively removing Dutch (the precursor of Afrikaans) from the education system.

During the discussions leading up to unification in 1910, there were serious language debates between the British and the Boers which eventually led to the selection of both English and Dutch as official languages. In 1925, Dutch was officially replaced by Afrikaans, the first

indigenous language to enjoy equal rights alongside English. The 1961 and 1983 Constitutions reiterated the protection and status of Afrikaans and English (Lubbe & Du Plessis, 2014:1).

According to Plüddemann (2015:189), mother tongue education (MTE) was a central pillar of the education system during apartheid (1948 to 1994). The Bantu Education Act (1953) mandated MTE for primary education (Grade 0/R to Grade 7), and a non-mother tongue-based form of (Afrikaans and English) dual-medium education (DME) for secondary education (Grade 8 to Grade 12). In 1976, the Soweto uprisings occurred, during which black schoolchildren protested the introduction of Afrikaans as medium of instruction (MoI) in primary schools (Ndlovu, 2006:327; Webb, 2002:77).

As a result of the 1976 Soweto uprisings, MTE for the black population was reduced from eight years to four years, and later to three, after which schools could determine their own MoI. According to Plüddemann (2015:189), the majority of schools opted for English as MoI, and relegated the mother tongue to a school subject. Despite the benefits of MTE, he states that it was stigmatised for the black population due to its association with the apartheid government. Unfortunately, Plüddemann (2015:189) notes, learners and teachers were wholly unprepared for the shift to English due to their limited exposure to, and proficiency in, English (more on this in section 5.2).

According to the Department of Higher Education and Training (DHET) (2015:18), indigenous African languages were developed through carefully orchestrated efforts by the apartheid government.⁶² Indigenous languages as MoI were developed through status and corpus planning, language-specific language boards were tasked with developing each language, and even language-specific radio stations were created. The DHET believes that these language policies and practices were based on the apartheid regime's ideology of separateness. Webb (2002:16) agrees that LPP was used by the apartheid regime as a means to divide and control, and not to promote the indigenous African languages:

Besides the use of language to ensure party political support (the National Party and Afrikaans), the strongest demonstration of the use of language for *manipulative purposes* was, of course, the policy of apartheid: whilst pretending that the philosophy of separateness was culturally based, the National Party government divided the culturally similar black people on linguistic grounds, whereas the culturally dissimilar white people (and also the culturally disparate Indians) were each politically grouped

⁶² *Indigenous African languages* refer to the nine official *Bantu languages* – I use these two terms interchangeably throughout this dissertation. *Indigenous languages* refer to the nine official Bantu languages plus Afrikaans.

together. Since the policy of apartheid was a clear case of dividing people in order to retain control over them, it is a good example of language-based political manipulation.

Due to the nefarious intentions of the apartheid government, language policies that would elsewhere be seen as progressive and protective of minority groups, such as the development of minority languages for use in education and public life, are viewed negatively in South Africa. Black people tend to perceive policies regarding MTE and the development of indigenous languages as attempts (by white people) to resist integration and unity, and continue the separation and inequality between different groups in South Africa. This continued perception will doubtlessly influence any future development of indigenous languages, as well as the expansion of MTE (more on this in subsection 5.2.3).

5.1.3 Subsidiarity and territoriality in apartheid-era policies

It can be argued that apartheid-era policies had a significant reliance on the principle of territorial subsidiarity. As discussed in Chapter 3, subsidiarity is a neutral principle as it merely involves the appropriate level of authority over different matters, and can therefore easily be appropriated by both the political left and the political right. The Promotion of Bantu Self-Government Act (1959) suggests at least a *de jure* embrace of the theory of decentralisation and negative subsidiarity, as it professed to transfer powers and competences to the homelands, and award lower levels of government, and by extension black people, a certain level of autonomy. The degree to which the subsidiarity principle was adhered to in practice is, however, highly questionable.

Although the homelands had some authority over local matters, they were still very much under the control of the national government. The absence of democracy in South Africa at the time of the homelands policy also means that the homelands had no real self-determination, and were not truly granted the right to address matters closest to it, such as language policy in local schools, which, as previously stated, was decided on by the central government. Only through protest action, and not through any power awarded to them by the theoretical acceptance of the subsidiarity principle, could black people and homelands demand the policies on local level which they desired.

It has been suggested that the true motivation of the homelands policy was to push black people out of South Africa and have them inhabit areas that would no longer be regarded as part of

South Africa, whilst still relying on them for cheap labour.⁶³ This forced secession of the homelands from the country, further illustrates that although the apartheid-era policies seemingly observed the subsidiarity principle, in practice, the policies were not about granting lower levels of government and citizens more power, improving the political involvement of citizens, and strengthening democracy, but rather the exact opposite.

The combination of the Bantu Education Act (1953) and the Promotion of Bantu Self-Government Act (1959) can also be seen as implicitly formulating language policy according to the territoriality principle.⁶⁴ In this dispensation, each homeland had a regional indigenous language which was used as sole MoI in primary education, and speakers of other indigenous languages were not accommodated. In fact, black people were forcibly moved to the region in which they ‘belonged’, i.e. to a homeland where their mother tongue was the regional language. In a context where the personality principle would have been better suited (high levels of multilingualism across the country), the apartheid government attempted to create monolingual territories.⁶⁵ The Bantustans policy therefore only superficially and disingenuously granted authority and autonomy to citizens and lower levels of government, and is predicated on the fabrication of monolingual regions. In the apartheid-era, LPP did not reflect the linguistic reality of South Africa, and instead attempted to change it for political reasons.

In the early 1990s, during the CODESA (Convention for a Democratic South Africa) negotiations to end apartheid and transition to a democratic government, there was once again a surge in language debates. In 1994, white rule in South Africa ended and a democratic government under the control of black people was established. After long deliberation it was decided that eleven languages would enjoy official status, a decision ratified by the Constitution of the Republic of South Africa (1996) (Webb, 2002:77).

5.2 The Current Situation in South Africa (post-1994)

5.2.1 The borders, languages and Constitution of the Republic of South Africa

From as early as the year 300, South Africa has been marked by the mass immigration of various cultural and linguistic groups, the inevitable crossing of paths between these strikingly

⁶³ <http://www.sahistory.org.za/article/homelands>

⁶⁴ The apartheid-era language policies in the homelands were based on the territoriality principle, but not territorial monolingualism, due to the inclusion of English and Afrikaans in secondary education.

⁶⁵ Apartheid-era policies illustrate the link between territorial homogeneity (culturally and ethnolinguistically-speaking) and segregation. Van Goethem (2011:138) goes as far as to compare territorial monolingualism in Belgium to cultural, social and economic apartheid.

diverse peoples, and the subsequent clashes and wars that ensued. South Africa was not formally planned beforehand and ended up with national borders that were drawn for completely arbitrary reasons. From the inception of South Africa, the provincial borders were also drawn and redrawn in order to lump seemingly similar groups together, a task which has proven to be challenging. The homeland governments were disbanded in 1994, whereafter the borders of South Africa were redrawn to form nine provinces (Webb, 2002:66). Below is a map showing the South African borders post-apartheid.⁶⁶



Figure 4: The provinces of the Republic of South Africa (post-1994)

During the CODESA talks of the 1990s, the new democratic Constitution was negotiated. The final version, *Constitution of the Republic of South Africa, Act 108 of 1996*, was adopted in 1996 and immediately came into effect (Webb, 2002:48). It is widely regarded as one of the

⁶⁶ The map can be accessed here: https://en.wikipedia.org/wiki/Provinces_of_South_Africa

most liberal and progressive Constitutions in the world, due to its comprehensive protection of minorities and basic human rights. The South African Constitution is specifically lauded for its protection and promotion of minority language rights (MLR).

In Section 6 of the Constitution (1996) the following language rights provisions are made: (i) South Africa has eleven official languages (Northern Sotho,⁶⁷ Sotho, Tswana, Swazi, Venda, Tsonga, Afrikaans, English, Ndebele, Xhosa and Zulu); (ii) Indigenous languages should be developed and promoted; (iii) The national government and provincial governments may choose which official languages they want to use (at least two); (iv) The national government and provincial governments should regulate and monitor their use of official languages, in order to ensure parity of esteem and equitability between the official languages; (v) A Pan South African Language Board (PanSALB) will be tasked with the promotion and development of the official languages, the Khoi, Nama and San languages, and South African Sign Language (SASL).

The eleven official languages can be subdivided into two language families, namely the *Bantu* languages, which consists of the *Nguni* languages (Xhosa, Zulu, Swazi and Ndebele), the *Sotho* languages (Northern Sotho, Sotho and Tswana), and Tsonga and Venda, which are classified as neither Nguni nor Sotho; as well as the *Germanic* languages, which comprises Afrikaans and English. The official languages of South Africa all overlap demographically and geographically (although there is concentration in some areas), and most of them are spoken in neighbouring countries as well. There are also several non-official languages spoken in South Africa, including Khoisan languages, Indian languages, other European languages, “mixed languages”, and South African Sign Language (SASL) (Webb, 2002:66-68).

There have been three comprehensive population censuses in South Africa since 1994 (in 1996, 2001, and 2011), with the fourth one scheduled for 2021. In 2011, the population stood at 51 770 560 and 2016 estimates place the population of South Africa at 55 653 654. South Africans speak the following languages as their mother tongue: Zulu (22.7%), Xhosa (16%), Afrikaans (13.5%), English (9.6%), Northern Sotho (9.1%), Tswana (8%), Sotho (7.6%), Tsonga (4.5%), Swazi (2.5%), Venda (2.4%), Ndebele (2.1%), Other (1.6%) and South African Sign Language (SASL) (0.5%). Since the 1996 Census, the number of mother tongue English

⁶⁷ The Constitution (1996) incorrectly lists *Sepedi* (Pedi) as an official language, instead of *Sesotho sa Leboa* (Northern Sotho), the umbrella term for roughly 30 dialects, of which Pedi is one. I correct throughout this dissertation where necessary. More information on the Pedi versus Northern Sotho debate is available here: https://africanlanguages.com/northern_sotho/ and <https://pmg.org.za/committee-meeting/13014/>

speakers has grown, advancing English from the fifth position after Northern Sotho, to the fourth (Statistics South Africa [Stats SA], 2001; 2012; 2016).

According to Webb (2002:160), the human rights provisions in the South African Constitution are based on the personality principle, as opposed to the territoriality principle, since the individual is granted the freedom of choice to practise his or her language rights and to insist on the recognition of his or her rights. He states that this is the democratic approach, and suggests that the personality principle is much more suitable in the South African context than the territoriality principle. I will elaborate on this point in Chapter 6.

Unlike many other officially bilingual/multilingual countries (such as Belgium, Canada, Switzerland, Finland and Belarus), South Africa does not have a majority language – a language that is spoken by more than 50% of the population as mother tongue (Van der Merwe, 2014:220). This means that a monolingual national language policy of the most widely-spoken mother tongue in South Africa would neglect the linguistic rights of the majority of the population. In fact, the top three languages of South Africa combined are needed to achieve a 52.2% majority. It is for this reason that Mkhize and Balfour (2017:135) state that in South Africa, language planning is done to protect languages spoken by the majority, and not languages spoken by the minority as is done elsewhere.

A monolingual national language policy which promotes the prestige lingua franca of South Africa, i.e. a national language policy of English-monolingualism, would have the same result in denying the majority of the population the right to mother tongue education (MTE). Heugh (1993:8) points out, however, that many Bantu language speakers do not see any instrumental value in retaining their mother tongues. This would suggest that some Bantu language speakers would not insist on the recognition of their minority language rights in the case of a *de jure* English-only language policy, seeing as they value English more than their mother tongues, especially with regards to language-in-education policy. It is thus not a given that the loss of a policy favouring multilingualism in favour of English-monolingualism would cause widespread dissension among Black South Africans.

The current linguistic and socio-economic situation in South Africa does, however, make monolingualism in the public domain a questionable national language policy. The denial of MLR and MTE vis-à-vis Bantu language speakers would lead to further inequalities between ethnolinguistic groups who are already severely unequal. The South African Constitution and national language legislation aim to achieve equality between white and black South Africans.

LPP in South Africa should therefore be focused on developing and extending the uses of the Bantu languages (which would involve the language planning activities discussed in Chapter 2), seeing as the Germanic languages are already dominant in the public domain, although English more so than Afrikaans, and Germanic language speakers enjoy a higher socio-economic status than Bantu language speakers.

The South African Constitution does not name any of the *official* languages as the *national* language, which further promotes equality – at least de jure – between the Bantu and Germanic languages. According to Hornberger (1998:97), the post-apartheid Constitution accepts language as a basic human right and views multilingualism as a national resource – a departure from the apartheid regime’s “language as problem” orientation. Webb (2002:60-61) also believes that South Africa has finally embraced its multilingualism, and should ensure that multilingual LPP in the country is successful:

South Africa has statutorily accepted that the country is multilingual, has accepted that multilingualism can be seen as a positive resource, and has committed itself formally to a policy of multilingualism. To give concrete and meaningful content to these views will be difficult, but the country has no choice: making multilingualism work is non-negotiable. If democracy is ever to become meaningful in any degree in South Africa, knowledge and skills must be democratised, and citizens must have full access to all the rights and privileges of their country (which will be co-determined by the role of language as instrument of access). Multilingual language policy formulation and planning must simply succeed.

The following provisions regarding governance in South Africa are made in Sections 40 and 41 of the Constitution (1996):⁶⁸ (i) The South African government consists of national, provincial and local spheres of government which are distinctive, interdependent and interrelated; (ii) All governmental spheres should respect the constitutional status, institutions, powers and functions of government in other spheres; (iii) All governmental spheres should not assume any power or function except those conferred on them in the Constitution; (iv) All governmental spheres should exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in other spheres; and (v) All governmental spheres should co-operate with one another by assisting and supporting one another and co-ordinating their actions and legislation with one another.

⁶⁸ I list only those provisions which are applicable to the topic of this dissertation.

In Sections 151 and 154 of the Constitution (1996) the following local government provisions are made among others: (i) The local sphere of government comprises municipalities, which must be established for the whole of the territory of South Africa; (ii) A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation as provided in the Constitution; (iii) The national or a provincial government may not compromise or impede a municipality's ability or right to exercise its powers or perform its functions; and (iv) The national government and provincial governments should support and strengthen the capacity of municipalities to manage their own affairs, to exercise their own powers, and to perform their duties.

According to De Visser (2010:100), it has been argued that the subsidiarity principle was not explicitly embraced in the Constitution because it was employed by supporters of federalism during the CODESA negotiations.⁶⁹ He claims, however, that many writers on the subsidiarity principle in relation to the Constitution of South Africa have emphasised that the Constitution does not establish a closed system of values, making it possible to argue that the subsidiarity principle is one of the values implicit in the Constitution. Van Wyk⁷⁰ (as cited in De Visser, 2010) argues that the use of the term *spheres* instead of *tiers*, renders the South African Constitution one of the most “subsidiarity-friendly” Constitutions.

Magwaza (2015:2) believes that although the Constitution of South Africa does not explicitly mention the subsidiarity principle, it clearly envisions local government as autonomous over its own affairs and devolves power to municipalities, signifying an implicit observance of the principle of subsidiarity. De Visser (2010:90) agrees that the separation of functions and powers between local government and other spheres of government, as mandated in the Constitution, signifies an adherence to the subsidiarity principle. He posits that the underlying rationale for Section 156 – which requires the national government and provincial governments to allow municipalities to handle issues related to local government if it would be most *effectively* administered locally, and if the municipality has the *capacity* to administer it – is the principle of subsidiarity.

According to Magwaza (2015:3), despite the increase in power granted to local governments by the Constitution after apartheid, an increase in capacity, such as skilled personnel and

⁶⁹ South Africa post-1994 is a unitary, and not a federal, state. Due to the forced decentralisation and segregation of the apartheid-era, it is clear why many CODESA negotiators were opposed to the federalisation of South Africa, as the goal was regional integration, and not regional separation as was already the case.

⁷⁰ Van Wyk's 1998 paper is titled '*Subsidiariteit as waarde wat die oop en demokratiese Suid-Afrikaanse gemeenskap ten grondslag lê*'.

financial support, did not follow. This suggests that negative subsidiarity had been adhered to (an increase in local government autonomy), but not positive subsidiarity (assistance from the central government). Such a situation will naturally lead to dysfunction at the local level, which in turn will lead to calls for the central government to intervene. In doing so, the negative aspect of the subsidiarity principle will be undermined, and dependency of local governments will be promoted instead of autonomy.

As will be argued later in this chapter, the presence of negative subsidiarity and absence of positive subsidiarity does not only occur in terms of relations between the central government and local governments, but also between the central government and tertiary educational institutions. Magwaza rightly points out that if the national government wants the local governments (or universities) to take over certain programmes (or draft and implement multilingual language policies), it has to fund and support them as well. Magwaza (2015:4) advocates for the implementation of the principle of subsidiarity in democratic South Africa as follows:

Adopting subsidiarity as a principle requires a leap of faith. It requires a belief that people can govern themselves, make good decisions collectively, and hold their leaders accountable for their work. However, this is not a radical departure from the fundamental tenet of a constitutional democracy, which holds that the people, subject to a fair legal framework and the rule of law, are capable of ruling themselves as a nation by electing representatives and holding them accountable.

According to Turner and Wildsmith-Cromarty (2014:295-296), it is expected of all provinces and educational institutions to develop their own language policies and language implementation plans, whilst taking into consideration the linguistic realities of their local contexts (a system referred to by Tollefson (1981) as *decentralised language planning*). Decentralised (multilingual) language planning in South Africa, as mandated by the Constitution, is another clear instance of the implicit observation of the subsidiarity principle.

5.2.2 The dominance of English in the public domain and as lingua franca

According to Lubbe and Du Plessis (2014:1), whereas most African countries are *exoglossic* – countries that have declared a foreign colonial language as its official language – South Africa is an *endoglossic* country seeing as it recognises Afrikaans and nine Bantu languages as official languages alongside English.⁷¹ Unfortunately, this is merely a de jure position, as in practice,

⁷¹ South African and Cameroon are both officially multilingual African countries. Cameroon, however, is an exoglossic country since its two official languages are English and French.

use of English in public life in South Africa far outweighs the use of any of the other official languages, including Afrikaans.

Lubbe and Du Plessis thus refer to South Africa as a *non-active endoglossic state*, and insist that the government is failing to meet its obligation (as set out in Section 6(4) of the Constitution) to regulate and monitor their use of official languages. Certain limitation clauses in the Constitution, such as ‘where practical’ and ‘where possible’, allow the status quo to remain, meaning the lack of true multilingualism in the public sphere in lieu of English-monolingualism (DHET, 2015:36; Mkhize & Balfour, 2017:136). Webb (2002:97) agrees that there is a mismatch between policy and reality in the South African context:

In an ‘ideal world’, where the spirit of linguistic pluralism prevails and the principle of linguistic equity is implemented, all eleven languages should be in perfect harmony, equally valued, with no linguistic domination or subordination, with the speakers of each language not feeling any compulsion to switch language in the presence of speakers of any other language, and with social, economic and political power not being a determinant of language choice.

Mazrui (2002:269) suggests that despite South Africa’s language policy, which, in principle, demotes English and Afrikaans and elevates the status of indigenous African languages, in practice, English is the only language on the rise. Orman (2008:94) concurs that even though South Africa’s Constitution makes provision for the equitable promotion of all eleven official languages, there is an increasing tendency towards English-monolingualism in all spheres of public life. He claims that there is a clear language hierarchy, with English at the top, the Bantu languages at the bottom, and Afrikaans in the middle but gradually descending. According to Orman (2008:95), this hierarchy is the same with language use in educational spheres (more on this in subsection 5.3).

As was noted earlier, South Africa’s borders were arbitrarily drawn up and resulted in what Webb (2002:139) describes as ethnolinguistically inappropriate borders. Webb (2002:140) claims that such borders have two consequences for state-formation in newly independent African countries like South Africa: firstly, a *shared national identity* has to be constructed; and secondly, a *national language* or *lingua franca* has to be established for the sake of “good governance”. Webb suggests that because of rife interethnic conflicts, a neutral ex-colonial language, English in the South African context, is often selected as the *de jure* (or *de facto*) *lingua franca*.

Wee (2010:257) states that the black community in South Africa uses English as an *interethnic lingua franca* – a language used by different ethnic groups, but not belonging to any of those groups – leading to the view of English as a *neutral language*. Similarly, English sometimes serves as a lingua franca between white Afrikaans speakers and Bantu language speakers. Wee (2010:258) suggests that the language policy of South Africa reaffirms the idea of English as a neutral language, since any attempt by the government to institute an indigenous African language in this ‘neutral’ position would lead to much more dissatisfaction and dissent. This is possibly because of the negative attitudes black people harbour towards their mother tongues (as a result of the use thereof by the apartheid regime), and the extant tribalism in the black communities which would render any choice of language a victory of one African tribe over the others.

Wee (2010:258) continues that while English is seen as *politically* neutral in South Africa, justifiably or not, it is definitely not *class* neutral. He distinguishes between the English ‘haves’ and ‘have-nots’, a class divide brought on by differing levels of English proficiency which could potentially lead to conflicts, should English-monolingualism prevail in South African LPP. Wee (2010) proposes two possible solutions to prevent this situation which, if unaddressed, will undoubtedly worsen socio-economic inequality in the country.

The first option is to ameliorate English language education in South Africa in order to minimise the class division. In this scenario, the role of English as lingua franca is strengthened and a major language shift towards English would occur. Wee (2010) notes that if English becomes the mother tongue of many (previously indigenous language-speaking) South Africans, serious questions will be raised regarding the extent to which South Africa can claim to be ‘truly African’. This scenario might also bring into question whether the demands for an *African Renaissance*, or as has been touted lately, *decolonisation*, have been met.

The second option is to remove English as the interethnic lingua franca which will leave a void that none of the other official languages can really fill. Wee (2010) posits that a “sufficiently anti-English attitude” could however still sway policymakers towards this option, who would rather risk the possibility of ethnic conflicts than to lose the African identity of South Africa – especially if they believe that one of the official languages will be able to represent the *pan-African identity*. According to Wee (2010:258), the current situation in South Africa favours the first option “if only by virtue of policy inertia”, but the second option is still a possibility.

The current course of LPP in South Africa is clearly moving in the direction of option 1, save for the improvement of English proficiency. The benefit of this option is not only the (perceived) political neutrality of English, but also the economic value of English proficiency. Due to globalisation, South Africans are seen to require English proficiency in order to participate in the economy, so its use as lingua franca is not unfathomable, nor will it probably be replaced by any of the other official languages. It is difficult to imagine Zulu, the most widely-spoken mother tongue in South Africa, being used as a national interethnic lingua franca any time soon. If the continuance of English as an interethnic lingua franca in South Africa is inevitable, albeit undesirable, policymakers should plan accordingly, and pay special attention to improving English proficiency at basic and secondary education level, in order to eliminate the class divisions between the English haves and have-nots.

The crux of the matter, however, is that the retention of English as interethnic lingua franca in South Africa does not eliminate the potential for successful multilingual language policy and planning in South Africa. It does not automatically preclude the use of the other official languages in the public sphere, nor does it automatically eliminate the potential for mother tongue education, nor does it mean individual multilingualism should decline and disappear altogether. English proficiency can be improved *and* different language groups can learn each other's languages – not only for the instrumental value, but also for the integrative value. South Africa needs to find a balance between *national unity* and *diversity*, Webb (2002:167) suggests, and renounce its Eurocentricity in the pursuit of its African Renaissance.

It is safe to say that English as lingua franca in South Africa is here to stay. The force of globalisation and English hegemony however should not allow policymakers or ordinary citizens to adopt and support the notion of *linguistic Darwinism*. According to Webb (2002:33), there is a prevalent view in the language debate that the language issue should be allowed to run its “natural” course and that social, economic and political forces will ultimately resolve the language problems in South Africa. He refers to this position as “uninformed”, and says it does not take into consideration the interests which control and lie behind these forces, nor does it contemplate the possible negative consequences that go hand in hand with this position, such as continued economic inequality and the potential for ethnolinguistic conflict:

In fact, the realities of the “natural” social, economic and political forces in the country make it imperative that the government intervene, and develop policies and plans to handle the necessary linguistic transformation of the country. State intervention in the linguistic transformation of the country in the form of language planning is a necessary (but not sufficient) condition for the effective governance of a multilingual state. If the

problems discussed above are to be handled in a meaningful manner, South Africa (like every African state) needs a comprehensive national language policy, an associated language plan, and a set of specific strategies for the implementation of the plan and the evaluation of its implementation efforts.

The risk of worsening socio-economic inequality in South Africa, should the dominance of English in the public domain continue without an improvement in English proficiency, cannot be overstated. It has been suggested by many authors that the English proficiency of many black people in South Africa is not good enough for academic use, which leads to an increase in academic failure and exclusion from participating in the economy, ultimately perpetuating poverty cycles among black people and increasing socio-economic inequality between white and black South Africans (Mkhize & Balfour, 2017:134-135; Thamaga-Chitja & Mbatha, 2012:340; Webb, 2002:187). This leads the conversation to the use of indigenous African languages in education, its potential value in the South African context and its unfortunate rejection by exactly those that stand to benefit from it.

5.2.3 Lack of mother tongue education (MTE) and inequality

A 2015 report, titled *Report on the Use of African Languages as Mediums of Instruction in Higher Education*, found that the use of indigenous languages in Basic and Higher Education has declined rapidly since the end of apartheid, and that instead of multilingualism, English-monolingualism has become the norm while indigenous African languages are being marginalised (DHET, 2015:20-21). Kotzé (2014:15) also notes that there is a “tacit” policy of English-monolingualism in education. He (2014:19) posits that this de facto monolingualism is caused by a stalemate in implementing legislation that recognises the value of multilingualism and MTE, due to a conflict between the different language attitudes of policymakers and other role players. Webb (2002:9) claims that in the black communities, English is overestimated and the Bantu languages underestimated as media of instruction (MoI).

According to Brock-Utne (2001:119), MTE in Africa is rejected for three reasons: (i) people distrust the motives of those who advocate MTE, especially when coming from foreigners, or, one could add, outsiders and other linguistic groups; (ii) colonialism may have caused a deep-rooted psychological effect of contempt for one’s own culture and admiration of the culture of the colonisers – equating knowledge of the coloniser as *the* education; and (iii) many elite Africans believe that the use of a foreign language as LoLT will put their children at an advantage compared to the other children in the country, despite the fact that their children also

stands to benefit from MTE. Plüddemann (2015:189) elaborates on the reason behind the rejection of MTE in favour of English as MoI by Bantu language speakers in South Africa as follows:

(...) it is one of the ironies of history that the pedagogically sound principle of MTE was barely tolerated by African-language speakers, because it was seen to be synonymous with Bantu Education and integral to apartheid's divide-and-rule strategy; and a second irony that one oppressive language, Afrikaans, was rejected in favour of another, English, the language of the British colonisers, which came to increasingly symbolise not only political liberation but also socio-economic aspiration.

In the same way that the dominance of English in the public domain puts black South Africans at a disadvantage, the lack of MTE among the majority of the black population – while the majority of white South Africans do receive MTE (in Afrikaans or English) throughout their education – aggravates the existing inequality in South Africa and leads to academic failure among black people (Brock-Utne, 2001:127; Skutnabb-Kangas, 2006:190).⁷² Alexander (2012:5) argues that the tendency of black South Africans to equate MTE with the substandard Bantu education will not only undermine South Africa's ability to expand and consolidate democracy, but also hamper economic development. Webb (2002:12-13) also believes that the undervaluing of the Bantu languages as MoI is an uninformed position and ultimately harmful to the upward mobility of black South Africans:

(...) parents believe that their children **need** to be taught through the medium of English (...) Speakers of (Bantu) languages argue that they are inappropriate for formal educational development, that no one can get a job with these languages (that is, they have very little economic value), that they already "know" these languages, and so forth. What they don't take into consideration is that the issue is not language, but cognitive, affective and social development, and that the effective development of these skills will contribute to success across a wide spectrum. They also overlook the likelihood that the development of linguistic skills in the first language (generally a Bantu language) should lead to the more effective acquisition of English (since learning skills are more highly developed).

Webb (2002:191) insists that the use of Bantu languages as languages of learning and teaching (LoLT) should be considered as a matter of urgency, as many black learners in rural and urban areas do not know English well enough to achieve maximum cognitive development if English is used as the LoLT (especially in the early years of education). A study into the LoLT in South African schools found that the majority of learners who switch from MTE to English-medium

⁷² Even when the MoI is English, and both black students and white Afrikaans-speaking students do not receive MTE, the difference in English proficiency and academic literacy between these two groups (generally-speaking) means that an English-only language policy is still skewed in the favour of white people.

education from Grade 4 onwards did not study English as a subject in the foundation phase (Grade 1 to 3) (Department of Basic Education [DBE], 2010:29).

Kotzé (2014:19) states that although English is the de facto language of higher functions, some of the other official languages have more mother tongue speakers than English and are sufficiently standardised to be used as MoI up to an advanced level of education (such as Zulu, Xhosa, Afrikaans and Tswana). According to Webb (2002:93), however, only Afrikaans and English are used in the senior primary phase (Grade 4 to 7), secondary school and tertiary education, although there are some universities “experimenting” with the use of Bantu languages at universities. Therefore, many black schoolchildren who are switching to English from Grade 4, or starting school with English as MoI, could be receiving MTE for much longer – possibly even throughout tertiary education.

The problems that stem from the lack of MTE in the South African schooling system, that is, the failure to successfully acquire English and effectively develop cognitive skills (and subject-specific knowledge) as Webb (2002) listed above, are compounded once black students commence their tertiary studies at an English-only university. According to Ngcobo (2014:123), the majority of black students do not experience academic success at university, and drop out before obtaining their degrees. He cites a 2008 study conducted by the Department of Education (DoE) which shockingly found that the graduation rate among all black people in the 20-24 year age group was below 5%. Stats SA found that while there were only 1.2 white graduates for every black graduate in the 1980s, today white graduates outnumber black graduates 6:1 (Gqirana, 2016). This is despite the fact that black students make up 78% of all contact-learning students and 83% of all distance-learning students at South African universities (Mtshali, 2013). Ngcobo (2014) states that a major factor contributing to this high failure rate among black students is their low academic literacy in English, the main LoLT at all South African universities.

According to Hibbert and Van der Walt (2014:4), many HEIs in African countries are introducing English as LoLT because of internationalisation drives, the expectations of transnational students, and the effects of colonialism. These universities become increasingly multilingual outside of the classroom due to the diversity of their student population. Hibbert and Van der Walt (2014) therefore insist that any attempt to impose monolingual language policies and/or classroom practices in such a diverse educational landscape is outdated. However, due to persisting perceptions regarding the value of English in education and

internationalisation, HEIs all over the world are anglicising. Hibbert and Van der Walt (2014:3) elaborate as follows:

In the age of wide-scale global migration, language education discourses have been strategically geared for international economic participation, thereby favouring an English-only orientation in most instances. English is perceived as the world's lingua franca and higher education institutions (HEIs) that aspire to international recognition have to manage and plan for this perception.

According to Van der Walt and Hibbert (2014:203), worldwide, universities who are expected to have an international presence and manage an increasingly multilingual student population, are turning to the use of English. They (2014:204) claim that when global competitiveness is linked to the use of English, there is a growing perception that only English should be used as language of learning and teaching (LoLT), which leads to a decline in multilingual language-in-education policies and an increased risk for language shift and death. Van der Walt and Hibbert (2014:204) suggest that widespread perceptions that African languages are too underdeveloped for academic use further complicate the implementation of multilingual language policies.

In the South African context, this raises the question as to what the main priority of South African HEIs is: international recognition and catering for international students, or, access to quality tertiary education for all South Africans. Does the latter necessarily require MTE and multilingual language policies, and the former English-monolingualism, and, does the pursuit of the one priority necessarily preclude the pursuit of the other? It seems clear that the main priority of public universities in South Africa should be to provide quality education for South Africans and to produce a highly educated workforce. This will not only decrease inequality in South Africa, and therefore reduce ethnolinguistic conflict, but it will also lead to economic development which will enable South Africa to compete globally.

5.3 Education in South Africa

5.3.1 The language debate

Webb (2002:5) describes the 1976 Soweto uprisings as one of the most important dates in not only the sociolinguistic, but also the political history of South Africa, as it demonstrated the centrality of language in the national life of the country. More than four decades later the language question in South Africa has still not been solved. The declining use of Afrikaans in the public domain, and the failure to promote the use of the indigenous African languages in higher functions, in lieu of English-monolingualism, has giving rise to what is commonly

referred to as the *taaldebat* (language debate). According to Romaine (2006:218), the language debate in South Africa concerns the continued use of Afrikaans in higher functions, and in particular in higher education in post-apartheid South Africa. He adds that English dominance is threatening the survival of many languages in higher education across the globe.

During apartheid, people were subdivided into racial categories: *Asian* (for people of Indian and Chinese origin); *Bantu* (for black people); *Coloured* (for people of mixed origin); and *White* (for descendants of European immigrants). Even though apartheid ended 25 years ago, race remains a delicate matter and is still a social and economic divider (Webb, 2002:65). The legacy of not only the apartheid regime, but hundreds of years of conflict, continues to influence political discussions, and race regularly appears in the language debate. According to Webb (2002:18), language is a powerful dividing force in South Africa:

Language has also played a role in the lack of *national unity* and the presence of *conflict potential*. Despite the advent of political “democracy” in 1994, South Africa is still a deeply and complexly divided society, and there is still evidence of tension between the races and between ethnic communities (also, variously, between social groups such as gender groups, age groups, religious groups, and so on, as one finds universally). This is due to precolonial conflicts (between the Khoe, the San and the Bantu-speaking people), colonisation and apartheid.

Today, the diversity and multilingualism of South Africa, a remnant of its complex past, is often celebrated as a unique characteristic – and unique it is (although not for an African country), for even other well-known multilingual countries, such as Canada, Switzerland and Belgium, only have to grapple with accommodating two or three language groups. Unfortunately, this situation is not only creating serious issues regarding policy formulation and implementation, it is also being used by some members of some groups to fuel intolerance and enflame racial tensions. Orman (2008:124) suggests that language conflict in South Africa is in actuality racial conflict:

Since it has become unacceptable to cite racial differences as motivating causes of political action in the post-apartheid era, at least in the mainstream, it seems as if language is increasingly becoming the new “politically correct” issue around which the old identity conflicts are being played out.

One of the important contributors to the language debate is the different sentiments that South Africans harbour towards the official languages. For example, some Afrikaans speakers view their mother tongue as an identity marker and indispensable part of their sociocultural life, i.e. they have strong sentimental attachments to their language. Others view Afrikaans simply as a tool for communication, i.e. they have an instrumental attachment to their language. Non-

Afrikaans-speaking black people tend to view it as a symbol of oppression (due to its central role in and association with apartheid). Conversely, while some Afrikaans-speaking communities view the indigenous African languages as *with* Afrikaans and *against* English, many black communities severely undervalue their mother tongues, and although seeing them as culturally useful in the private sphere, do not see them as functionally appropriate or preferable in the public sphere.

Moreover, some Afrikaans speakers see English as a serious threat to their language and identity, or even as the language of their erstwhile oppressors, while others view it merely as a useful tool for communication. Many black South Africans, however, see English as a symbol of liberation and have strong instrumental attachments to it (Kelman, 1971:168; Webb, 2002:18-19). Mazrui (2002:270) expands on these opposing views towards English, which are central in the language debate, as follows:

English became not just the language of oppression but also, by a strange twist of destiny, the language of liberation, with enhanced status among Africans. In post-apartheid South Africa, English has acquired additional value as the language of educational desegregation at the tertiary level. Institutions that had hitherto used Afrikaans as the language of instruction have tended to exclude a large majority of potential Black students whose additional language is English rather than Afrikaans.

The exclusion of black students from Afrikaans-medium universities is another central matter in the language debate: whereas Afrikaans speakers want to preserve Afrikaans-medium universities and MTE in general, non-Afrikaans-speaking black people believe Afrikaans-medium education is a ploy for racial segregation, and consequently demand the ‘transformation’ of Afrikaans-medium schools and universities. According to Webb (2002:94), the central government views higher education institutions (HEIs) as national assets. As such, HEIs have to admit all qualifying students who, in turn, enjoy the constitutional right to demand that programmes be available in their language of preference (which for black students is usually English). This leaves the problem of the constitutional right of Afrikaans speakers to receive tuition in their language of preference. Webb (2002) stresses that the language debate is a highly emotional issue, especially among Afrikaans speakers, who insist that the use of Afrikaans is constitutionally, sociolinguistically and historically justified.

Webb (2002:161) states that one of the main language rights issues in the language debate is the matter of the government’s obligation to recognise and fund single-medium Afrikaans public schools. While some school communities believe that the Constitution protects this right, the government believes that these Afrikaans-only schools are using their language

policies to exclude non-Afrikaans-speaking black pupils from admission and effectively create cultural enclaves, and that they are therefore not constitutionally required to fund such schools. Similarly, single-medium Afrikaans private schools (or private universities such as Akademia) are threatened with closure by the government if they do not amend their institutional language policies to include English.

But the language debate does not end once English is included as MoI in formerly Afrikaans-monolingual schools and universities. Bilingual educational institutions that have amended their institutional language policies in order to cater for black pupils and students in English, are then faced with intense pressure to remove Afrikaans altogether. English hegemony is threatening the existence of multilingualism in the public domain, as well as the potential for increasing the amount of pupils and students who receive MTE in South Africa. Central to the language debate in South Africa, therefore, is the role of Afrikaans in rivalling English in higher functions and keeping English-monolingualism at bay, and in doing so, creating the possibility for the indigenous African languages to do the same. For this reason, Webb (2002:245) argues that the continued presence of Afrikaans in the public domain, and especially in education, has to be safeguarded:

In language political terms, Afrikaans has a paradoxical history, sometimes being the “hero”, at other times the “villain”. But, whatever role one prefers to recognise, one of its achievements was that it “held English in check”, thus contributing towards a balance relation between English and the other South African languages in public life. Since 1994, this has changed quite drastically, and there is no longer a natural language political counter-balance to the overwhelming power of English in the country. Giving voice to the people of the country thus requires that the role of Afrikaans continue to be planned.

While the language debate was raging on, student protests took the country by storm in 2015. The focus of these protests included the removal of statues of white historic figures from campuses, linguistic and financial barriers to access to universities, and ‘decolonisation’ of university culture and curriculum. These protests, commonly known as the #FeesMustFall movement,⁷³ eventually led to an anti-white and anti-whiteness campaign (Everatt, 2016:134-135). According to Du Plessis (2016:1065), the #RhodesMustFall movement, the first protest of many to come, undoubtedly had an effect on language policy and planning at the remaining Afrikaans-medium universities and the transformation debate in higher education in general. He (2016:1062) argues that this renewed emphasis on ‘transformation’ brought on by the

⁷³ For more reading on the #FeesMustFall movement, see Booysen (2016).

movement means that the institutional language policies of tertiary institutions will now be guided by the transformation discourse – that is, as opposed to them being based on sound pedagogical insights and evidence-based practices.

The five Historically Afrikaans Universities (HAUs) – namely Rand Afrikaans University (RAU), the University of Pretoria (UP), the University of the Free State (UFS), Stellenbosch University (SU), and the North-West University (NWU) – have been plagued by accusations of racism, exclusionism and discrimination on the basis of language since 1994. In recent years, the HAUs have been pressured to include English in their language policies. This has led to various bilingual practices at some of these institutions, and the elimination of Afrikaans as MoI at others. Unfortunately, the mere presence of Afrikaans at universities, even now that it has been substantially reduced, still invokes calls to remove it at the remaining institutions which still offer Afrikaans-medium tertiary education.

According to Lubbe and Du Plessis (2014:32), the fact that Afrikaans is under pressure at the HAUs is indisputable: RAU, which was subsumed by the University of Johannesburg (UJ) in 2005, has ceased to be a part of the language debate concerning the use of Afrikaans in HE, as English is the main MoI at UJ. So too the UP and the UFS are no longer part of the Afrikaans language debate. The NWU's Potchefstroom campus is continuously facing calls for the removal of Afrikaans as MoI despite its expansive simultaneous interpreting programme. Romaine (2006:219) states that one of the main battlegrounds for the language debate is SU, which, unlike the other HAUs that amalgamated with other institutions and/or adopted bilingual practices, remained the last Afrikaans single-medium university in South Africa.⁷⁴ This, however, also changed when SU began implementing their new institutional language policy in 2017 (more on this in the next subsection).

All five Historically Afrikaans Universities (HAUs), of the now 26 public universities in South Africa, have made changes to their institutional language policies. Ironically, there is much less political pressure on English-medium universities to include indigenous African languages than there is on the HAUs to include English – which hints at the fact that the transformation of HAUs is not motivated by attempts to achieve multilingual HEIs, but rather, it is driven by

⁷⁴ Romaine cites Giliomee and Schlemmer (2001) and Brink (2006) as opposing voices on the debate at SU: the former believe that the survival of Afrikaans and its use in higher functions depend on its use at tertiary education level, thus the Afrikaans-only language policy at SU is crucial to the continued existence of Afrikaans; the latter believes that the debate is merely an attempt to colour *Afrikanerdom* as an endangered minority and rebuild Afrikaner nationalism and Afrikaner identity around Stellenbosch.

the desire for English-monolingualism in higher functions. This is despite national language policy frameworks advising against the anglicisation of HEIs (see subsection 5.3.3).

Lubbe and Du Plessis (2014:25) raise an important question related to the language debate in South Africa and English hegemony: “*Can a university achieve excellence where Afrikaans is the default option, or is excellence synonymous with English, where Afrikaans comprises only one of the options – in other words, is excellence impossible in Afrikaans?*”. They claim that advocates of the former view propagate the concept of an Afrikaans university that promotes multilingualism, and not a multilingual university that promotes Afrikaans. According to Lubbe and Du Plessis, this was the former position of Stellenbosch University (SU), an HEI that does not deny the importance of English for excellence, but neither does it deny the importance of MTE for excellence.⁷⁵

Romaine (2006:219) takes the matter further and notes, “*beyond that looms the question of what the inability of Afrikaans to retain its higher functions in the public domain has to say about the likelihood of the African languages attaining them*”. While the use of Afrikaans in HE is diminishing, it is not being replaced with indigenous African languages, but rather, English (Mkhize & Balfour, 2017:139). The removal of Afrikaans from use in tertiary education and replacing it with English does not signify improving parity of esteem between the eleven official languages – rather it demonstrates the hegemony of English in lieu of multilingualism in the public domain.

According to Booysen (2016:38), the most direct impact of the #FeesMustFall movement on governance concerned policy change. She states that funding for higher education had been neglected, but as a result of the protests, the national budget was reprioritised, and funds were reallocated (from basic and vocational training) to tertiary education in order to halt annual tuition fee increases. Pillay (2016:257) criticises this decision and suggests that tertiary education alone cannot address inequality:

If we are serious about reducing inequality in our society through providing equal opportunities for all *and* ensuring more equal life outcomes, the claims of education sub-sectors such as early childhood development and vocational education and training should surely be prioritised above the demands of universities. Both these sub-sectors

⁷⁵ Giliomee (2018) suggests that the rapid anglicisation of SU was in part motivated by the internationalisation drives explained by Van der Walt and Hibbert (2014). He notes, however, that this has been unsuccessful, as SU has dropped from 330th place (third in South Africa) in 2017 to 448th (fifth in South Africa) in 2018 in the Centre for World Universities Rankings list.

are seriously underfunded in absolute terms and as a proportion of the total education budget and of gross domestic product (GDP).

In December 2017, the Presidency unexpectedly announced the introduction of free tertiary education in 2018 for poor and working-class students. Without elaborating on the details of this dramatic decision, such as how it will be funded, without prior consultation with university councils, and in complete contradiction with the findings of the Heher report,⁷⁶ universities were left to wonder how free education will be implemented with a few months warning. In January 2018, after the ANC's elective conference, university councils were informed that education would not be free in 2018, but that instead, a fee-based system will be implemented (De Villiers, 2018). This entire exercise illustrates the utility of the transformation discourse at tertiary institutions for political point-scoring.

5.3.2 South African universities

There are 26 public universities in South Africa that receive funding from the central government and fall under the purview of the Department of Higher Education and Training (DHET). Each university is allowed to draft and implement their own institutional language policy in accordance with the mandate for multilingualism as expressed in the Constitution and other language policy frameworks (see subsection 5.3.3). Below is a table listing the 26 South African universities and their official institutional language policies.⁷⁷

Table 2: Language policies of the 26 South African universities

Name of University	Institutional Language Policy	
	Main LoLT	Other languages used
Cape Peninsula University of Technology (CPUT)	English	Afrikaans; Xhosa
University of Cape Town (UCT)	English	Afrikaans; Xhosa
Central University of Technology (CUT)	English	
Durban University of Technology (DUT)	English	Zulu
University of Fort Hare (UFH)	English	Xhosa

⁷⁶ The *Report of the Commission of Inquiry into Higher Education and Training*, chaired by Judge Heher, was released in August 2017, and found that free tertiary education in South Africa was not feasible.

⁷⁷ This table is based on the findings of the MAPALHE (DHET, 2015:28-29). I include three new universities that did not exist at the time of the functioning of the MAPALHE, namely the UMP, SMU and SPU.

University of the Free State (UFS)	English	Afrikaans; Sotho; Zulu
University of Johannesburg (UJ)	English	Northern Sotho; Zulu; Afrikaans
University of KwaZulu-Natal (UKZN)	English	Zulu
University of Limpopo	English	Afrikaans; Northern Sotho; Tsonga; Venda; Tswana; Ndebele
Mangosuthu University of Technology (MUT)	English	Zulu
University of Mpumalanga (UMP)	English	
Nelson Mandela University (NMU)	English	Afrikaans; Xhosa
North-West University (NWU) ⁷⁸	English; Afrikaans	Tswana; Sotho
University of Pretoria (UP)	English	Afrikaans; Pedi
Rhodes University (RU)	English	Afrikaans; Xhosa
Sefako Makgatho Health Sciences University (SMU)	English	
Sol Plaatje University (SPU)	English	
Stellenbosch University (SU)	English; Afrikaans	Xhosa
Tshwane University of Technology (TUT)	English	Afrikaans
University of South Africa (UNISA)	English	All 10 official languages
Vaal University of Technology (VUT)	English	
University of Venda (Univen)	English	
Walter Sisulu University (WSU)	English	Xhosa
University of the Western Cape (UWC)	English	Afrikaans; Xhosa

⁷⁸ The NWU's policy is one of functional multilingualism: Tswana, English and Afrikaans are the official languages of the NWU and Sotho has working-language status as the Vaal Triangle Campus (NWU, 2012).

University of the Witwatersrand (Wits)	English	Afrikaans; Sotho
University of Zululand (UniZulu)	English	Zulu

The majority of the 26 public universities in South Africa use English as the main LoLT and the language for official communication and administration. Six institutions are officially English-monolingual, and a further 18 universities include languages other than English (LOTE) in their policies for use as LoLT in some courses, tutorials and learning materials, in signage and ceremonies, and for administration and communication. In practice, however, the use of LOTE is very limited and/or completely absent, even in the symbolic uses listed above (Drummond, 2016:76). A de facto situation of English-monolingualism exists at many universities with multilingual institutional language policies. Consider for example UNISA: despite their institutional language policy stating their intention to offer education in all eleven official languages and to make use of indigenous languages in brochures and signage, there are no courses available in an African language, no material on their website appears in an African language, and their signage and branding is only available in English (Drummond, 2016:74-75).

There are only a handful of universities that use an indigenous language as LoLT. The 5 HAUs have either already been anglicised, are in the process of anglicisation, or are under serious threat of anglicisation. The University of Johannesburg (UJ) has phased out Afrikaans as MoI and uses its three official languages besides English mainly for ceremonial purposes, although its policy states that tuition may be offered in any of their other official languages “wherever possible and reasonably practicable” (UJ, 2014). The University of Pretoria (UP) is in the final stages of phasing out Afrikaans and will soon provide tuition in English only (UP, 2016). The University of the Free State (UFS), specifically its Bloemfontein campus, is in the middle stages of phasing out Afrikaans, and although its language policy states its commitment to developing Sotho and Zulu as MoI in higher education, it is unclear what steps have been taken to do so (UFS, 2016).

Stellenbosch University (SU) and the North-West University (NWU) are the only two HAUs that still have a LOTE as LoLT in their institutional language policies and operate Afrikaans-English bilingually. At SU, English is the main LoLT but students may receive Afrikaans-medium education when there is enough ‘demand’, or simultaneous interpreting to Afrikaans is available when there is sufficient need and resources. At the NWU’s Potchefstroom campus,

all courses are presented in Afrikaans, with simultaneous interpreting to English as needed, although there is a growing number of courses also presented in English (Eloff, 2018b; NWU, 2012; SU, 2016).

Both SU and the NWU are institutionally multilingual, but do not offer individual multilingual education, i.e. these institutions offer parallel-medium education (PME) and not dual-medium education (DME). Even the simultaneous interpreting services at both institutions, where Afrikaans lectures are interpreted for the minority students who prefer English-medium tuition, does not constitute a truly multilingual pedagogical practice, and is not classified as DME but as mixed medium education (see T. Du Plessis in subsection 2.4.4).

The language policies of the two HAUs that still offer undergraduate tuition in a LOTE have recently been amended but still remain a sensitive issue. These institutions are under increasing pressure to minimise the role of Afrikaans and recent reports suggest that both SU and the NWU might soon follow in the footsteps of the other HAUs, meaning anglicisation and the loss of non-English medium education (Gaanakgomo, 2018; Giliomee, 2018). The Constitutional Court is currently presiding over the court case challenging SU's new language policy, as it did with the new English-only language policy of the UFS in 2017.⁷⁹ In the latter case, 'legal precedent' was made regarding the removal of Afrikaans as MoI not only in tertiary education, but also in primary and secondary education, as it is said to cause racial segregation and conflict (Eloff, 2018a). The future of MTE in primary and secondary education is therefore also hanging in the balance.

Thamaga-Chitja and Mbatha (2012:341) suggest that the implementation of multilingualism in South African universities has been limited, although positive strides have been taken by many universities, such as the NWU which has won an award from PanSALB for their effort to advance multilingualism at their institution. Makalela (2014:89) suggests that more still needs to be done at the historically English-medium universities:

The higher education sector, in particular, has seen a stalemate in multilingual practices in historically English-medium universities, even though there is an encouraging progress toward bilingual universities in historically Afrikaans-medium universities.

⁷⁹ Eloff (2018a), Du Plessis (2016:1049) and Lubbe and Du Plessis (2014:33) suggest that an extenuating circumstance in the case of the UFS's language policy amendment was the declining number of students who opted for Afrikaans-medium education at the Bloemfontein campus. (Note that the most widely-spoken mother tongue in Bloemfontein is Afrikaans.) This is, however, not the situation at SU or the NWU's Potchefstroom campus, both of which serve large Afrikaans-speaking communities who prefer Afrikaans-medium education. The loss of Afrikaans-medium education at the UFS will in all likelihood result in an increase of students who seek Afrikaans-medium education at SU and the NWU's Potchefstroom campus.

More conspicuously, the pedagogy of African languages, especially for teaching African language to speakers of other African languages as additional languages in higher education, is relatively unexplored to date (...)

Hibbert and Van der Walt (2014:6) optimistically maintain that there is promising evidence of multilingual pedagogies and practices at South African universities, which can also be applied in other contexts where marginalised communities are struggling to access higher education successfully. According to the DHET (2015:38), some universities in South Africa have institutionalised language centres, units and committees that keep debates on multilingualism on their institutions' agendas. Turner and Wildsmith-Cromarty (2014:307-308) state that these language units or centres oversee language policy implementation, provide resources for corpus development, develop materials in LOTE, provide translation and interpreting services, and offer basic communication courses in an African language to staff and students. Some of the historically English-medium universities are also starting to use indigenous language for academic purposes.

Mkhize and Balfour (2017:139) claim that although English is the main LoLT at the University of KwaZulu-Natal (UKZN), Rhodes University (RU), and the University of Cape Town (UCT), these three universities have introduced the use of Xhosa and Zulu at their institutions, and so have SU. They (2017:141) state that UKZN, UCT and SU have language centres that are tasked with terminology development, and note that there are some positive collaborations between different universities (such as UKZN and the University of Zululand in relation to the development of Zulu). They believe that there are promising initiatives for bilingual practices at various HEIs, such as (Xhosa-English) dual-medium degrees in Journalism at RU, and a (Northern Sotho-English) dual-medium communication and media degree at the University of Limpopo.⁸⁰

In addition to the development of Zulu as an academic and professional language, UKZN has also introduced Zulu as a compulsory subject for all non-mother tongue (NMT) speakers since 2014, the only university with such a policy (Mkhize and Balfour, 2017:144; Turner & Wildsmith-Cromarty, 2014:309).⁸¹ Many universities offer non-compulsory indigenous language courses for non-mother tongue speakers (for example, UCT and Rhodes offer NMT

⁸⁰ The University of Limpopo boasts the first dual-medium undergraduate degree in South Africa. <https://mg.co.za/article/2010-04-19-with-many-tongues> and <https://www.ul.ac.za/index.php?Entity=bacems>

⁸¹ Students who speak one of the other Nguni languages or studied Zulu until Grade 12 are exempt from this policy. Mkhize and Balfour (2017) believe this is a missed opportunity for these students to learn an official language outside of the Nguni language family, which would increase both individual multilingualism and mutual comprehension between different linguistic groups.

Xhosa courses, and the UFS' Bloemfontein campus offers NMT Sotho and Afrikaans courses). Mkhize and Balfour (2017:144) insist on the value of these language courses:⁸²

Learning African languages by non-African speaking students and staff, and encouraging African-speaking students and staff to learn an African language outside the language cluster of the language they already know will help to break down linguistic and identity boundaries.

Turner and Wildsmith-Cromarty (2014:308) maintain that the effective implementation of a university's multilingual language policy depends on the state of health of the African language disciplines. They state that the number of enrolled students in MT and NMT African language courses at most universities in South Africa is on the decline, which will seriously impact attempts to develop the use of indigenous language in tertiary education. They suggest that for successful status and acquisition planning, non-African language speakers have to learn a regional African language, as this will facilitate communication and raise the status of the language.

Despite impressively multilingual institutional language policies coming from the majority of South African universities, which recognise the importance of local languages in education and the socio-economic reasons why the indigenous language should be elevated, as well as some of the initiatives mentioned in the previous few paragraphs, the de facto language policy in South African higher education is, however, clearly one of English-monolingualism. Webb (as cited in Drummond, 2016:77) remarks: "these policies have generally not been effectively and meaningfully implemented. It is as if some universities think that developing a language policy as such is sufficient for addressing the challenges". While there is some encouraging progress at many institutions, practices fall disappointingly short of policies – not only institutional language policies, but also the national language-in-education policy frameworks in South Africa.

5.3.3 National language-in-education policy frameworks

According to Maseko (2014:28), post-1994 language policies have sought the prevention of further inequality and inequity being caused by language, as well as the promotion of linguistic and cultural diversity. She states that in the context of higher education (HE), language policies have included provisions meant to prevent English and Afrikaans from becoming barriers to

⁸² This relates to Webb's statement (see subsection 2.3.4) regarding the importance of promoting individual multilingualism in multilingual LPP in Africa.

the access, retention and success of previously disadvantaged students. Maseko (2014) states further that, in these language policies, indigenous African languages are acknowledged as vital in achieving the goals of language planning in post-apartheid South Africa, and HEIs are instructed to develop their own language policies and implementation plans, in line with national policy, that will develop and promote the use of these languages.

Nearly two decades ago, Webb (2002:25-32) pointed out the following language-related problems in South Africa which needed to be addressed: (i) the dominance of English in the public sphere; (ii) low proficiency in English; (iii) insufficiently developed and technicalised Bantu languages and negative language attitudes towards them; (iv) difficulties with establishing and promoting multilingualism in the face of English hegemony; (v) the politicisation of the country's languages – there is generally exceptionally negative socio-political meaning surrounding Afrikaans and the Bantu languages and generally exceptionally positive socio-political meaning surrounding English; (vi) language standardisation – questions such as what is appropriate English, and should the Nguni and Sotho languages be harmonised into only two common written varieties, should be answered; (vii) the scarcity of language practitioners – such as language teachers, language-learning material producers, copy-writers, editors, proof-readers, document design specialists, translators, interpreters, lexicographers, terminographers, and language planners; and (viii) a lack of resources (financial, human and material) to implement a policy of public multilingualism.

Most of these problems have been addressed in subsequent policy documents, but virtually all of them are still prevalent today. Makalela (2014:89) claims that the awarding of official status to eleven languages in the South African Constitution was received with scepticism by some linguists, and referred to as an artificial construction. Despite the constitutional commitment to multilingualism, and the echo thereof in many other policy documents, multilingualism has not been implemented as envisioned in 1994.

Since the end of apartheid, numerous policy documents and frameworks have been developed to guide language practices and to promote multilingualism and the use of indigenous African languages in higher education in South Africa, including, but not limited to: the *Constitution of the Republic of South Africa* (1996); the *Higher Education Act* (1997); the *Language Policy for Higher Education (LPHE)* (2002); the *Report on the Development of Indigenous African Languages for Use as Mediums of Instruction at University* (2003); the *Report of the Ministerial Committee on Transformation and Social Cohesion and the Elimination of*

Discrimination in Public Higher Education Institutions (2008); the *Charter for Humanities and Social Sciences* (2011); the *White Paper for Post-school Education and Training* (2013); and the *Report on the Use of African Languages as Mediums of Instruction in Higher Education* (2015) (DHET, 2015:8).

The Higher Education Act (1997) grants university councils the right to formulate their own institutional language policy, subject to the national language policy determined by the Minister of the DHET (as promulgated in the LPHE 2002, and draft LPHE 2017) (DHET, 2015:27). In these language policies, every higher education institution (HEI) should offer a plan on how they will advance the goals of social transformation (obtaining equity of access and success in HE) through multilingual language policy and planning. The Act recognises the autonomy of HEIs in South Africa, but implores institutions to formulate their language policies according to the national and provincial language policies (DHET, 2015:28).

The Higher Education Act (1997) implicitly encourages the observation of the subsidiarity principle in the relationship between the Council on Higher Education (CHE), the DHET and university councils, with regards to the governance of tertiary education in general. Concerning LPP, the Act implicitly observes negative subsidiarity by granting authority over institutional language policy formulation and implementation to each university. The Act also implicitly observes positive subsidiarity in that it assigns a regulatory role over LPP to a higher level of governance, which should assist individual institutions with language policy formulation and implementation. The Higher Education Act (1997) therefore devolves certain powers over institutional LPP to universities. However, as it promotes governance on the most effective level, authority over determining the national goal of LPP (that is, redress, equality and economic development through multilingualism), as well as over monitoring the implementation of institutional language policies, is centralised.

According to Plüddemann (2015:189), in 1997 the first post-apartheid Language in Education Policy (LiEP) was released and was intended to change inherited language attitudes and practices and to elevate the status of the indigenous African languages. He suggests that the LiEP adhered to the “pro-multilingualism ethos of the Constitution” which seeks to accommodate cultural diversity whilst still pursuing nation-building. Plüddemann (2015) explains that the LiEP therefore embraced the pedagogic concept of *additive multilingualism*, which aims to maintain the mother tongue while providing access to and acquisition of additional languages.

There are some stipulations in the first LiEP post-1994 that also demonstrate an implicit observance of the subsidiarity principle. The policy document requires parents of school learners to form the majority stakeholder group on the school governing body, and grants the school governing body overall authority over the school's language policy (although with the caveat of being subject to the constitutional mandate of promoting multilingualism). These two provisions not only decentralise power to the most appropriate level of governance, but also encourage the political involvement of local communities and individual citizens who will be affected by the policies. Similar provisions which implicitly adhere to the subsidiarity principle in terms of institutional LPP and general governance of educational institutions can be found in the South African Schools Act (1996) (Webb, 2002:178).

Unfortunately, as Plüddemann (2015:196) notes, after two decades the LiEP has proved to be woefully unsuccessful due to “a failure of political leadership”. Instead of the promotion of multilingualism and increase in the use of indigenous languages as LoLT, a default to English in the educational system has occurred, and the indigenous African language have been left underdeveloped and underutilised. I interpret this failure of political leadership as a neglect of subsidiarity on the part of the central government, which should monitor language policy implementation and support educational institutions' efforts to achieve multilingual public education. Without this centralised support role (i.e. positive subsidiarity), educational institutions will flout their own institutional language policies in lieu of practices which are more convenient in the short-term, which are politically popular but to the detriment of their own student population, and which are in direct contravention with the Constitution and other policies.

According to Mashiyi (2014:146), despite the South African Constitution's acceptance of multilingualism, in practice, languages other than English (LOTE) are considered unfit for use as MoI, and multilingual education is viewed as difficult to implement. As discussed in the previous section, the undervaluation of the indigenous African languages not only affects multilingual tertiary education, but also multilingual primary and secondary education. Mashiyi (2014) does, however, applaud the government's attempts at institutionalising multilingual education through the development of policy documents such as the Language Policy for Higher Education (LPHE).

According to the Language Policy for Higher Education (LPHE), the apartheid regime's policy of “separate development” brought about the privileging of English and Afrikaans and the

marginalisation and underdevelopment of African languages (DoE, 2002:2). The LPHE (DoE, 2002:5) lamented the fact that students were not fully proficient in the language of instruction in higher education (English and Afrikaans), and aimed to develop a multilingual environment in which all eleven official languages are developed as academic languages, while also ensuring that English and Afrikaans do not serve as barriers to access and success at tertiary institutions.

The LPHE (DoE, 2002:11-12) expresses the commitment of the DoE in ensuring that Afrikaans remains a language of instruction at tertiary level, although it is opposed to the notion of monolingual Afrikaans universities.⁸³ The policy framework (DoE, 2002:15-16) sets out to promote multilingualism and improve equity and access to higher education through the following means: (i) the development of South African languages as MoI in higher education; (ii) the development of strategies for promoting student proficiency in the specific language of instruction; (iii) the retention and strengthening of Afrikaans as a scientific language; (iv) the incentivising of the study of South African languages and literature; (v) the promotion of the study of foreign languages; and (vi) the encouragement of multilingualism in institutional policies and practices.

Ten years after the release of the LPHE, in 2012, the Minister of the DHET appointed a *Ministerial Advisory Panel on African Languages in Higher Education* (MAPAHLE), which was tasked with investigating multilingualism and the use of indigenous languages as MoI at HEIs. The findings and recommendations of MAPAHLE were published in the *Report on the Use of African Languages as Mediums of Instruction in Higher Education* in 2015. Some of the recommendations made include funding language policy implementation in HE, and establishing a partnership between the DHET and DBE to ensure that multilingualism in HE is underpinned by effective multilingual education in basic education (DHET, 2015:9-11).

The funding recommendation is implicitly adherent to the principle of positive subsidiarity as it encourages governmental support for universities in their pursuit of formulating and implementing their multilingual institutional language policies. The partnership recommendation also observes the principle of subsidiarity, as it recognises the different responsibilities each governmental institution has and encourages both the DBE and the DHET to effectively handle those matters closest to it. The encouragement of cooperation between the

⁸³ This relates to the distinction Lubbe and Du Plessis (2014:25) (see section 5.3.1) make between an Afrikaans-medium university that promotes multilingualism, and a multilingual university that promotes Afrikaans. The LPHE (2002) seems to envision the latter for tertiary institutions in South Africa and for HAUs in particular.

DBE and DHET also resembles the ‘power-sharing’ prescribed by subsidiarity, as opposed to the ‘power-dividing’ prescribed by federalism (see Gussen in Chapter 4).⁸⁴

If literacy and proficiency can be improved in primary and secondary education, which is the responsibility of the DBE, the DHET is better able to plan for multilingualism in higher education. Improved academic literacy and higher English and mother tongue proficiency rates among first-year students will also enable universities to focus their efforts and resources on implementing their institutional language policies and providing quality tertiary education, instead of having to offer students remedial learning programmes.

The *Report on the Use of African Languages as Mediums of Instruction in Higher Education* (DHET, 2015:29-30) also includes the following observations regarding the institutional language policies of universities in South Africa: (i) the language policies of South African HEIs recognise multilingualism, but are unclear about which languages are involved and how they will be accommodated by the institution; (ii) institutions usually have English as MoI and as language of wider communication, as well as programmes to improve students’ English academic proficiency; (iii) HEIs’ language policies are committed to providing multilingual language resources such as disciplinary terminology lists, glossaries and dictionaries; (iv) most language policies advocate for the learning of indigenous African languages as additional languages by students, and the improvement of academic proficiency; (v) very few language policies note the important role of African language departments as custodians of African language scholarship, and there is a general decline of interest in research in African languages at most institutions; (vi) there is an overall lack of medium- to long-term plans for the development of indigenous languages as MoI in the language policies of South African HEIs; (vii) many language policies do not have clear policy implementation plans or processes for the monitoring and evaluation of their language policies, suggesting that LPP at HEIs is merely a matter of legislative compliance; and (viii) although there has been research-based initiatives investigating the potential role of the use of mother tongues in education for non-English-speaking students, efforts are uncoordinated, and the findings of such research do not influence institutional policies or teaching and research practices at HEIs.

Fifteen years after the release of the LPHE (2002), and following the findings of the MAPAHLE Report, the Department of Higher Education and Training (DHET) released the

⁸⁴ The Department of Education (DoE) was split into two separate ministries in 2009: the Department of Basic Education (DBE) and the Department of Higher Education and Training (DHET).

draft revised Language Policy for Higher Education (2017) which, if approved, will come into effect on 1 January 2019 and replace the 2002 policy document. In it, the failure to promote the indigenous languages and multilingualism in higher education following the promulgation of the LPHE (2002) is lambasted, citing the declining enrolments in language programmes and closing of language departments as evidence – issues also raised in the *Report on the Use of African Languages as Mediums of Instruction in Higher Education* (2015).

The draft LPHE (South Africa, 2018:2) states that following the release of the LPHE (2002), little progress has been made in “exploring and exploiting the potential role of indigenous African languages in facilitating access and success as well as the intellectualisation of these languages in higher education”. The revised policy framework sets out to address the underdevelopment and underutilisation of indigenous African languages in higher education, whilst also sustaining the standard and use of the languages that are already in use at HEIs. The LPHE (South Africa, 2018:3) ambitiously advocates for the use of all official South African languages across all institutional functional domains and calls for the promotion of “parity of esteem of indigenous official languages in the higher education system of South Africa”.

The revised LPHE (South Africa, 2018:9-12) also makes the following observations among others: (i) language is still a barrier to access and success in higher education; (ii) the majority of students who enter higher education are not fully proficient in the language of instruction in higher education, nor are they adequately proficient in their mother tongue or their preferred LoLT; (iii) the student population of tertiary institutions are increasingly diverse, and the teaching environment should reflect this multilingualism; (iv) government – in this case the DHET – has not allocated funds towards the implementation of universities’ multilingual language policies and plans; (v) the DHET needs to either support multilingual education at the basic education levels, or support universities in increasing students’ language proficiency; and (vi) African language departments at universities should be the custodians of the development of indigenous African languages and should be supported in this regard.

The draft LPHE (South Africa, 2018:18) makes renewed claims on universities to move away from English-monolingualism, and towards multilingualism. If accepted and implemented, the revised policy will require universities to: (i) revise their language policies to accord greater importance to the use of African languages (for scholarships; teaching and learning; and administrative purposes) and put language policies and plans in place that promote multilingualism; and (ii) foster trans-institutional and inter-institutional research collaboration

that formulates strategies aimed at promoting multilingualism and improving the quality of education for all students.

The revised policy framework (South Africa, 2018:18-19) also makes the following requirements: (i) the DHET and the DBE should work in partnership to achieve meaningful multilingual education which includes vocational training for teachers; (ii) the DHET and the Department of Arts and Culture (DAC) must collaborate to develop dictionaries and other teaching and learning materials for use in HE; (iii) the DAC should create an open-source Multidisciplinary Terminology Bank for all official African indigenous languages for use by universities; (iv) PanSALB should work with universities and the Council on Higher Education (CHE) to develop all terminology and authentication processes in all disciplines, and deposit such authenticated terminology in the DAC's Multidisciplinary Terminology Bank; (v) universities must establish or strengthen (if existing) centres for Language Development to undertake research required in the case of each of the official languages, and the centres should collaborate with the DHET, the DAC, the DBE and PanSALB; and (vi) universities must collaborate with one another, and share information and data relating to language and terminology development for various disciplines.

The LPHE (South Africa, 2018:19-20) puts the following measures for policy monitoring and evaluation in place: (i) universities' language policies must be supported by an implementation plan which must be reviewed annually; (ii) university Vice-Chancellors must report annually to the DHET on the progress made in implementing their language policies and language development plans; (iii) the DHET must develop and implement a detailed step-by-step long-term plan for developing and preserving all official languages as MoI in HE. The plan must ensure that each institution or a group of institutions is charged with the task of the active and systematically planned development of a particular language. The development of the plan must be done in consultation with the DBE, DAC and PanSALB as they all have an important regulatory role to play in language development and use; (iv) the DHET will establish and implement a funding model that will enable universities to fund their respective strategies for language development; (v) the DHET will monitor the impact of language policy in higher education to ensure the realisation of its objectives; (vi) the DHET will develop and implement an annual monitoring instrument, with indicators that will be assessed as part of the monitoring process; and (vii) policy evaluation will be conducted at reasonable intervals to monitor the progress towards a fully multilingual higher education environment in South Africa.

These points raised by the LPHE (2017) are exceptionally observant of the principle of subsidiarity. Without explicitly referencing subsidiarity, the DHET seems to support the notions of both positive and negative subsidiarity. Not only does it call for universities to have autonomy over LPP at their respective institutions (whilst still adhering to the constitutional mandate of promoting multilingualism), but it also instructs the DHET and other authorities to adequately support and monitor universities' implementation of their institutional language policies. The former signifies negative subsidiarity, or freedom from the interference of higher levels of government, while the latter signifies positive subsidiarity, or the aid given by higher levels of authority, such as the DHET and the central government.

5.3.4 Subsidiarity and LPP in educational institutions

FitzGerald and Seale (2016:236) state that there is a funding crisis at South African universities, which has constrained university management, and added more complexity to an already complex management environment. They insist that without adequate funding and governance, effective leadership at HEIs is hindered. While South Africa spends a generous amount of its GDP on education, due to systemic failures at all educational levels, unnecessary expenditure is often added to institutions' already strained budgets. Consider for example the cost of repairing damage caused during #FeesMustFall protests on university campuses since 2015: in 2018, the Minister of the DHET disclosed that the total cost of repairing damage caused by vandalism to libraries, laboratories and classrooms is nearly R800 million. The CEO of Universities SA believes, however, that the true cost to universities is much higher, as this figure does not account for increased spending on security and the loss of study time (Kahn, 2018).

Another example is the remedial programmes universities have to fund and manage due to the failure of primary and secondary education. According to Mashiyi (2014:146), since most black students receive tuition in English, which is not their mother tongue, and have low rates of proficiency and academic literacy, they have to receive "extra language support" from their HEIs. This support can take the form of reading and writing centres and additional English and academic literacy courses for undergraduate students. The presence of such remedial university programmes is an indictment of the Department of Basic Education, as it shows the quality of education received during primary and secondary school years is inadequate preparation for tertiary education. These extra programmes place further strain on universities' financial resources, and illustrate neglect of the subsidiarity principle. It is not the responsibility of

universities to improve mother tongue and English proficiency and literacy of students – the most appropriate level of authority for this issue lies with the DBE.

The principle of positive subsidiarity is regularly flouted by the central government, the DBE and the DHET. The DHET is failing to properly fund and monitor tertiary education and institutional languages policies. The DBE is failing to improve the quality of primary and secondary education and properly prepare pupils for tertiary education. The central government is failing to address the reasons behind financial barriers to tertiary education, and to address the high unemployment rate.⁸⁵ The failure of these various spheres of government to deal with those matters closest to it, leads to HEIs having to deal with the repercussions and assume responsibility over these ‘higher’ matters’, which leads to them neglecting their own responsibilities.

When the central government handles those matters closest to it, and which only it has the capacity to do, and when the DBE improves the quality of education and language proficiency and academic literacy, universities will be left to deal with the matters closest to it, namely the quality of tertiary education and improving multilingual language practices at their respective institutions. When each sphere of government concerns itself with the matters closest to it, meaning the subsidiarity principle is observed in the relationship between the central government, the DBE, the DHET and university councils, the quality of education in South Africa will improve, ethnolinguistic inequality will decrease, and the goals of the Constitution and other policy frameworks of achieving multilingualism in the public domain and in higher education stand a greater chance of being reached.

Despite the sporadic neglect of the subsidiarity principle between the central government and universities, there is reason to be hopeful that the observance of the subsidiarity principle in LPP in higher education in South Africa will grow and develop. There is consensus among language policy frameworks that the relationship between HEIs and the DHET and central government should resemble the governance structure as prescribed by the subsidiarity principle. Once again, just like achieving multilingualism in universities relies on the implementation of existing institutional language policies, so too observance of the subsidiarity principle relies on the implementation of existing policy frameworks, most notably the draft LPHE (2017).

⁸⁵ The unemployment rate of young people aged 15–34 years is currently at 39,3%, which translates to 7,9 million people (Stats SA, 2018).

However, as I have emphasised several times throughout this chapter, failure to implement policies is endemic in South Africa. Despite the surprising de jure observation of the subsidiarity principle in the Constitution of the Republic of South Africa (1996), the South African Schools Act (1996), the Higher Education Act (1997), the LiEP (1997), the LPHE (2002) and the draft LPHE (2017), the de facto situation paints a very different picture. Both negative and positive subsidiarity are regularly contravened in the general functioning of educational institutions at all levels and in their relationship with the governing bodies that oversee them, as well as in the process of LPP of all educational institution.

It is important to note the exact characteristics of this flouting of the principle of subsidiarity in South Africa, not only in higher education, but also in governance in general. Firstly, the subsidiarity principle, both the positive and negative aspects, is accepted de jure in the Constitution and in national policy frameworks. In practice, however, positive subsidiarity is neglected which leads to dysfunction of lower institutions – consider again the disarray at municipalities, and the difficulties faced by universities because of a lack of support (financial and otherwise) from the central government. This situation leads to the contravention of negative subsidiarity: either central governments are necessitated to intervene in matters which would more appropriately be solved locally, or those responsibilities which have been decentralised are not met at all. Ultimately, the de jure acceptance of the principle of subsidiarity is inadvertently negated in the de facto situation, and all signs point to a weak central government as the culprit.

The answer to increasing the observance of the subsidiarity principle in South Africa is therefore not in changing laws or drafting new policies, but in adhering to existing laws and implementing existing policies. As it concerns multilingual LPP at universities in South Africa: the constitutional mandate for multilingualism is already a centralised matter, and only the authority over the drafting and implementation of multilingual institutional language policies have been devolved to universities. It is imperative that the DHET begins enforcing its own policy frameworks and closely monitoring policy implementation at HEIs, and that university councils, in close collaboration with their language departments and units, begin promoting the indigenous languages and implementing their own multilingual institutional language policies.

The need to devolve certain responsibilities regarding institutional LPP in higher education is apparent: universities should be granted authority over drafting language policies which serve their local population and promote their local languages; the language departments and units

of those universities should be granted authority over language planning activities and formulating language policy implementation plans. These are clearly the most effective levels of governance to deal with each matter related to promoting multilingualism in South African higher education.

The need for centralisation in this national project to attain multilingualism in the public domain is also abundantly clear. The central government formulated the national goal in the Constitution and subsequent language policy frameworks formulated by the DHET echo this goal. Now, the DHET should provide HEIs with financial support and expert assistance, as required, in drafting and implementing language policies and doing language planning activities to develop the indigenous languages. The DHET should also play a leadership role and continuously monitor the progress made by HEIs, identifying problem areas, providing assistance and ensuring compliance with approved institutional language policies. Both the DHET and the central government should also provide strong leadership in guiding the transformation discourse and promoting proven pedagogical practices. This system is what the dual positive-negative character of subsidiarity will look like when implemented in the context of multilingual LPP in South African higher education.

Hornberger (as cited in Drummond, 2016:77) argues that regardless of the goal, language planning is more successful when “goals are pursued along several dimensions at once”. According to Drummond (2016), this means that language goals must be pursued in primary, secondary and tertiary education simultaneously, or it will not succeed. This suggests that the establishment of multilingual universities is dependent on the establishment of multilingual schools. As to the supervisory role to be played by a governmental authority, i.e. the DBE and the DHET, Drummond suggests that funding should be made conditional in order to reward progress.

As stated earlier in this chapter, limitation clauses in the Constitution allow the status quo of English hegemony to continue. Drummond (2016:78) agrees and states that universities’ language policies also contain such “highly conditional language”, which allow for the non-implementation of institutional language policies. He gives the example of the provision of courses in LOTE being contingent on demand and resources, which enables universities to continue providing courses in English-only. He also advocates for a central authority presiding over the national multilingualism in higher education goal as follows:

Single institutions acting unilaterally do not have the power to change national sentiment towards English, nor can they transform language practices in other sectors of education. This is an area in which only a broader, cross-sector approach emanating from a national language planning body could succeed. Such a body could instantiate new policies which financially reward progress towards multilingualism and penalise entrenchment. Funding which is dependent on progress towards multilingualism is perhaps key to providing genuine impetus to transformation across the sector. It is perhaps time for change to be mandatory whether it appears practical or not.

The noticeable lack of multilingualism at universities in South Africa, despite the constitutional mandate for multilingualism, numerous language policy frameworks that advocate for multilingual universities, and the multilingual institutional language policies of the universities themselves, is due to the failure of the central government and DHET to support the HEIs and to provide strong oversight and monitoring. Du Plessis (2016:1060) also emphasises the importance of language policy monitoring on the part of the DHET in ensuring language policy implementation on the part of universities.

This chapter has found that the failure to achieve multilingualism in higher education, and adhere to the subsidiarity principle, is not due to the presence of ‘bad’ institutional language policies and national policy frameworks. The existing documents, which widely support multilingualism and the basic tenets of the principle of subsidiarity, will be able to achieve what it sets out to when it is implemented, and multilingual tertiary education institutions can become a reality in South Africa. The reason for the disjoint between *de jure* policies and *de facto* practices is not because of insufficient decentralisation of decision-making, but a lack of centralisation in overseeing the implementation of language policies.

In this chapter, I briefly reviewed the linguistic, political and governmental history of South Africa. I then investigated the current situation in South Africa by studying its Constitution and discussing the anglicisation of the public domain and education in particular. I studied the education system in South Africa by reviewing the language debate and looking at certain national language policy frameworks as well as the institutional language policies of South African universities. Lastly, I provided an analysis of the subsidiarity principle and language policy and planning (LPP) in educational institutions in South Africa. This chapter achieved its aim of establishing whether or not the governmental structures of South Africa, its education system, and LPP at its universities demonstrate an adherence to the subsidiarity principle. This chapter also provided a comprehensive analysis of the language, political and governmental situation in South Africa, which will allow for an in-depth comparative analysis with Belgium in the following chapter.

Chapter 6: Belgium versus South Africa

In Chapter 2, language policy and planning (LPP) in multinational and nation states was investigated and in Chapter 3, the application of the subsidiarity principle in national governance and LPP was discussed. In Chapter 4, the history of Belgium was reviewed, followed by a discussion on LPP and the subsidiarity principle in the country and at Belgian universities. In Chapter 5, the history of South Africa was summarised, followed by a discussion on LPP and the subsidiarity principle in the national policies and at South African universities.

In Chapter 6, the Belgium and South Africa case-studies will be compared with each other in terms of subsidiarity and LPP in their national governmental systems and at their universities, and the differences and similarities between these two countries will be highlighted. I will argue that although there are many similarities between them, and the Belgium case-study provides some valuable insights in terms of decentralised governance, the linguistic ecology in Belgium is too different for South Africa to emulate its national language policies and practices. I will also attempt to show that while the subsidiarity principle is adhered to in both the Belgian and South African Constitutions and national governance systems, in language policy and planning in higher education, observance of the principle is clearer at South African universities than at Belgian universities.

As I argued in the previous chapter, several national policy documents in South Africa implicitly embrace the subsidiarity principle. However, in practice, this principle is often flouted. Ultimately, I would like to emphasise that if the subsidiarity principle is fully adhered to in practice in the relationship between the central government, the DBE and DHET, and university councils, and if existing national and institutional language policies are implemented, South Africa will be able to attain true multilingualism at universities, and by extension, meaningful multilingualism in the public domain.

6.1 Differences and Similarities between Belgium and South Africa

6.1.1 Identities

One of the fundamental comparisons to be made between Belgium and South Africa is the type of **statehood** that each have. Consider the following terminologies (Webb, 2002:142):⁸⁶

⁸⁶ https://en.wikipedia.org/wiki/Nation_state and https://en.wikipedia.org/wiki/Multinational_state

- A *nation state* is a country that consists of one ‘nation’ or ‘people’ that speak one language, or that has a single sociocultural identity and nationalism. Examples include Italy, England, France, and Poland. The effect of globalisation and the growing presence of ethnic minorities are threatening the uniformity of many nation states worldwide.
- A *multinational state* is a country that consists of two or more nations, and where there is no predominant cultural, ethnic or linguistic group. Examples include Canada, Spain, Switzerland and India. Secessionist and separatism movements are relatively common in multinational states.

According to Webb (2002:142), while the idea of a nation state is a common feature in Europe, it is inappropriate in African countries because of the high degree of cultural and linguistic diversity. He states that South Africa cannot be considered a nation state, but should rather be seen as a political unity or a national community of South African citizens. Both South Africa and Belgium are multinational states, not only because of the presence of different linguistic groups, but also because of the lack of a comparatively strong ‘South African identity’ or a ‘Belgian identity’ despite attempts in both countries to forge such a national identity.⁸⁷

There is, however, one key difference between South Africa and Belgium in this regard. In Belgium, there exists a ‘Fleming identity’ and a ‘Walloon identity’, both of which are connected to a particular geographic territory, whereas provinces in South Africa are too diverse for the presence of a single provincial identity.⁸⁸ While the nine provinces of South Africa show differing levels of heterogeneity (Gauteng for instance is much more culturally and ethnolinguistically diverse than KwaZulu-Natal), none can be classified as substantially homogeneous (or comprising only one ‘nation’). On the other hand, three of Belgium’s four linguistic regions – all but bilingual-Brussels – are linguistically and culturally homogeneous.

The federalisation of Belgium (which further divided the three Regions in terms of politics and governance) coupled with this high rate of regional homogeneity, has given rise to the Flemish and Walloon separatist movements which seek greater protection of their respective languages

⁸⁷ Varin (2006:50) argues that Belgians tend to identify themselves based on their Region, and will usually specify what ‘type’ of Belgian they are. The reason for this specified identification is the very tangible cultural, linguistic, economic and political differences between the Regions in Belgium.

⁸⁸ Although there have been calls for secession of the Western Cape in the past, this is not based on any perceived shared linguistic, cultural or ethnic identity. There is definitely no ‘Western Cape identity’ comparable to what is seen in the Regions of Belgium. The closest South African example would be the overlap between Zulu identity and KwaZulu-Natal, although the large Indian population complicates the notion of a single ‘KwaZulu-Natal identity’ comparable to the relatively homogeneous regional identities in Belgium.

and cultures, greater regional autonomy and ultimately, secession from the rest of the country.⁸⁹ Even the small German-speaking region is showing signs of growing regionalism and potential for its own separatist movement, which will no doubt add a layer of complexity to the Walloon separatist movement should it fully develop.⁹⁰

It is for this reason I argue that while Belgium can definitely not be categorised as a nation state, the homogeneity of the Flanders and Wallonia Regions does allow, to some degree, comparisons with the notion of nation states. Although both Belgium and South Africa are clearly multinational states, South Africa does not have the same degree of regional homogeneity, or *territory-based nationalities*, that Belgium has. In the case of greater political decentralisation and possible secession of the Regions, Belgium could potentially become a cluster of nation states.⁹¹

In the previous chapter it was mentioned that the apartheid-era government unsuccessfully attempted to create nation states through the Promotion of Bantu Self-Government Act (1959), by manufacturing homogeneous Bantustans or homelands. The current provinces of South Africa are not homogeneous, neither could any other conceivable regional borders in South Africa create culturally and ethnolinguistically homogeneous regions as seen in Belgium – i.e. one monolingual province for each official language – without once again forcefully relocating people. This relative territorial linguistic homogeneity or heterogeneity has serious implications for language policy and planning (more on this in the next section).

One thing that Belgium and South Africa have in common is the presence of Herderian views regarding language, which are *one language, one culture, one identity*. Blommaert (2011:248) states that these views are prevalent among the Flemish in Belgium, and Mesthrie (2008:336) suggests the same for white Afrikaans speakers in South Africa. With the idea of ‘*volk en vaderland*’ in mind, political and economic interests are pursued for members of a language group, to the exclusion of other language groups. As Romaine (2006:219) noted in the previous chapter (see footnotes), it has been argued by some that the language debate at South African

⁸⁹ Blommaert (2011:248) claims that the successors of the disbanded *Volksunie* have made confederalism the mainstream idea for Belgium’s restructuring, and Flemish independence is advocated by Flemish nationalists.

⁹⁰ The small German-speaking community in Belgium, recently named East Belgium, is also said to “disidentify” with the rest of Belgium, and want greater regional autonomy and even the abolishment of the Belgium federal state (see Asbrock, F. & Van Hiel, A., 2017). Chapter 4 also mentioned the possible establishment of a fourth Region in order to award greater autonomy to East Belgium.

⁹¹ There have been suggestions that in the case of the partition of Belgium, Wallonia should join France, Flanders should join the Netherlands, and East Belgium should become part of Germany, thus strengthening existing nation states, leaving only Brussels as a small multinational Region.

universities is an attempt to protect *Afrikanerdom* and rebuild Afrikaner nationalism and Afrikaner identity.

But white Afrikaans speakers and Flemish speakers are by no measure the only language groups that are attempting to protect the interests of their language group. While anglicisation is threatening the survival of minority languages (which upsets the sentimental attachments to language), globalisation, migration, increased diversity, economic uncertainty and political shifts are threatening the economic status and political power of many minority groups. The very real uncertainty about the survival of the minority group is hidden behind the more superficial concern regarding the survival of the minority group's language. Hambye (2009:30) describes the relationship between minority groups, majority groups and multilingualism as follows:

In multilingual countries such as Belgium, the ethnolinguistic communities' relationship towards linguistic plurality is often revealing of their majority or minority status. Preoccupied with defending their language and culture, minorities feel permanently threatened by assimilation, and are often attracted to discourses praising the merits of any form of protectionism, whether economic, family-oriented (exogamy, for example, being perceived as a cause of weakening of the community), or linguistic. The search for linguistic homogeneity by territories or, alternatively, by institutions, and distrust of linguistic and cultural diversity, which are the basis of modern-day nation-states, thus constitute particularly active forms of reasoning among linguistic minorities. Yet, minorities are frequently led to become de facto multilinguals, the economic and symbolic weight of the majority language being such that it inevitably favours bilingualism, or even, in a second phase, the assimilation of minority speakers. Conversely, in States whose legitimacy is based on the recognition of their multilingual nature, as in the case of Canada, for example, the majority must maintain this multilingualism at the risk of otherwise adversely affecting the unity of the State and of encouraging separatist tendencies. However, it is then in the interest of the majority group to contribute to maintaining the State by promoting an ideology of multilingualism while at the same time investing as little as possible in the minority language. Linguistic minorities are therefore often multilingual minorities who are afraid of their own multilingualism, whereas members of the majority group speak very favourably of bilingualism, all the while remaining hopelessly monolingual.

6.1.2 Governance

South Africa and Belgium can further be compared along the lines of their forms of government, of which there are the following types of **power structures**:⁹²

- A *unitary state* is a country governed by a central government, which may bestow

⁹² https://en.wikipedia.org/wiki/List_of_forms_of_government and https://en.wikipedia.org/wiki/Unitary_state and <https://en.wikipedia.org/wiki/Federation> and <https://en.wikipedia.org/wiki/Confederation>

certain powers and delegate certain responsibilities to sub-national units of government. Although power can be devolved to the local governments, the central government remains supreme as it can lawfully rescind the powers of local authorities at any time. Examples include the United Kingdom, New Zealand, Japan and Portugal.

- A *federal state* is a country that consists of partially self-governing provinces, cantons, territories or lands which together form a federation run by a federal government. Federal states are not fully sovereign, but enjoy greater regional autonomy than unitary states. Examples of federations include the United States, Germany, Australia and Brazil.
- A *confederal state* is a sovereign country that forms a political union with other confederal states, in order to deal with issues of mutual concern such as foreign relations and defence, and internal trade and currency. In a confederation, the central government is relatively weak as it can only enact decisions unanimously made by member states, which leads to inefficiency. The central government is also required to provide each confederal state with support.

There are no clear modern examples of confederalism, as many former confederations (such as the US and Switzerland) have embraced federalism in order to increase the efficiency of their union. The European Union (EU) can be classified as a confederation, although there have been many claims that the EU is rather a federation, a combination of federalism and confederalism, or even neither, due to the different perceptions regarding the de facto autonomy of the member states and the authority of the central government. So too the African Union's (AU) status as a confederation has been questioned (see Chapter 3).

These three forms of governmental power structures run across a *regional integration-separation continuum*,⁹³ where a confederation of states promote regional separation, unitary states promote regional integration, and a federation of states is situated in the middle. As noted in the previous chapter, the introduction of federalism in South Africa (and by association the subsidiarity principle) was a matter of heated debate during the CODESA negotiations, but ultimately it was left out of the Constitution in order to promote unity after the separatist policies of apartheid. Some authors, however, believe that there are features of federalism

⁹³ The complete continuum of regional separation or integration of the different forms of governments can be viewed here: https://en.wikipedia.org/wiki/Federalism#/media/File:The_pathway_of_regional_integration_or_separation.png

present in the Constitution, even though South Africa is more aptly described as a unitary state rather than a federal one (Schwella, 2017; Webb, 2002:142).

Belgium, on the other hand, is a federal state which some authors claim is moving in the direction of confederalism. This relates back to the status of Belgium as a multinational state with a high degree of territorial homogeneity that leads to separatist movements, i.e. confederalism (see McRae in Chapter 3). Whereas Belgium is being pulled from federalism to confederalism due to the desire for greater autonomy of its homogenous Regions, South Africa is mostly being pulled in the opposite direction due to its regional diversity and need for integration.

As noted in Chapter 3, the subsidiarity principle has been invoked by both the political left and right and has been cited by Eurosceptics and Euro-enthusiasts alike. Subsidiarity is a neutral principle that merely dictates that decisions be made and steps be taken at the most appropriate level, or at the level closest to the matter. While it might appear as though the subsidiarity principle is observed the least in unitary states due to their strong central government, more in federal states, and the most in confederal states, this is not an accurate understanding of the subsidiarity principle as it relates to governmental power structures. The subsidiarity principle only recently came to be associated with federalism (and consequently, decentralisation and negative subsidiarity became overemphasised) and its implementation is equally possible in unitary states (see Endo and McRae in Chapter 3).

All three types of governance listed above allow for the implementation of the subsidiarity principle. However, according to Kondratiene (2012:56), the implementation of the principle will differ in the three different types of states. She suggests that in a confederation, subsidiarity will help to maintain the powers and authority of each member state; in a federation, subsidiarity will help to balance the powers of the federal government with the powers of the federal states; and in unitary states, the principle will help to decentralise the powers of the central government and devolve authority to lower levels of government.

Thus in unitary states such as South Africa, the central government can follow the subsidiarity principle and assign local authorities with authority over local matters, whilst still providing them with support and guidance as needed. In federations, local governments have great independence in managing their own affairs but can still rely on the federal government for support. While local governments would enjoy the most freedom in a confederation, it might not be able to rely on the central government for support, seeing as it is politically weakened.

In confederalism, the central government is placed below the various confederal states in the hierarchy, which could possibly lead to a neglect of positive subsidiarity.

In addition to the different implementation of the subsidiarity principle in unitary, federal and confederal states, there is another key difference in its implementation in Belgium and South Africa, regardless of the type of governmental power structure of these countries: the ideology and reasoning underpinning the utilisation of the subsidiarity principle. According to De Visser (2010:102), the inclusion of the subsidiarity principle in the South African Constitution seems to be based on *efficiency* and *effectiveness*, rather than “generic, sweeping values” such as *liberty* or *individual autonomy*. He states that effectiveness relates to impact and efficiency means good organisation, and claims that the two concepts can be covered by the term *functionality*.

In De Visser’s (2010) view, the expression of the subsidiarity principle in South Africa’s Constitution differs from the ‘classic’ form of subsidiarity which is based on liberty. He suggests that in the South African Constitution, the subsidiarity principle is concerned with functionality, most notably illustrated by the inclusion of *capacity* as a prerequisite for the operation of Section 156(4). This provision relates to the powers and functions of municipalities, and directs the national government and provincial governments to assign the administration of a matter to a municipality if (a) the matter would most effectively be administered locally and (b) the municipality has the capacity to administer it.

There is therefore not an unwavering bias towards local government in the South African Constitution, as could be argued *is* the case in many European examples of the implementation of the subsidiarity principle. Rather, the South African Constitution recognises that there are some matters which are best dealt with locally and not by the central government, and that when local governments are unable to deal with those matters, the central government should come to their aid. This signifies the inclusion of both negative and positive subsidiarity in the Constitution, as I also argued in Chapter 5. The subsidiarity principle can be used to motivate both decentralisation and centralisation because the most appropriate level might very well be the central government (Portuese, 2001:232). De Visser (2010:103) believes that this is an advantage of the functional interpretation of the subsidiarity principle over the classic interpretation of the principle:

...it renders the subsidiarity principle more amenable to arguments that larger units are sometimes more likely to make the right decision than smaller ones for external reasons. These external reasons do not necessarily have to be derived from dogmas surrounding

liberty or autonomy. For example, access to an expert civil service may give a larger unit an advantage over a lower unit. A dogged application of subsidiarity along autonomy or liberty rationales would be less amenable to the incorporation of such arguments.

South Africa and Europe thus differ in terms of *allocative* subsidiarity, which relates to the bias towards subnational units when it concerns the allocation of powers and functions (De Visser, 2010:93). De Visser (2010:104-105) states that in the classic example of subsidiarity as seen in Europe, the burden of argument for centralisation lies with the central government, and power rests with the lower levels of government and is delegated upward, at their discretion, to the central government. The South African Constitution, however, contains a burden of argument for decentralisation, and is based on a top-down approach of governance which suggests that power lies with the central government. In other words, it is up to local governments or lower level institutions to argue for the decentralisation of a specific matter, and to demonstrate that they have the capacity to deal with that matter. However, the implicit inclusion of the subsidiarity principle in the South African Constitution does allow for decentralisation and devolving powers to local government.

According to De Visser (2010), European countries that rely on the subsidiarity principle are concerned with the possible gains of centralisation, whereas in South Africa, the concern relates to the possible gains of decentralisation. This would suggest that in European countries that utilise the subsidiarity principle, states are normally decentralised but will centralise certain powers or decision-making processes when needed, while in South Africa, the country is normally centralised but will decentralise certain powers and decision-making processes if appropriate. De Visser (2010:105) explains this key difference between subsidiarity in Europe and South Africa, noting that while both applications of the subsidiarity principle demonstrate a preference for local government, the application in South Africa does not demonstrate the same degree of apprehension of centralisation:

In terms of article 5 of the Treaty of the European Community, powers go up only if and so far as they can be more efficiently exercised at a centralised level. Section 156(4) of the [South African] Constitution provides that powers go down if the objectives can be better achieved at the decentralised level. An important driver for the approach in the Treaty of the European Community is the notion that the smaller unit should reap the benefit of error: if a function is misallocated, let it be misallocated to the smaller unit rather than to the larger body. This premise derives from the notion that state sovereignty resides in the people as a corporate body constituted by cities and provinces. It is difficult to locate a similar argument within the South African Constitution. These observations do not detract from the fact that the overall objective remains the same, namely to recognise a preference for local government when it comes

to the allocation of powers. In sum, it may be appropriate to view the subsidiarity principle for local government as a “preference for the small”, rather than an “automatic bias towards the small”.

Federal states, which are founded on the principles of liberty and autonomy, best adhere to the principle of negative subsidiarity, as they are more concerned with independence and non-interference from the central government (see subsection 3.1.4). Unitary states, which as De Visser (2010) suggests may choose to focus on the functional benefits of the use of subsidiarity, best observe the principle of positive subsidiarity, since they are more concerned with the central government’s role in supporting lower levels of government and in handling those matters which only it has the capacity for. This argument can be extended further in observing that European countries are more concerned with negative subsidiarity (especially regarding the EU), whereas in South Africa, the focus is more on positive subsidiarity. In this light, consider the final conclusion of Chapter 5 that the lack of multilingualism in higher education in South Africa is not as a result of the lack of institutional autonomy on the matter, i.e. a lack of negative subsidiarity and decentralisation, but because of a lack of monitoring and assistance on the part of the central government, i.e. a lack of positive subsidiarity and centralisation.

A further distinction can be made between Belgium and South Africa in terms of the **power ideology** of their governments:⁹⁴

- A *monarchy* is a form of government in which a monarch embodies the country’s national identity and exercises the role of sovereignty. In an absolute monarchy, the monarch is completely sovereign; in a constitutional monarchy, the monarch enjoys limited powers, and in a crowned republic, the monarch enjoys purely symbolic powers. In a hereditary monarchy, the monarch inherits his post, whereas in an elective monarchy, the monarch is elected. Examples include Monaco, Saudi Arabia, the UK and other Commonwealth countries, and the Vatican.
- A *republic* is a form of government in which the positions of power within a country are not inherited, and in which the country is not viewed as the private concern or property of the rulers.

According to its Constitution, Belgium is a *federal parliamentary constitutional monarchy* in which the King enjoys full federal executive power, limited federal legislative power alongside the Parliament, and ceremonial federal judicial power under the authority of the courts.

⁹⁴ <https://en.wikipedia.org/wiki/Monarchism> and <https://en.wikipedia.org/wiki/Republicanism>

According to its Constitution, South Africa is a *unitary parliamentary constitutional republic* in which the democratically elected President enjoys full national executive power, the Parliament enjoys full national legislative power, and the courts enjoy full national judicial power. While monarchies are quite common in Europe, in Africa it is considered to be politically regressive and has largely been abandoned since colonial liberation. There are still three monarchies in Africa (Morocco, Swaziland and Lesotho). However in the rest of Africa and in South Africa, monarchs enjoy little to no political power, and are not involved in national politics, but rather in local cultural matters.

Belgium and South Africa also differ in terms of the age of their statehood. The current territorial and political statehood of Belgium was established in 1830. Its Constitution was initially drafted in 1831 and has been amended several times since – most notably from 1970-1993, when Belgium became a federal country and the Communities and Regions were introduced. The current territorial and political statehood of South Africa was established in 1994. Its Constitution is much newer than that of Belgium, as it only appeared in 1996. It has had minor amendments made to it since. The establishment of the Regions and Communities which are territorial units, and the devolution of authority to them, signify the functioning of territorial subsidiarity, whereas non-territorial subsidiarity is present in South Africa.

6.1.3 Language rights, policy and planning

According to Blommaert (1996:411), in Europe, multilingualism is cherished as part of the “unique European heritage”, whereas in Africa, it is depicted as one of the causes of underdevelopment and chaos. South Africa differs from most African countries in this regard, at least in terms of its *de jure* policies and wide-ranging protections of indigenous and minority languages, as it views its indigenous languages as a resource. The role that language policy and planning (LPP) can play in addressing the social and economic issues of South Africa, and in creating a more united and equal South African society, is recognised in the South African Constitution and several other national policy documents. This perspective of language as an *economic* resource differs widely from the European perspective of language as a *cultural* resource, and heavily influences LPP.

Both Belgium and South Africa have a long history of diversity and multilingualism and related ethnolinguistic conflict. Belgium, however, has been planning language for much longer than South Africa – its current linguistic regime can be traced back to the language laws of the 1930s. Although South Africa’s history of language legislation can be traced back to the 1800s,

it could only start planning language in a democratic dispensation in earnest after 1994. Its current language regime can only be traced back as far as 1996, when the democratic Constitution appeared and granted official status to eleven languages based on the personality principle.

The South African Constitution explicitly assigns official status to eleven languages, whereas the Belgian Constitution does not award official status to any languages. However, because of the provisions regarding the Communities, it is implied that the official languages are Dutch, French and German, since they are the only protected languages which may be used in the public domain. It is further implied that Dutch and French are the national languages in Belgium, due to the limited protections granted to German speakers, whereas no language is awarded the status of national language of South Africa.

Furthermore, the South African Constitution not only calls for the promotion and development of the official languages, but also calls for the promotion and respect of various unofficial minority languages. These provisions signify the granting of promotion-oriented rights to all South African citizens, albeit more so to official language speakers than to unofficial language speakers. The Belgian Constitution has no such provisions. However, the granting of authority over the use and cultivation of the three official languages to their corresponding Communities signifies the granting of promotion-oriented rights. Speakers of unofficial languages in Belgium, i.e. migrants and foreigners, do not enjoy promotion-oriented rights.

Another key difference between South Africa and Belgium concerns the type of language planning that should be done in each country. Belgium's official languages, Dutch, French and German, are all highly standardised and fit for use in primary, secondary and tertiary education. LPP activities in Belgium will therefore focus on status planning, or increasing the use of the official languages in the public domain – especially in other Regions. While Afrikaans, English and some of the Bantu languages are sufficiently standardised for use in the public domain, and in education in particular, some of the other official languages are in need of corpus planning. Due to low proficiency levels among many South Africans of English and a third South African language (more on this later in this chapter), there is also a need for acquisition planning. Finally, because of the dominance of English in higher functions and lack of multilingualism in the public domain, South Africa also requires status planning. Van der Walt and Hibbert (2014:203) also identify the need for corpus and status planning in African countries:

(...) it is important to keep in mind that the challenges in Africa, specifically with regard to the use of minoritised languages in education, are different to those in, for example, the Netherlands or Mexico. Although minoritised languages are also in a difficult position in such countries, high status alternatives to English are readily available and such languages are used as academic languages at primary and secondary school levels. The use of Dutch or Spanish in education is supported by a long history of standardisation and the availability of print and electronic sources in these languages. The situation in most African countries is different, with minoritised languages spoken by the majority of the population, without their being used beyond the very lowest level of primary schooling. (...) African languages dominate in preschools and adult literacy programmes, whereas they are rare in secondary schools, let alone universities.

Due to the application of territorial subsidiarity in its governmental system, Belgian citizens also enjoy collective rights, as opposed to the individual rights which are granted to South Africans, as well as territorial rights, as opposed to the personal rights enjoyed by South African citizens (see subsection 2.2.2 regarding language rights). Lastly, the national language policy of Belgium, as it appears in the Belgian Constitution, is a linguistic nationalist policy, which is similar to what the apartheid-era policies aimed for. The national language policy of South Africa, as it appears in the South African Constitutions, is a pluralist policy (see subsection 2.1.2 for definitions). I would argue that the *de jure* South African linguistic regime is not only the more democratic approach (as Webb argued in Chapter 5), but it is also more in line with subsidiarity, seeing as the original conceptualisation of the principle focused on the rights and autonomy of the individual.

As stated in the previous chapter, South Africa does not have a majority language, i.e. a language that is spoken by at least 51% of the population. Belgium, on the other hand, does have a majority language (Flemish, which is spoken by roughly 60% of the total Belgian population). In Belgium, a Dutch-monolingual language policy or a French-Dutch bilingual language policy based on the personality principle would accommodate the majority of Belgians (the latter option would accommodate 99% of Belgians and only exclude the small German-speaking population). However, in South Africa, a monolingual language policy or even a bilingual language policy of the two largest official languages, Zulu and Xhosa, would not accommodate the majority of the population (the latter option would exclude more than 60% of South Africans). South Africa is therefore more societally multilingual than Belgium.

As already mentioned, another important difference between the societal multilingualism of Belgium and South Africa relates to the territorial distribution of the official languages throughout each country. In Belgium, each official language is largely confined to its own territory: Flemish is spoken in Flanders, French is spoken in Wallonia, and German is spoken

in the eastern cantons. It is the exception for an official language in Belgium to be spoken in another Region – such as the occurrence of French in Flanders-capital Brussels. In South Africa, this situation is reversed: while many official languages are associated with certain territories (Zulu in KwaZulu-Natal, Afrikaans in the Northern and Western Cape, Xhosa in the Eastern Cape, Northern Sotho in Limpopo, etc.), all of the official languages have a sizeable representation in most of the other territories (provinces).

Consider the Northern Cape, the most sparsely populated (and the largest) province in South Africa with just over 1 million citizens (Stats SA, 2016:12; 16). Of these, 53.8% are Afrikaans speakers, and 33.1% are Tswana speakers (Stats SA, 2012:25). Seeing as English is increasingly used as lingua franca worldwide and has a strong position as interethnic lingua franca in South Africa (see subsection 5.2.2), it would without a doubt be included in the provincial language policy alongside Afrikaans and Tswana in order to accommodate the rest of the population.

The situation gets more complex when looking at the most linguistically diverse province in South Africa, Gauteng, which is also the most densely populated province (and, coincidentally the smallest province) in South Africa with over 13 million citizens (Stats SA, 2016:12; 16). Whereas only two languages dominate in the Northern Cape, in Gauteng, six languages have high numbers of mother tongue speakers. These are Zulu (19.8%), English (13.3%), Afrikaans (12.4%), Sotho (11.6%), Northern Sotho (10.6%) and Tswana (9.1%). Together, mother tongue speakers of these six languages make up 76.8% of the total population (Stats SA, 2012:25).

According to Section 6(3) of the Constitution of South Africa (1996), provincial governments must use at least two of the eleven official languages. Many provinces choose to use more than two official languages – even as many as four (Webb, 2002:92). Plüddemann (2015:196) notes for example that Gauteng is too linguistically diverse for three official provincial languages. However, there are much more homogeneous provinces in South Africa, which raises the question of the tenability of a national language policy of territorial monolingualism as is the case in Belgium. According to the 2011 Census (2012:25) and the 2016 Community Survey (2016:40), the most widely-spoken mother tongue per province were as follows:

Table 3: The most widely-spoken mother tongue in South African provinces

Province	2011 Census		2016 Community Survey	
	Most widely-spoken mother tongue	% of population	Most widely-spoken mother tongue	% of population
Western Cape (WC)	Afrikaans	49.7%	Afrikaans	46.6%
Eastern Cape (EC)	Xhosa	78.8%	Xhosa	82.7%
Northern Cape (NC)	Afrikaans	53.8%	Afrikaans	56.8%
Free State (FS)	Sotho	64.2%	Sotho	71.9%
KwaZulu-Natal (KZN)	Zulu	77.8%	Zulu	82.5%
North-West (NW)	Tswana	63.4%	Tswana	71.5%
Gauteng (GP)	Zulu	19.8%	Zulu	23.0%
Mpumalanga (MP)	Swazi	27.7%	Swazi	29.1%
Limpopo (LP)	Northern Sotho	52.9%	Northern Sotho	56.0%

Although South Africa does not have a majority language, the situation is thus somewhat different for the provinces. Many languages are generally associated with certain territories – despite the high occurrence of other languages in that territory, and the high occurrence of that dominant languages in other territories. The most linguistically homogeneous territories in South Africa are the EC, KZN, the FS and the NW, where one language is spoken as a mother tongue by roughly 60%-80% of the population. Another two provinces, the NC and LP, have a dominant provincial language that is spoken by about 50%-60% of the population. The remaining three provinces, the WC, GP and MP, are the most linguistically heterogeneous, as their largest mother tongues are spoken by about 20%-49% of the population.

If South Africa were to emulate Belgium’s national language policy, and designate one official language per province, the most widely-spoken mother tongue of each province, what percentage of the population would be excluded? According to the 2011 Census (Stats SA, 2012:18),⁹⁵ the South African population by province was as follows: the WC (5 822 734); the

⁹⁵ I use the 2011 Census data here, instead of the 2016 Community Survey because of the higher degree of

EC (6 562 053); the NC (1 145 861); the FS (2 745 590); KZN (10 267 300); the NW (3 509 953); GP (12 272 263); MP (4 039 939); and LP (5 404 868). That brings the total population in 2011 to 51 770 561 citizens.

If the citizens who speak the most widely-spoken mother tongue in each province are subtracted (I use the percentages listed in the table above), the number of citizens per province who remain, and will thus not be accommodated by a national language policy of territorial monolingualism, are as follows: the WC (2 928 835); the EC (1 391 155); the NC (529 388); the FS (982 921); KZN (2 279 341); the NW (1 284 643); GP (9 842 355); MP (2 920 876); and LP (2 545 693). This brings the total number of South African citizens that would not be accommodated by a Belgian-type language policy to 24 705 207 million, or 47.7% of the South African population.

The lack of a majority language in South Africa and the high level of territorial heterogeneity means that South Africa cannot adopt the same national language policy as Belgium. Although both countries are well-known for their multilingualism, they do not have the same language situations and can therefore not have the same language solutions. In Belgium, monolingual language policies based on the territoriality principle can, and are, easily implemented nationwide. The Brussels exception of official bilingualism would be a more appropriate option in South Africa (although it is still not multilingual enough), and yet Brussels is the one Region in Belgium where there is widespread public discontent with the language policy.

Territorial monolingualism is the dominant and preferred national language policy in Belgium. Even Brussels, the only officially bilingual Region in Belgium, follows the territoriality principle, as individuals are not free to use whichever language they prefer in the public domain. In the education sector in Brussels, pupils have to choose between Dutch-monolingual or French-monolingual schools – bilingual schools or pedagogies do not exist, and education in another language, such as German, is not allowed. In Brussels, minority language rights (MLR) are neglected: a pupil from the German cantons is not allowed to receive mother tongue education (MTE) but has to choose between Dutch or French as MoI (all schools in Belgium, even private schools, have to adhere to the strict rules regarding the languages of the Regions).

The national language policy of Belgium, monolingualism based on the territoriality principle, leads to the neglect of minority language rights, ethnolinguistic separation and socio-economic

statistical accuracy, even if the data might be slightly outdated by this time.

inequality (as discussed in Chapter 4). Webb (2002:158) argues that the territoriality principle cannot be observed in language policy and planning in South Africa for the following two reasons: (i) South Africa is not significantly federal by nature; and (ii) there is not sufficient overlap between linguistic distribution and provincial boundaries. If South Africa were to emulate Belgium and adopt monolingual language policies based on the territoriality principle, nearly half of South Africans would not be accommodated. South Africa has arguably already (unsuccessfully) attempted the Belgian LPP model in the past, in the form of the Bantu Education Act (1953) and the Promotion of Bantu Self-Government Act (1959) during apartheid.

Section 6(3) of the Constitution (1996) might seem to implicitly observe the territoriality principle as it instructs provinces to elect their own official languages. However, this is not the case, as the use of other languages (besides the official provincial languages) in the public domain is allowed. The language policies in Belgium do not *allow* the use of any other language besides the official language in the public domain. In South Africa, there is no law prohibiting the establishment of a Xhosa school in Limpopo, even though only 0.4% of the local population, or roughly 20 000 people, speak Xhosa as a mother tongue (Stats SA, 2012:23; 25). Therefore, the personality principle is present in both the national and provincial language policies in South Africa.

The provision regarding the official languages of the province is merely to lessen the administrative and logistical load of provincial governments, who cannot reasonably be expected to conduct all of its business in all eleven official languages. This provision is not meant to restrict the rights of any linguistic groups in any provinces. There is no clause which prohibits the use of *all* official languages in *one* province. In fact, that would be the ideal. In Belgium, Regions may *only* use certain languages, whereas in South Africa, provinces must use *at least* two official languages – meaning, provincial governments should use as many languages as they have the *capacity* for using.

Note the disparity in observation of the subsidiarity principle in Belgium when it comes to language policy and planning. In the Belgian Constitution, the official languages of each territory are designated – the Regions may not determine their own language policies. In the South African Constitution, the authority over provincial and municipal language policies are devolved to the provincial and local governments. The subsidiarity principle in language policy and planning in Belgium is therefore not observed in lieu of the observation of the territoriality

principle. Educational institutions in Belgium have little to no authority over institutional LPP because the territoriality principle, which became law in Belgium in the 1930s, dictates the official language of the Region and by extension of the institutions in that Region. The Belgium case-study suggests that the subsidiarity principle and the territoriality principle in language policy and planning are mutually exclusive.

A major problem with a territoriality-based monolingual language policy, I would argue, is that while it promotes the use of all official languages in the public domain, it decreases institutional multilingualism, individual multilingualism, and it also leads to regional separation instead of integration. For the sake of argument, let us suppose that each province in South Africa had designated one of the official languages as the provincial language, and every citizen spoke their provincial language as mother tongue. From the outside, South Africa as a whole will appear to be more multilingual seeing as each official language would be represented in the public sphere (similar to the Belgium situation). However, regional, institutional and individual multilingualism would decline, and the unity and equality project in South Africa would be in serious jeopardy.

Basing language policies on the territoriality principle is more acceptable (albeit still questionable) in cases where the multilingual country in question naturally has languages that are territorially-confined, i.e. one language is spoken in one region. When a region is linguistically heterogeneous, i.e. many different languages are spoken in one region, neither one of which is dominant, the territoriality principle becomes a highly inappropriate policy with which to handle multilingualism and diversity. In such instances, a large portion of the population will not be accommodated and their language rights and education rights will be denied. Forcing a monolingual language policy on a linguistically diverse region is not a sustainable solution. Although it will be more practical, administratively and financially-speaking, it could lead to dissent emanating from minority groups, ethnolinguistic conflict, and a host of other socio-economic problems.

Considering the historical background of South Africa – its history of violent clashes between different ethnolinguistic groups and its failed attempt at separating these groups based on language – monolingual language policies based on the territoriality principle cannot possibly work in the South African context. It is utterly important for South Africa to work towards its ‘unity in diversity’ goal, which makes the attainment of societal, institutional and individual multilingualism imperative. Furthermore, the existing socio-economic inequality between

ethnolinguistic groups in South Africa makes territorial monolingualism an even more unsustainable language policy.

In Belgium, federalism causes regional separation which, due to its regional linguistic homogeneity leads to monolingual language policies based on the territoriality principle. In South Africa, its unitary statehood causes regional integration which, due to linguistic heterogeneity leads to multilingual language policies based on the personality principle. Both Belgium's and South Africa's national language policies reflect these divergent lines of thinking. However, while Belgium implements its policy, South Africa largely has a de facto language policy of English-monolingualism. In both countries, there is an ironic lack of multilingualism in the public domain, and in education in particular. The difference, however, is that in South Africa, monolingual practices dominate *despite* existing language policies and are caused by the failure to implement language policies. In Belgium, monolingual practices are as a result of the implementation of language policies, as territorial monolingualism is ordained by law.

Another difference between Belgium and South Africa is the willingness to compile politically-loaded data about the nation's linguistic profile. It may perhaps be that because of South Africa's past there is relative familiarity and 'comfort' with such politicised matters. It might also be because of the various separatist movements in Belgium and the possibility that a language census could further enflame secessionist rhetoric. The South African government has dutifully collected demographic data regarding language, education, unemployment rates and the standard of living of its citizens since the end of apartheid. Statistics South Africa (Stats SA) conducts a comprehensive population census every ten years, and a large-scale community survey is carried out in between censuses. The data collected, which is compiled in a report and is freely accessible on Stats SA's website, can be very valuable to the public and private sector in terms of planning and policy formulation. The language data collected every five years can especially aid provincial and local governments, and university councils in their language policy and planning processes.

Stats SA's Belgian counterpart is the Directorate General of Statistics and Economic Information (DGSEI), also known by the name of their website, Statistics Belgium (Statbel), where the latest data on a wide range of topics are posted. The DGSEI does not collect data by going door-to-door like Stats SA, but collects data continually through electronic data-gathering, and by integrating the existing databases of other public institutions. Despite the

broad scope of research done by the DGSEI, it does not investigate any matters related to language. As noted in Chapter 4, a linguistic census in Belgium has not been undertaken for over 70 years because of the sensitive nature of the issue, and estimates on linguistic distribution are made based on other data, such as religious affiliation or party voting records.

6.1.4 Mother tongue education and foreign language learning

The majority of pupils in Belgium receive (single-medium) mother tongue education (MTE) throughout their schooling years. In French-speaking Wallonia, French is the only MoI, in the eastern cantons German is the only MoI, in Dutch-speaking Flanders Dutch is the only MoI, and in bilingual Brussels, pupils may choose between Dutch or French as MoI throughout their schooling years. There are some schools throughout Belgium that experiment with immersion education, English as LoLT and bilingual teaching pedagogies. However, they are by far the exception to the rule. While the high rate of MTE is commendable, the lack of multilingual practices is surprising, and as I have argued in Chapter 4, lead to many social and economic problems.

In South African public schools, the majority of pupils (some 80%) start school with mother tongue education (compared to only 55% in 1998, meaning the rate of MTE is increasing in South Africa), but do not receive MTE from Grade 4 onwards (DBE, 2010:21; 29). South African schoolchildren start switching to English as MoI from Grade 2 – in Grade 1, 21.8% have English as MoI and by Grade 4 this figure rises to 79.1%. A further 12.3% of Grade 4 pupils have Afrikaans as MoI, leaving only 8.6% of Bantu language speakers who receive MTE beyond Grade 4 (this figure drops to 5.7% by Grade 12) (DBE, 2010:14-16).

The majority of white pupils receive MTE throughout primary and secondary education. Seeing as the matric examination papers (of subjects other than languages) are only available in English and Afrikaans, most Bantu language-speaking schoolchildren opt to make the switch to English or Afrikaans as soon as possible (Taylor & Coetzee, 2013:1). While the rate of MTE among black pupils is very low, multilingual practices at educational institutions surpass those at Belgian institutions. By 2007, 51% of public schools in South Africa were parallel-medium – the number of schools that provide dual-medium education is unclear (DBE, 2010:25).

The failure to implement South African language policies not only affects the use of indigenous languages in the public domain and institutional multilingualism, but also individual multilingualism. Notwithstanding Belgium's territorial monolingualism, the rate of individual

multilingualism among some Belgian language groups is still higher than among some language groups in South Africa.

In Belgium, pupils may take a foreign language subject from Grade 3, which could be Dutch, French, German or English, depending on the Region. For example, a French-speaking pupil in Brussels will receive mother tongue education throughout Grade 1 to 12, and from Grade 3 could take Dutch as an extra language subject. A French-speaking pupil in Wallonia might choose to learn English from the third grade. In secondary education, a second foreign language may be taken as subject.

While 84% of primary school pupils in the European Union (EU) learn at least one foreign language, in Belgium the figure is a staggeringly low 36.7% (the second lowest, after Portugal, of all the EU member states). In Wallonia, Dutch is considered a foreign language and is studied by 36% of Walloons, and in Flanders, French is considered a foreign language and is studied by 27.4% of Flemings (Eurostat, 2017a). For a country so well-known for its multilingualism, it has a surprisingly low rate of individual multilingualism. The EU policy of mother tongue plus two is not followed consistently throughout Belgium, and schoolchildren mostly learn their mother tongue plus English. In the EU, 59% of secondary school pupils learn two or more foreign languages, while the figure in Belgium is 27% (compare that to the 100% in Liechtenstein and Luxembourg) (Eurostat, 2017b).

Although these figures are low by European standards, they are still high compared to South Africa. In South African public schools, pupils are required to take two official language subjects (usually the mother tongue and English), and have the option of taking a third language subject (an indigenous, minority or foreign language) in secondary education. The option of studying a third language is limited, as there needs to be significant interest in a language at the specific school, and there needs to be a teacher who is able to present the class (Taylor & Coetzee, 2013:1; 3). As a general rule, white pupils leave school with proficiency in only Afrikaans and English – it is an exception for Germanic language speakers to be proficient in one of the indigenous African languages (Webb, 2002:277). Broadly-speaking, black pupils leave school with proficiency in their mother tongue (and some other indigenous African languages, due to the mutual intelligibility between the Nguni languages and the Sotho languages, respectively) and English, (or Afrikaans to a lesser degree).

While there are strong arguments to be made regarding the higher economic value of English and Afrikaans proficiency relative to proficiency in an indigenous African language, which

explains the higher rates of learning English and Afrikaans as a second language or third language, the high social value of individual multilingualism should be recognised and promoted in schools, as reciprocal interethnic multilingualism is of the utmost importance in terms of nation-building, unity and equality. Also, when higher rates of MTE are attained, the indigenous languages are planned, and educational and economic equality is achieved, the economic value of proficiency in an indigenous African language will increase accordingly.

I believe that there is a missed opportunity in primary and secondary education in South Africa to increase the rate of individual multilingualism of all citizens. I would go as far as to suggest that Afrikaans and English speakers should be mandated to take an indigenous African language subject in secondary school. Not only will a higher rate of individual multilingualism in South Africa aid in the goals mentioned above, but it will prepare students for the multilingual and diverse environments that they find themselves in when entering tertiary education. In order to achieve truly multilingual universities, the mother tongue plus English policy in public schools should be replaced with a policy of mother tongue plus English plus one other official language.

6.1.5 Universities

Worldwide, mother tongue education in tertiary institutions is under threat from anglicisation as a result of internationalisation drives and high numbers of foreign students. This affects all the universities in Belgium and South Africa. The difference, however, is that higher education in South Africa is already largely English, whereas the universities in Belgium are still largely Dutch and French-monolingual. The trend in Belgium is to include more and more English programmes – although, there will probably be at least some public dissent and court challenges (as seen in the Netherlands), seeing as territorial monolingualism is the national language policy and Belgians seem to desire more homogeneity, not less. In South Africa, the trend is to include more multilingual language practices and the use of indigenous African languages (as discussed in Chapter 5).

Increasing linguistic diversity in higher education has also been dealt with differently in Belgium and South Africa: Belgian universities split along ethnolinguistic lines in order to accommodate all students in their mother tongues, while South African universities became anglicised in order to accommodate the various language groups in the interethnic lingua franca, and are now trying to include the use of indigenous languages. This relates to what I said in the previous section: in Belgium, territorial homogeneity leads to monolingualism and

regional separation, while in South Africa, territorial heterogeneity leads to multilingualism and regional integration (at least in principle).

Belgian universities are multilingual in that Dutch, French, German (to a very limited extent) and English are used at tertiary level. However, there are no officially bilingual or multilingual tertiary institutions and, aside from the small number of dual-medium courses available, single-medium tuition in the language of the Region is the implicit institutional language policy of Belgian universities. In South Africa, universities are mostly English-monolingual but multilingualism has been or is being introduced in various ways at different institutions. According to Hibbert and Van der Walt (2014:7), there are similarities between multilingual universities in South Africa, and multilingual universities in Europe and Canada. However, in South Africa, minoritised languages are included, and, languages are not separated in classrooms (code-switching, translation and interpreting take place in one classroom).

As I have argued, the subsidiarity principle is implicitly present in the South African Constitution and several national language policy documents, and in the de jure relationship between the central government, the DHET and universities. There is, however, frequently a disjoint between policy and implementation in South Africa, and the same holds true for the subsidiarity principle in language planning and policy at universities in South Africa.

The subsidiarity principle is adhered to in different ways at South African and Belgian universities. South African universities enjoy a great deal of autonomy over general management, financial and language policy decisions, signifying an adherence to negative subsidiarity. However, the central government often fails to provide aid to universities and monitor their practices and implementation of national policies, signifying the neglect of positive subsidiarity. Belgian universities are not only very well-funded by the central government, signifying adherence to positive subsidiarity, but enjoy a high degree of autonomy over general management and policies, i.e. observance of negative subsidiarity - the only exception being institutional language policy and planning.

How can the implementation of the subsidiarity principle be improved in South Africa, and specifically at HEIs, if virtually all policy documents already embrace the basic tenets of the principle, and yet the principle is still frequently flouted by the central government? The South African Constitution provides for the observation of the subsidiarity principle, and universities have the (legal) right to function according to the subsidiarity principle and institutionalise multilingualism. Thus the failure to achieve multilingualism and observe the subsidiarity

principle cannot be addressed by writing new laws and rules, but only by following the laws and rules that already exist. Unfortunately, South Africa regularly does breaks its own rules.

The biggest obstacle to policy implementation is the lack of political will on the part of the central government, as the promotion of multilingualism is not a topic which stakeholders seem to rally behind. Aside from the language debate at HAUs, the public seems generally disinterested in the development of the indigenous African languages and their use in the public domain, and not in the least, regarding mother tongue education and the anglicisation of all levels of education. The transformation discourse seems to be much more valuable for use by politicians than the language debate. In sum, the culture of failing to implement sound policies will persist if the public's disinterest in or even opposition to them continues. This is despite those policies being formulated for the benefit of the public. This supports Spolsky's (2004) opinion (see subsection 2.2.2) that it is not so much linguistic genocide but linguistic suicide that is to blame for the loss of linguistic diversity.

6.2 Analysis

The creation of the three language Communities (which transferred powers over linguistic, cultural and educational matters from the central government to more appropriate governmental bodies) signifies decentralisation and adherence to the subsidiarity principle. The educational system in Belgium has been highly decentralised, with schools enjoying autonomy and authority over most educational and curriculum decisions. As I previously noted, an argument for centralisation can be made while following the subsidiarity principle, as some matters can be better managed by central bodies.

According to Varin (2006:2; 16), the federalisation of Belgium also included the separation of the educational systems by region and language, which she claims has yielded different standards of education and student performance, and has increased the economic and political segregation of the Flemings and Walloons. Belgium has a bias towards lower levels of government, and the indiscriminate decentralisation of its education system has led to massive discrepancies in standards and outcomes of education across the Communities and Regions, furthering existing inequalities in the country. The decentralised schooling system in Belgium has also led to segregation based on socio-economic, language, migrant and academic background (European Commission, 2016; 2017). It has been suggested that the educational system in Belgium could benefit from more coordinated and centralised planning in certain regards (Nusche *et al.*, 2015:25).

In terms of institutional language policy and planning, I do not believe that the Belgium case-study illustrates the subsidiarity principle in action. In conjunction with the extreme decentralisation of the education system in Belgium, which perhaps shows a lack of positive subsidiarity, educational institutions do not enjoy authority over language policy and planning as their language policies are dictated by the language of the Region, i.e. territoriality leads to the neglect of negative subsidiarity in institutional LPP in Belgium.

Compare this situation with the governmental process in South Africa involving matters of education and language: the central government drafts national policy documents regarding education and curriculum (such as the Curriculum Assessment Policy Statements, or CAPS) which schools have to abide by. The DBE is charged with monitoring every primary and secondary school and ensuring that the national standard of education is achieved. The South African Schools Act, however, decentralises certain aspects regarding the South African schooling system, and many responsibilities are devolved to the Provincial DoE and the school governing bodies (the latter may, for example, determine the admission, religious and language policy of their institutions) (Motimele, 2005). The central government also drafts national language-in-education policies (such as the LiEP and LPHE), and devolves authority over institutional language policy formulation and implementation to educational institutions. Centralised bodies (namely the DBE and DHET) are then tasked with overseeing the policy formulation and implementation processes of all educational institutions.

In terms of general governance, it is undeniable that subsidiarity is observed in Belgium. However, when it comes to language policy and planning (LPP) in Belgium, the territoriality principle takes precedence over the subsidiarity principle. If Belgium utilised the subsidiarity principle in LPP, every school and university would have been able to make decisions regarding their own institution, and plan to accommodate their respective communities. This is not the case, seeing as the needs of the university community do not dictate the language policy of the specific institution, but rather the territoriality principle and the relevant Community. Whereas subsidiarity in LPP in the Belgium context would mean that each territory decides on its own language policy that most appropriately suits the needs of its citizens, the territoriality principle follows a top-down approach, where the Constitution dictates the (monolingual, or in the case of Brussels, bilingual) language policy of each territory. Compare this with the South African model, in which each province is granted the autonomy and authority by the Constitution to select its operational languages.

The subsidiarity principle in institutional language policy and planning is observed more at South African universities than at Belgian universities. Although the former have to adhere to the constitutional mandate for multilingualism, they are given free reign over institutional language policy formulation and implementation within those confines by multiple Acts and national policy frameworks. I could find no evidence that language policy and planning is done at Belgian universities. Although the Belgian universities are more autonomous from the central government in terms of general management (the Communities also act as an intermediary) they have little to no authority over institutional LPP.

In a unitary state, a more centralised national language policy has the benefit of ensuring uniformity and reciprocity of rights, although it could possibly lead to local conflicts (see Chapter 3). Similarly a more centralised educational system would have the benefit of ensuring uniformity and a national standard of education. Despite South Africa having a centralised national language policy (multilingualism), university councils have autonomy over LPP and may choose how they will achieve the national goal at their various institutions, taking into account the student populace that they are serving. This means that theoretically, South Africa could reap the benefits of having a centralised national language policy, without it naturally leading to local tensions.

It could be argued that although Belgium is a federal state, it ironically has a more centralised national language policy than South Africa, seeing as in Belgium every Region is assigned a language by the Constitution, whereas in South Africa, the Constitution provides that provinces may choose their own official languages. The Communities mostly facilitate the devolution of power from the central government, and were established for the purpose of federalising Belgium and observing the subsidiarity principle. As the territoriality principle prohibits the observation of the subsidiarity principle in national language policy and planning, so too it prohibits the observation of the subsidiarity principle in language policy and planning at Belgian universities.

South Africa has a hybrid centralised-decentralised system, where some complex matters are dealt with by the central government, and other simpler matters are dealt with by the lower level institutions. I agree with De Visser (2010) that with South Africa's functional approach to the subsidiarity principle, arguments can be made to centralise certain powers and responsibilities if the most appropriate level is the higher level or the central government. In this approach, the subsidiarity principle can be understood to mean that the central government

should be responsible for that which no lower government institution has the capacity for, and the lower levels of government (or educational institutions) should be responsible for everything that they have the capacity for. This is ultimately the more pragmatic view regarding the appropriate levels of authority, and not simply a blind prejudice towards lower institutions.

Language leads to ethnolinguistic conflict, disparities in quality of education and academic success, and socio-economic inequality in both Belgium and South Africa. In Belgium, the causes of these issues are: (i) the sociocultural separation of the language groups in the public and private spheres of life, as a result of regional separation and existing language laws; (ii) the separate educational systems for each language group and the resultant divergence of outcomes; (iii) the conditional availability of mother tongue education as a result of the application of the territoriality principle; and (iv) the difference in economic development between the Regions, in part because of the inequality of educational outcomes, and the hindering of internal migration for economic reasons because of the functioning of the territoriality principle.

In South Africa, the abovementioned issues are caused by: (i) the existing socio-economic inequalities between ethnolinguistic groups for historical reasons; (ii) the lack of proper oversight in implementing national educational policies and the lack of support from the central government in addressing widespread problems in the schooling system, which mostly puts black people at a further disadvantage; (iii) the lack of mother tongue education among black pupils because of the underdevelopment of indigenous languages and widespread negative perceptions about non-English-medium education; and (iv) the difference in educational success, and as a result economic development, which leads to further socio-economic inequality between ethnolinguistic groups in South Africa.

All the reasons listed above in the Belgium and South Africa case-studies can be explained through the lens of subsidiarity. The over-decentralisation and adherence to negative subsidiarity is the cause of the sociocultural, educational and economic separation and inequality between language groups in Belgium. The ironic lack of decentralisation and institutional autonomy over LPP also exacerbate these issues, as it denies many Belgians their MLR and MTE. In South Africa, the problems are not caused by the lack of decentralisation and/or institutional autonomy over LPP. The lack of centralisation and positive subsidiarity, i.e. the central government's neglect to address persisting issues in South Africa, as well as to

monitor educational institutions leads to divergent educational outcomes, and the denial of MTE for black pupils.

Therefore, Belgium requires the *centralisation of the educational system* in order to ensure a national standard of education which will address some of the educational inequalities discussed in subsection 4.4.1, as well as the *decentralisation of institutional LPP*, which would dictate the application of the personality principle, instead of the territoriality principle. South Africa has an adequate amount of decentralisation over education and LPP, and in fact of centralisation considering the presence of national educational policies and language-in-education policies. The main problem is the failure of the central government to provide assistance to lower levels of government and institutions, and the failure to monitor adherence to existing national policy frameworks, i.e. the *flouting of positive subsidiarity*.

The differences and similarities listed in this chapter all have an impact on the subsidiarity principle and language policy and planning in both countries. Belgium has a very long political, cultural and linguistic history – although its current statehood was founded in 1830, its territorial unity dates back several centuries. While South Africa also has a fascinating history, it is a much younger country, having achieved territorial unity for the first time only in 1910. Whereas Belgium has been planning the political, sociocultural and linguistic life of the inhabitants within its current borders for nearly two centuries, South Africa has only begun doing so for two and a half decades, since planning pre-1994 was not done primarily to truly accommodate all language groups.

Considering its comparative inexperience in dealing with these matters, it is not surprising that South Africa constantly faces accusations that it is failing, especially in regard to language planning. What is surprising, however, is that despite Belgium's centuries of planning, it also faces claims that it is failing, and its continued existence is even questioned. If Belgium has not been able to integrate its four Regions after 188 years, and the very real threat of secession looms, what chance does South Africa have of integrating its multitude of ethnolinguistic groups soon, if ever? The argument in this chapter is that due to the different perspectives of planning, South Africa ironically stands a much greater chance of achieving integration than Belgium, despite its short history of language planning and policy.

In its Constitution, in its political life, and in its language planning, Belgium prioritises the conservation of its history, its cultural heritage and the preservation of its languages, similar to what is seen in many other European countries. The presence of a monarch is but one example

of Belgium's political quaintness and its national positioning of itself in times past. There are strong Herderian views in the mainstream in Belgium which equates the protection of the language and culture with the protection of the people.

In South Africa, as in most other African countries, a lot of lip service is paid to the conservation and preservation of culture, language and history. However, in reality - perhaps due to the very serious socio-economic problems that plague Africa – the main priority in South Africa is to achieve socio-economic equality between ethnolinguistic groups, and to ensure a prosperous future for all citizens. With this mind-set, languages and language preservation is only valued in as far as it will aid in the pursuit of equality and prosperity. While Herderian views on language definitely exist among some South Africans, in national discourse, and especially in the national policy frameworks, the more dominant view seems to be that language planning should not be done for the sake of the survival of languages, but rather, for the survival of the people who speak those languages.

The Belgian Constitution's linguistic provisions are about protecting the political and cultural rights of the language speakers. The South African Constitution's linguistic provisions are about improving the socio-economic status of the language speakers. Whereas language planning in Belgium is done in order to protect the past, language planning in South Africa is done to ensure the future. The use of the subsidiarity principle in South Africa then is not because tradition dictates its use, but because it is functional in achieving the goals as set out in the Constitution. Mother tongue education then does not aim to ensure the continued existence of language in higher functions, but to ensure the successful education of pupils and students. Multilingualism at universities then, is not about protecting the use of official languages in the public sphere, but about uniting various ethnolinguistic groups and ensuring the successful integration of all South Africans. I would argue that the use of the subsidiarity principle and language policy and planning in Belgium is rather dogmatic (at least *de jure*), whereas in South African it is more pragmatic.

Language policies and practices at Belgian and South African universities have changed as a result of globalisation and related anglicisation. It is uncertain how much more higher education in Belgium can anglicise before the institutional language practices are challenged in court – seeing as it is in direct contravention of the territoriality principle. South Africa, on the other hand, has accepted and embraced globalisation and now needs to plan accordingly to reach unity, equality and prosperity for all. English proficiency should be improved as it

benefits South Africans. Mother tongue education should be pursued as it benefits South Africans. A multilingual public domain should be attained as it benefits South Africans. Going forward, language planning and policy in South Africa should not be concerned with the fight for the survival of language at all cost, but rather for the fight of the interests of the speakers. People should not serve their languages – their languages should serve them.

In this chapter, I compared Belgium and South Africa under the headings of identities, governance, language rights, policy and planning, mother tongue education and foreign language learning, and universities. I concluded the chapter by providing the reading with an in-depth analysis of the situations in Belgium and South Africa and the countries' differing adherence to the principle of subsidiarity. This chapter achieved its aim of highlighting the similarities and differences between Belgium and South Africa in terms of governance and LPP. This chapter also argued that while both Belgium and South Africa show clear evidence of adherence to the subsidiarity principle in their Constitutions, national governmental systems and LPP, South African universities adhere to the principle more than Belgian universities.

Chapter 7: Conclusion

7.1 Overview of the study

In Chapter 2, the field of language policy and planning (LPP) was investigated, and several theories and principles were discussed such as: the types of national language policies; the struggle between nation-building and unity, and linguistic diversity; the disjoint between *de jure* and *de facto* language policies; the competition for political and economic power by different ethnolinguistic groups; language rights and language conflict; and English hegemony; and language-in-education policies.

In Chapter 3, I explored the history and theoretical underpinnings of the subsidiarity principle, and argued that it is one of the fundamental organising principles of the European Union and has wide applicability in many other fields and issues as well. I highlighted the fact that the neutrality and complexity of the subsidiarity principle renders it open for appropriation by many different political agendas and ideologies. I also discussed subsidiarity's link with decentralisation and centralisation, federalism and secession, democracy, language policy and planning, and the territoriality and personality principles.

Chapter 4 covered the Belgium case-study, and investigated national and institutional LPP in the country, as well as the utilisation of the subsidiarity principle in national governance, language legislation and education. I discussed the Belgian language debate, the presence of territorial, institutional and individual monolingualism and ethnolinguistic separation and socio-economic inequality. Finally, I examined the educational system in Belgium, the medium of instruction issue, institutional language policies of Belgian universities, and subsidiarity and LPP at educational institutions.

Chapter 5 dealt with the South African case-study, and explored the history of LPP and subsidiarity, particularly in post-1994 South Africa, and the utilisation of the subsidiarity principle in national governance and LPP. I discussed the dominance of English as public *lingua franca* and the anglicisation of education, the lack of a move towards mother tongue education and the resultant inequality. Finally, I examined the South African language debate, the institutional language policies of South African universities, and the presence of the subsidiarity principle in various national language-in-education policy documents and at educational institutions.

In Chapter 6, I compared the utilisation of the subsidiarity principle in, and language policy and planning of Belgium and South Africa by discussing several aspects such as their governmental structures, their linguistic regimes and linguistic ecologies, and the functioning of their tertiary educational institutions. I concluded the chapter by comparing the adherence to the subsidiarity principle at Belgian and South African universities, and in the process identified the main reason behind the lack of multilingualism at universities in South Africa.

7.2 Main arguments of the study

Throughout this dissertation, I have made several arguments and have established specific viewpoints on certain matters. I argued that the mismatch between the *de jure* and *de facto* language policy of a country can often be linked to the pull between creating a national identity and national unity on the one hand, and tolerating and/or promoting linguistic and cultural diversity on the other hand. I noted that while many African countries, such as South Africa, promote diversity in their *de jure* language policies, the need for nation-building, and thus the need for a public *lingua franca*, causes the *de facto* language policy to be one of monolingualism.

I further linked the multilingual *de jure* policy of South Africa with the attempt to achieve equality between different language groups, whereas the *de facto* English-monolingual policy is related, firstly, to the goals of improving administration, governance and development, secondly, to the need for nation-building and to prevent interethnic conflict, and lastly, to the negative perceptions regarding the utility of African languages and the association of mother tongue education in these languages with apartheid. I argued that these persistent viewpoints regarding the value of English and African languages are ill-informed, and lead to *de facto* language policies and practices which do not necessarily promote equality between language groups, or result in economic development for all citizens. Seeing as language is so closely connected to educational success and economic status, multilingual LPP is an indispensable tool in improving the educational outcomes of minority groups, which is imperative if the ultimate goal is to achieve socio-economic equality and prosperity for all.

I argued that it might seem unreasonable to expect of a central government to promote minority languages if the speakers of those languages do not attach sentimental or instrumental value to them. However, if the view is taken that language is interconnected with economic status, and improving economic wellbeing and equality are objectives of the central government, then central government cannot possibly neglect to do proper language planning with regards to

minority languages and expect to achieve national educational and economic targets. Therefore, multilingual LPP must be a priority and responsibility of the central government.

I also suggested that in a sense, all countries have a centralised national language policy regime, seeing as the government determines the national language policy (even if that policy is one of decentralisation), and considering that only they have the ability to monitor practices and adherence to the national policy. Minority language groups will never have as much power to affect LPP as the central government, and have to rely on the government for securing general respect for their minority language rights (if any are granted by law). Even dominant ethnolinguistic groups do not determine the national language policy, even though they might be thoroughly accommodated by it. A case in point is the threat to dominant languages in European countries in the face of anglicisation.

These considerations, namely the negative language attitudes of citizens and the necessity to do language planning in order to achieve economic goals, require a certain degree of language manipulation by the central government, i.e. the centralisation of LPP. Several authors have noted the inherent problem with allowing public demands to determine national (or institutional) language policies and practices, and have suggested that the central government (or universities) needs to implement policies which will change negative language attitudes (Drummond, 2016:74; Kotzé, 2014:19; Van der Walt & Hibbert, 2014:204). Centralised multilingual LPP might seem quite paternalistic as Ladefoged (as cited in Ricento, 2000:500) terms it. However, in a unitary state that wishes to improve the lives of its citizens, language policy and planning should be guided by evidence-based knowledge, such as the benefits of mother tongue education, and not on uninformed and, more importantly, alterable language attitudes.

I further argued that there are some matters which lower institutions are not able to deal with (such as achieving economic equality nationwide and doing related national language planning, or ensuring a national standard of education), matters which will be better addressed at a higher level of governance, even as high as the central government. Therefore, while subsidiarity is most often associated with decentralisation, it more accurately denotes both decentralisation and centralisation, i.e. it focuses on establishing the proper level at which a matter should be handled. Its proponents often neglect the necessity for the centralisation of certain matters, and insist on indiscriminate decentralisation, more local autonomy over matters which would be better dealt with at a higher level, and eventually call for regional separation.

Thus, while automatically increasing regional and local autonomy might seem to be in accordance with the subsidiarity principle, this is not always the case, as it completely neglects the principle of positive subsidiarity. The subsidiarity principle is neutral, and can be used in conjunction with nearly any type of governmental structure or ideology. As such, the principle should not be associated with any one political and/or economic philosophy, such as libertarianism, federalism or neoliberalism. The subsidiarity principle is not anti-government and does not naturally lead to secession, even though it is regularly misappropriated in defence of the severe weakening of the central government.

I also argued that in the framework of subsidiarity in language policy and planning, there is a strong link between linguistically homogenous territories, the territoriality principle in LPP, territorial subsidiarity, federalism and regional separation, and ethnolinguistic inequality. Conversely, I argued, there is a strong link between linguistically heterogeneous territories, the personality principle in LPP, non-territorial subsidiarity, a unitary government system and regional integration.

I found that while Brussels is often seen as a region that follows the personality principle in terms of its language policy, in contrast to Belgium's otherwise exclusive reliance on the territoriality principle, this is incorrect. Brussels also follows the territoriality principle, as speakers of any language besides Dutch and French enjoy no language rights in the public domain. Therefore, instead of individuals being accommodated, two languages are being accommodated – in clear violation of the original intent of the subsidiarity principle which set out to increase democracy and protect the individual.

It was argued that the Belgian constitutional provisions regarding provincial and municipal government, and the Regions and Communities signify adherence to the (negative) subsidiarity principle in Belgium. Power over matters which will be better dealt with at a lower level are devolved from the central government. However, one matter which would be better dealt with at a lower level, regional and institutional language policy and planning, is not devolved but dealt with by the central government. I also noted that while Belgian universities adhere to the subsidiarity principle in terms of general administration, the principle is again not adhered to when it comes to language policy and planning, due to the central government, or more specifically the territoriality principle, dictating the language policy of every educational institution. I also argued that the educational system in Belgium is over-decentralised, as the

lack of a national standard and the different educational outcomes it produces, is detrimental to Belgian society.

The South African constitutional provisions regarding the different spheres of government, and in relation to municipalities specifically, constitute adherence to the subsidiarity principle in South Africa. Authority over language policy and planning is also adequately devolved to lower levels (provinces may, for example, determine their own provincial language policies). I argued that school governing bodies and university councils enjoy a great amount of autonomy over institutional language policy and planning, as communicated in several acts and national policy documents, all of which constitutes adherence to negative subsidiarity. What I found, however, is that the principle of *positive* subsidiarity is regularly flouted, as the central government does not provide the necessary assistance to universities and does not effectively monitor the implementation of the national language policy, and institutional language policies more specifically. This failure of the central government to handle those matters which only it has the capacity to do, leads to de facto English-monolingualism at South African universities.

Moreover, I argued that while Belgium is normally categorised as a multinational state, the homogeneity of its Regions, both culturally and linguistically, enables comparisons with the idea of nation states. I suggested that a high degree of territorial homogeneity leads to separatist movements and increasing federalisation and even confederalisation. I found that because South Africa is more concerned with greater efficiency and effectiveness than liberty and autonomy, which is what Europe and Belgium is concerned with, it is open to arguments for both centralisation and decentralisation. I argued that federal states best demonstrate the notion of negative subsidiarity, whereas unitary states best demonstrate positive subsidiarity. I also noted that unitary states (such as South Africa) can choose to increase decentralisation, and therefore increase their observation of negative subsidiarity as well.

Finally, I stated that in South Africa, multilingualism is not seen as the cause of underdevelopment and chaos, as it is in the rest of Africa, seeing as it recognises (de jure in its Constitution and several other national language policy documents) the role that minority language policy and planning can play in addressing socio-economic inequality and improving the wellbeing of its citizens. I found that the lack of a majority language in South Africa and the high level of territorial heterogeneity means that South Africa cannot adopt the same national language policy as Belgium, namely territorial monolingualism (or territorial bilingualism) which neglects minority language rights. I also argued that there is a missed

opportunity in South Africa to improve individual multilingualism in primary and secondary education.

7.3 Concluding thoughts

In South Africa, subsidiarity has been employed by federalists as an argument to achieve regional and ethnolinguistic separation, as was seen in apartheid and is arguably also the case in Belgium. The subsidiarity principle, as I have stated, is, however, not equivalent to a general bias towards greater decentralisation and regional separation, and should not be thought to mean the same as what would more accurately be described as the territoriality principle. The original intent of the Catholic Church in its formulation of the subsidiarity principle was not to protect territorial units, such as the EC, the state, the region or the local authority, which can all be arbitrarily conjured up by people and reimagined at any time. The original purpose was to protect non-territorial units, such as the individual and the family. While subsidiarity in Europe is nearly synonymous with territoriality (due to its association with federalism), it is an incorrect understanding and utilisation of the principle. In its original form, subsidiarity was a non-territorial principle which sought the protection of individuals and democracy.

The contrast between the subsidiarity principle and the territoriality principle becomes even starker when it comes to language policy and planning. I would argue that in terms of national and institutional language policy and planning, these two principles are mutually exclusive. I have found, through the Belgium case-study, that if a country embraces the territoriality principle with regards to its national, regional and educational languages, virtually no language planning can be done by lower governmental levels or institutions. When territoriality structures national governance, territorial rights are promoted, and not personality rights as envisioned by non-territorial subsidiarity.

I believe that territoriality-based language policies decrease regional, institutional and individual multilingualism, reject minority language rights and lead to regional and ethnolinguistic separation and secessionist movements. Territoriality-based educational systems lead to educational and economic inequality between regions which, as in Belgium, represents inequality between ethnolinguistic groups. Language policies should be based on the personality principle, and the subsidiarity principle should be utilised in order to increase the efficiency and effectiveness of policy implementation.

In South Africa the national language policy is determined by the central government, provincial language policies are determined by the various provincial governments, and

language-in-education policies are determined by school governing bodies and university councils – all guided by the Constitution. In Belgium, the national, regional and educational language policies are all determined by adherence to the territoriality principle, as enshrined in the Belgian Constitution.

My hypothesis at the beginning of my research was that Belgian universities fully adhere to the subsidiarity principle in terms of language policy and planning, seeing as the governmental structures of Belgium, and of the EU of which it is a founding member, is based on the principle. Due to the extensive decentralisation of educational, cultural and language matters, and the representation of all official language in higher functions, I posited that multilingualism in Belgium is attained through the application of the subsidiarity principle. I speculated that South Africa's governmental structures and universities do not adhere to the subsidiarity principle, whether in terms of general administration or language policy and planning. My hypothesis was that if South Africa were to emulate Belgium's utilisation of the subsidiarity principle, and more specifically, if South African universities were to emulate Belgian universities in terms of the application of the subsidiarity principle in language planning and policy, South Africa would be able to implement its constitutional mandate for multilingualism.

What I found, however, is that despite the fact that the Belgian Constitution is based on the governance structure envisioned by the subsidiarity principle, language policy and planning at Belgian universities do not adhere to this principle. Instead, the application of the territoriality principle means that no meaningful bilingual or multilingual language planning can be done at Belgian universities, and that educational institutions do not have authority over institutional language policy and planning. Furthermore, I discovered that multilingualism in Belgium can more accurately be described as separate monolingualism. Due to the history of cultural and linguistic groups in South Africa, this type of multilingual national policy is not tenable or desirable.

I also found, to my surprise, that the South African Constitution demonstrates a strong reliance on subsidiarity, and envisions the same governance structure as prescribed by the principle. I found that South African universities have a lot more authority over language policy and planning at their institutions than Belgian universities. Although they have to adhere to the constitutional mandate for multilingualism, tertiary institutions are granted authority over language policy and planning and implementation at their respective institutions by virtually every national policy framework. South African universities may, at least in principle and in

terms of the law, decide on any type of bilingual or multilingual teaching pedagogies, comprising any of the official languages of their choice. Belgian universities, on the other hand, have been predetermined as either Dutch- or French-monolingual. The only LPP activities seemingly going on is the gradual inclusion of English programmes, although there too universities are restricted by federal law.

While negative subsidiarity is adhered to at South African universities in terms of language policy and planning, positive subsidiarity is not. The central government does not provide universities with sufficient support in terms of implementing their institutional language policies, and they fail in their supervisory role of effectively monitoring the implementation of institutional language policies. Fortunately, national policy frameworks such as the recently drafted Language Policy for Higher Education (LPHE) recognises these concerns. The LPHE aims to address the failure of multilingual language policies at the implementation level, and makes some encouraging suggestions that are fully observant of the (positive) subsidiarity principle. If successfully implemented, the relationship between universities, the central government, the DBE and the DHET would fully adhere to the subsidiarity principle in institutional language policy and planning, and multilingual South African universities would I believe, stand a better chance of becoming a reality.

Universities worldwide are pressured to amend their institutional language policies due to globalisation, a rise in foreign student numbers and internationalisation drives. The anglicisation of South African higher education is not a unique case – not only do European universities have to contend with this new reality, but even larger institutions and governmental bodies are facing English hegemony. Consider, for example, the fact that the EU will not be removing English as one of its three working languages post-Brexit. Heller (2003:40) elaborates on the effect of globalisation on language policy and planning:

The new globalised economy is bound up with transformations of language and identity in many different ways. These include emerging tensions between State-based and corporate identities and language practices, between local, national and supra-national identities and language practices, and between hybridity and uniformity.

Historically-speaking, languages have been in a continuous process of change. Geographical separation, among other things, resulted in diverging dialects and even completely new languages. Language change in the 21st Century, however, is characterised not by increasing hybridity and linguistic diversity, but by language death and linguistic assimilation. In the last few decades, different language groups and speakers have been increasingly connected as a

result of globalisation, and are interacting with one another through a range of lingua francas, English being the dominant one. This is an entirely novel development for the global linguistic situation and will without a doubt have an impact on language policy and planning worldwide. While I am inclined to a more pragmatic approach in planning for these new language developments, it is of the utmost importance that planning is indeed done. Linguistic Darwinism does not affect all language groups equally. Policymakers should not mistakenly believe that English-monolingualism will lead to a more equal South African society, if this means not first improving English proficiency and increasing the rate of mother tongue education.

South Africa has a de facto national language policy of English-monolingualism in the public domain, low levels of individual multilingualism among certain language groups, and is struggling to create multilingual universities and manage local tensions over institutional language policies. I thought I would explain these problems by discovering an ideological rejection of the premises of the subsidiarity principle, or, at the very least, policies that advocate for English-monolingualism.

However, I found that the South African Constitution and various national language policy documents embrace the basic tenets of the subsidiarity principle (even more than Belgium when it comes to language policy and planning). I also found that the Constitution and national and institutional language policies do not promote the current de facto English-monolingualism situation, and in fact, promote the exact opposite. South Africa's situation is not as a result of a fundamental opposition to the core values of the subsidiarity principle or because of English-monolingual language policies, but because of an entrenched culture of failure to implement existing frameworks and language policy documents, or as Alexander (2012:1) puts it: "a slip between the cup of policy and the lip of implementation".

According to Van der Merwe (2014:223), a progressive Constitution means little if it is not respected, and the same can be said for any other progressive document or policy. South Africa's failure at the implementation level has been adequately noted in the LPHE, a policy document which calls for action that would increase the observation of the subsidiarity principle at South African universities. Although it is possible that the LPHE might suffer the same fate of non-implementation, it is a positive sign for the future of multilingualism in South Africa that policy documents recognise the importance of minority language planning, mother tongue education, and multilingual policies, and that they envision a governmental structure

between the DBE, the DHET, the central government and universities that would adhere to the subsidiarity principle, particularly of the positive kind.

7.4 Significance of the study

I believe this dissertation represents original research in its attempt to thoroughly investigate, by way of two case-studies, the principle of subsidiarity in relation to language policy and planning. I have investigated South Africa's national governmental structures, and national language policy documents, and studied the utilisation of the subsidiarity principle in LPP at Belgian and South African universities. This dissertation provides a model for comparative studies of multilingual countries in terms of the use and application of the subsidiarity principle in language policy and planning. In this study I have shown the differences in language policy and planning between Belgium and South Africa, and highlighted the areas where both countries do and do not observe the subsidiarity principle. I have illustrated that the subsidiarity principle is very relevant to language policy and planning on a national level and at universities, and could prove to be a valuable heuristic tool in establishing multilingualism in South Africa.

7.5 Recommendations on further research

There are many possibilities for further research on the topic of subsidiarity in LPP in multilingual countries. Similar comparative studies could be undertaken between any bilingual or multilingual countries and the practices at their respective universities, in order to inform the debate regarding the promotion of multilingualism. Additionally, future research could thoroughly investigate the link between subsidiarity in governance and LPP, and educational outcomes, ethnolinguistic inequality and multilingual practices. Similarly, questions regarding educational success and socio-economic inequality in the context of anglicised universities could be answered.

There is still room for a comprehensive investigation of South Africa's governmental structures and institutions in terms of subsidiarity. It could also prove to be fruitful to investigate individual South African universities and their adherence to the subsidiarity principle in general administration and management, looking specifically at governance hierarchies (consisting of councils, committees, Rectorates and student representative councils). Individual universities could also be investigated in terms of their language policy and planning implementation, specifically against the backdrop of the subsidiarity principle.

I initially planned to do interviews with Rectors, Vice-Rectors and language department heads for this dissertation, and gauge their perspective on matters related to the formulation and implementation of institutional language policies, government aid in terms of efforts to promote multilingualism, university autonomy in terms of general administration and management and so forth. The current study has, however, grown to such an extent that such interviews need to be postponed for future research (perhaps as part of a PhD). I believe a comprehensive audit of attitudes at South African universities could provide a clearer picture of the de facto situation of LPP, as well as of degrees of adherence with both positive and negative subsidiarity.

The census 2021 data could also be used for an updated look at the linguistic territorial make-up of South Africa, as urbanisation will most likely increase the linguistic diversity in some provinces, and decrease it in others. It might also be able to provide insights into the anglicisation of South African society, and aid universities in planning to serve their local population. If eventually accepted into law, the draft Language Policy for Higher Education framework could be further analysed, and so too its implementation at individual South African universities in terms of the subsidiarity principle.

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