

88. Phillipson, Robert and Skutnabb-Kangas, Tove (2012). Getting language rights right. A response to Makoni. *Journal of Multicultural Discourses* 7:1, 29-35.

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The Makoni abstract is promising in that it sets out lucidly the challenge for scholars from Africa in the area of language and human rights. Makoni writes as though such scholars have made a substantial effort to engage with language rights (LRs) issues, but the bibliography suggests otherwise. The titles referred to indicate that African scholars are engaging with *human* rights (HRs) issues and with approaches to the identities and status of African languages and their speakers, but seldom with *language* rights *per se* or with the interface between language policy and language rights. Makoni does not define his central concepts, HRs or LRs (or many other concepts that he uses, echo-systems, minorities, indigenous, etc). There is no evidence of profound knowledge of either field. His study fails to define and build on the considerable volume of scholarship on *linguistic human rights* (LHRs) worldwide, i.e. those LRs that many lawyers – see, e.g. Eide 2010, de Varennes 1996, Dunbar 2001, Henrard 2000, 2010, Thornberry 1991a, b, 1997, 2002, Thornberry and Gibbons 1997 - and LHRs-oriented sociolinguists and educationalists see as such basic LRs that they have to be treated as parts of the HRs regime. For LHRs, see the wide range of contributions to Skutnabb-Kangas and Phillipson 1994, Phillipson 2000, Kontra et al 1999, Skutnabb-Kangas 2000. Nor does Makoni mention efforts by international bodies such as UNESCO (2003), the United Nations Permanent Forum on Indigenous Issues (Skutnabb-Kangas and Dunbar 2010), or ACALAN, the African Union-funded African Academy of Languages (2009) to promote an LHRs agenda, especially in formal education.

Likewise, when Makoni presents and criticises “powerful NGOs” and “advocates of LRs”, he fails to name any. This prevents the reader from validating any of his claims. He presents dozens of claims with absolutely no evidence or references (e.g. about what African and other minority groups “feel” and “think” about LRs and HRs discourses), and draws conclusions about causality where there are none. It is easy to construct strawpeople of one’s liking (or, here, disliking) and then to try and dismantle them. In fact, many of his constructive “critical” points are shared by most LHRs advocates that we know. In addition, Makoni often seems to attribute subtractive and destructive *either/or theorizing* to his strawpeople: either individual or group rights, either language X or language Y, either negative or positive rights, either a community emic perspective or an outsider perspective, either economic market benefits or traditional identities, either the past or the future, languages as either “external entities” or social constructs, rights granted either to languages or to people, “situating rights talk in a context of communicative resources” or in “macro-sociological contexts”, “emic views about LR” or “universalistic legal frameworks, etc., instead of an *additive both/and/and theorizing* that in fact most LHRs scholars use.

By announcing in the Prolegomena that John Edwards is his principal source of inspiration, Makoni clearly pitches his camp in the sceptical field of scholarship that fundamentally is more concerned with monolingual state formation than the maintenance of diversity. It is also ironic that Makoni places such faith in this Western scholar and in one Western variant of theoretical linguistics, integrationism, when one of his declared aims in this article is to extricate African scholarship from Western understandings and dependence.

Makoni rightly stresses the complexity of multilingualism, but invalidly assumes, in pursuance of his mission to “disinvent” languages, that plurilingualism can be studied as though languages are

not an existential reality that people can identify and identify with. This is scholarly obfuscation that fails to do justice to grassroots reality and the fact that, as Makoni rightly states, languages are social realities. It is intellectual escapism to claim that the “the notion of language evaporates” and that multilingual complexity cannot be addressed; this is exactly what he is trying to undertake in his study. Makoni’s approach is internally inconsistent: he claims that languages are fictions of the researcher’s imagination, but in his more empirically oriented section he goes on to name languages. He uses the linguistic self-ascription of African groups both internally within some southern African states and the names of the languages of Zimbabwean immigrants to South Africa. He therefore accepts their existence, just as he acknowledges correctly that human rights documents are concerned with protecting the rights of (the speakers of) the languages of some minorities. He is also right in appreciating that human rights principles are concerned with modifying the ill effects of the market economy, as many distinguished human rights lawyers such as Katarina Tomaševski have explained in depth (she was the former UN Special Rapporteur on the right to education, see the websites of several right-to-education bodies). On what globalisation means for language policy, see Skutnabb-Kangas and Phillipson 2010.

Makoni states that his analytical framework draws on specific approaches to language by linguists. This is a dangerously narrow scholarly foundation. A multidisciplinary approach is needed, drawing on law, economics, policy studies, social psychology, sociology, political science, critical theory, and education (as in the many contributions to the works referred to in our opening paragraph), if justice is to be done to the issues. The analysis of LRs has to be not only anchored in sociolinguistics and discourse study but also in international and national human rights law, and in the historical and present-day implementation measures of governments and institutions at all levels of social policy. LHRs are especially needed wherever Indigenous peoples and minority language groups experience that their languages and cultures are excluded from state education and in official dealings (“minority” for us means national autochthonous minorities AND immigrant and refugee minorities). This is precisely why it is significant that constructive LHRs implementation can be demonstrated as having succeeded in many contexts worldwide, including Africa (see the detailed exemplification of action to implement the right to education in the mother tongues in, e.g. Ethiopia, Burkina Faso, India, Nepal, Peru, the Indigenous Saami, and in/with other countries/peoples in Skutnabb-Kangas and Heugh 2011, Skutnabb-Kangas et al 2009). These success stories are a direct result of pursuing an LHRs approach, generally together with the peoples/groups concerned, often on their initiative.

‘Results’ are presented early in Makoni’s article, which is itself a puzzling way to structure an exploratory epistemological study. The single paragraph that Makoni devotes to how *human rights* are construed in discourse in Africa makes valid points but is tantalisingly brief. There is no exploration or exemplification of what language rights actually are, who or what has or does not have LRs, or of what duty holders there might be. The important distinction between *language* rights (which can be specified in a company, a university, an international organization, etc.) and the more specific linguistic *human* rights (universal rights) is left unexplored and unexplained.

When Makoni moves on to *discourses of LRs*, he no longer cites concepts in African languages – which he did in the previous section – but points out that essential terms, *minority*, *indigenous*, and *community* can and are used and understood differently by different groups. These terms are a notorious conceptual minefield, hence the need for definitions of them if they are to be of service to marginalised groups or peoples and to duty-holders. Makoni makes no attempt to clarify the

concepts, but merely makes the banal point that usage varies. There is the same brevity of coverage in relation to other questions raised in subheadings, with no empirical evidence adduced. Makoni draws the obvious conclusion, citing Edwards, that language activism is demanding. Yes of course, but there are success stories worldwide when activism (by local beneficiaries often together with academics and lawyers) has linked up effectively with policy-makers; when rigorous concept formulation leads to locally appropriate enactment of language legislation; and when duty-holders implement LRs that are in fact LHRs. Much can be gained by familiarity with scholarship that documents experience in comparable contexts to Africa, for instance in India and Nepal, where there is also fluidity of language boundaries, but where diversity is increasingly recognized (see many of the contributions to Mohanty et al. 2009). Makoni, defying empirical evidence, is depressively negative when concluding baldly that African scholars and communities have little use currently for HRs and LRs. Clearly there are massive “social problems”, political and economic ones too, in virtually all African countries, but this does not invalidate the need for locally valid change in the direction of improved LHRs, quite the opposite.

Makoni’s coverage of human rights trajectories fluctuates between conceptual muddle (it is, just to take one example, incorrect to classify the various UN declarations as conferring either positive or negative rights) and selective exemplification. It is well known that bi- or multilinguals who use a language other than their mother tongue in their professional lives can develop high-level competence in this language, which a narrow definition of the mother tongue fails to capture (see the definitions and dimensions elaborated in Skutnabb-Kangas 2000, Skutnabb-Kangas & Dunbar 2010; and Singh 1998 on the pitfalls of false generalisations in this area). Mufwene’s rhetorical question is an irrelevance without further specification of context. Makoni seems to assume that native speaker standards are invariable, which is simply false. He reverts to the complex question of mother tongue identification later in the article, citing relevant Indian research, but his reflections merely underline the need for any implementation of LRs to maximally respect local perceptions and needs, rather than inadequate linguistically-based criteria.

All HRs instruments assign LRs to *individuals*, e.g. the UN Convention on the Rights of the *Child* of 1989), some to communities,(e.g. the Council of Europe’s 1995 Framework Convention for the Protection of National *Minorities*, or UNO’s 2007 (non-binding) Declaration on the Rights of Indigenous *Peoples* (UNDRIP), and very few to *languages*, e.g. the Council of Europe’s 1995 European Charter for Regional or Minority *Languages*, which specifies that its principles relate to the *language* identified by a state rather than to its users. Makoni’s example of migrants from Zimbabwe not being able to exercise any right to use their language(s) merely confirms the fact that international HRs law *assigns* no LRs to migrants. A few non-legally-binding recommendations by the European Union encourage its member states to assist migrant communities to retain their languages, but such pronouncements confer no rights or obligations.

Makoni makes the indefensible claim that “in international discourses, African and Arab are polar opposites”. Is Makoni unaware that countries north of the Sahara are African AND Arab? Gaddafi was a key funder of the African Union and its one-time president. And what evidence is there for a claim that language rights activists (which he never takes the trouble to identify, just as NGOs are roundly denounced without ever being named or evidence cited) “can radically transform the identities of the very same people whose identities they seek to promote”? Makoni casually claims that the loss of human languages is of no importance to humanity or the group concerned. His short coupling of language endangerment and ecological discourses shows astonishing ignorance of ecolinguistics, and he totally ignores the evidence in the extensive literature on the topic (see, for

instance www.terralingua.org, Fill and Mühlhäusler 2001, Harmon and Loh 2004, 2010, Maffi 2001, 2005, Maffi and Woodley 2010, Mühlhäusler 2003, Harmon and Loh 2004, 2010, Phillipson and Skutnabb-Kangas in press, Skutnabb-Kangas 2011).

Suddenly Makoni's discourse shifts midway in the article into a paragraph that summarizes how the article is structured, information that one would have expected initially.

The consideration of rights as individual or collective, a central issue in *human rights* conceptualisations, is of no major relevance in relation to *language* rights since these always presuppose social interaction. Even the famous "minorities" provision in Article 27 of the centrally important 1966 United Nations' International Covenant on Civil and Political Rights, repeated in the UN Convention on the Rights of a Child as Article 30, with the addition of "indigenous" and "she", acknowledges this:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, *in community with other members of his or her own group*, to enjoy his or her own culture, to profess and practice his or her own religion, *or to use his or her own language* (emphases added).

Makoni states categorically that mother-tongue based education cannot change social hierarchies and may reinforce them. Undoubtedly changing hierarchies based on class, ethnicity or "tribe" entails more than basic education, but what good mother-tongue based multilingual education (as now officially embraced by the African Union and the African Academy of Languages) can achieve is that formerly marginalized groups can benefit from education in ways that they had no chance of achieving earlier. The continuation of colonial hierarchies of language in education, and the current thrust of English-medium education from year one in many parts of sub-Saharan Africa, is deeply harmful for the vast majority of children, as substantial research evidence proves. It conforms to one of the five definitions of genocide in the UN Convention on the Prevention and Punishment of the Crime of Genocide (<http://www.hrweb.org/legal/genocide.html>), namely Article II(b): "Causing serious bodily *or mental* harm to members of the group" (emphasis added – see Skutnabb-Kangas & Dunbar 2010). The evidence of language shift, and of changing hierarchies of language that Makoni summarizes briefly, without exploring how language interlocks with various types of power (which any consideration of the presence or absence of linguistic imperialism requires, Phillipson 2009) in no way contradicts the case for LHRs. On the contrary it reinforces Makoni's own plea for bottom-up localized sensitivity.

Makoni's biased approach to the relevant literature comes through yet again in his consideration of intra-linguistic variation and LHRs. He cites Wee with approval, but not the three scholars who responded to misrepresentation of their work by Wee, including serious consideration of intra-linguistic variation issues (Skutnabb-Kangas, Kontra and Phillipson 2006).

Makoni's coverage of LR as instruments of social change reiterates his earlier faith that languages are a fiction and therefore any efforts to support people with reference to language will be ineffective. This is not only extraordinarily defeatist but simply false. What would have been more relevant is to state what has been achieved and what ought to be aimed at in future. Makoni is right in stressing that citizenship is important for social and political integration, with language as one among several variables (and his discussion here is perceptive), but he misunderstands linguistic

citizenship as meaning state citizenship. A central focus on citizenship does not advance the cause of LHRs.

In conclusion Makoni makes a number of valid points about the difficulty of relating universal human rights principles to grassroots realities. Some of his examples about the complexities of the relationship between languages and ethnicities in parts of Africa are illuminating. He suggests that African scholars may feel obliged to conform to external normative principles that are in conflict with local realities. While it is true that squaring the circle of universally propounded principles with local complexity is a genuine challenge, Makoni seems to imply that the academic freedom and ethical integrity of African scholars is at risk. Since academic freedom has been substantially constrained by the forces of neoliberalism in recent years, with scholarship increasingly seen as subordinate to an exclusively economic rationale, and knowledge as a commodity, any evidence of and by scholars who are committed to promoting human rights, and among them LRs, not maintaining their academic freedom is disturbing. University autonomy and academic freedom for the individual scholar are of paramount importance. They need to be cherished and guarded scrupulously, in Africa as elsewhere.

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