

Focusing on education through multilingual language policy in South African schools

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Abstract

Even though multilingual education has been in existence for a long time, the new era has brought another contestation around this educational substitute. Multilingual education which is often realized through multilingual language policy seems to be the best way to prepare future generations to participate in constructing democratic societies in and intercultural world. South Africa is no exception to this development. The language policy and governance in the schooling system of South Africa cannot be seen in isolation from that of the rest of the African continent and the world. This article disinters the extent to which the bodies responsible for the governing of schools in South Africa can formulate and implement language policies that serve the demographic language interest of societies that they serve. This article contextualizes the rights-based approach through fostering a deeper understanding of how different participants and role players in the education system can form the links between rights and participation with a view to bringing about change in language policy formulation and implementation in schools.

Keywords: governance, education, multilingual, language policy, rights-based approach

Introduction

Global economic interdependence, intercultural communication, inequality and linguistic diversity have become harsh realities of today's world and exert some pressures on our educational systems. Discussing responsibilities of school governing bodies (SGBs) in the formulation of multilingual policy currently in the country's history is somewhat like trying to rebuild a ship while it is in full sail. However, against the backdrop of the developments that have taken and are still taking place in the educational sphere and the instability in the schooling system in South Africa regarding the language policy and its implementation, there seems to be a need for further debate on this issue. Through the South African Schools Act (SASA) parents, teachers and learner at high schools were given the right to form SGBs and to make policies on issues such as language and school fees amongst other. Bodies of research on the issue of policy implementation have seen this matter becoming a subject of debate (Lennon & Corbett 2003). In the past, education in South Africa was severely affected by discriminatory policies. However, the promulgation of the Constitution of South Africa, Act 108 of 1996, brought about a legal revolution in the country. Currie and De Waal (2005) maintain that the Constitution introduced several fundamental changes, among which is the right to education without discrimination. It is for this reason that the role of the SGBs is raised within the framework of governance.

The Constitution committed the nation to a set of values and principles that were the very opposite of the apartheid order. The new order was aimed at creating an open and democratic society based on human dignity, equality and freedom. The democratization of school governance and the policy issue have been discussed at length by scholars such as Grant Lewis and Naidoo (2006), Christie (2006), Sayed and Soudien (2005) and Woolman and Fleisch (2008). In this article, the role of SGBs in the formulation and implementation of language policy within the framework of the rights-based approach is explored. The arguments put forward concern SGBs as playing an integral role in improving the situation in schools (Ranson 2008) because SGBs form part of governance.

Based on this background, this article contextualizes the rights-based approach through fostering a deeper understanding of how different participants and role players in the SGBs frame the links between rights and participation with a view to bringing about change in language policy formulation and implementation.

Method

Since this article focuses on the extent to which the bodies responsible for the governing of schools in South Africa can formulate and implement language policies that serve the demographic language interest of societies that they serve, the information has been collected from published sources. These include amongst other things, the Constitution of South Africa, Language in Education Act, the South African School's Act and other relevant sources that are deemed helpful to the discussion. This approach is suitable for gaining an understanding of the situation of multilingual language policy in education in South Africa. Therefore, a qualitative research method (Malin et al., 2020) was used "to explore teachers why the exclusion of some learners from certain school based on their language." Of particular interest, was the alternative approach to a just education system that does not discriminate on the basis of language.

Comprehending language policy in education

Understanding the language policy in education is one of the important aspects that the SGBs should know to discharge their role of formulating and implementing the multilingual policy of the school in which they operate. Most importantly and in the light of the democratic dispensation, they also must take into consideration South Africa's language diversity, hence multilingual policy should be at the center stage. The SGBs must formulate a language policy that recognises South Africa's cultural diversity which is a valuable national asset and it is for this reason that this discussion focusses on the formulation and implementation of a multilingual policy by the SGBs.

Multilingual policy advocates that the learning of more than one language should be general practice and principle in South Africa's society. The SGBs are there to ensure that multilingual policy in the schools where they operate becomes a defining characteristic of South Africa's language diversity. More so, when formulating the language policy of the school, the SGBs should ensure that it counters any particularistic ethnic chauvinism and division based on language.

The understanding of language policy in this discussion should be linked with the objectives of education in empowering the nation through language. Language policy can be understood as course of action to determine the language(s) that should be used in a country. This is done by establishing the right of individuals as far as language is concerned and by cultivating language skills that are needed to meet the key priorities of the country. Tupas (2009) regards language policy as part of social development, and he is of the view that we should consider "the social needs of communities and only then see whether there is a role for language in helping to satisfy those needs." Thus, language policy has a social developmental role as a model used to measure the appropriateness of its intervention in a community.

Language policy not only concerns itself with the specific embodiment of rules in laws or constitutions but is also deeply rooted in cultural practices. It is about rules and regulations that govern the status and the use of language and the rights of speakers to use a particular language of their choice. In education, language policy plays a crucial role, as it is at the heart of measuring the success of learners in the education system of a country. Spolsky (2005) regards language policy "as the deliberate attempt to change an individual's or community's use of a language or languages or language variety or varieties." This attempt is sometimes swayed by some who hope to suppress other language groups, hence the focus on the multilingual policy by the SGBs in order to curb exclusion based on language background.

Multilingual policy for schools and its implications

Multilingual policy should be viewed as an endeavor that offers unsurpassed possibilities for preparing coming generations to participate in creating just and democratic South Africa. It should take into consideration all languages in the South African environment and recognizing that these languages are situated in social spaces and contexts of the country. The SGB as a policy formulation body should consider the multilingual ethos that drives the process of policy formulation. "The multilingual ethos advocates for the acceptance and recognition of linguistic diversity to ensure social cohesion and avoid the disintegration of societies," Ouane (2009). It considers the interlinking of languages within multilingual individuals in multilingual communities and across social domains. Therefore, schools become hubs for the complementariness of languages and heteroglossia across the communities where they exist. Put differently, in schools surrounded by multilingual communities, language ownership or fixed language boundaries cannot be claimed by a particular group other than the stakeholders of those schools.

The multilingual policy is at the centre stage in view of the ethnolinguistic diversity and inequality, intercultural communication and contact which are acknowledged realities of today and therefore exert pressure on policy formulation by the SGBs of schools. Multilingual policy has, as its implications the use and valuing of more than one language in teaching and learning. It also considers the intercultural linkage in that it should recognize and value

understanding and dialogue across different cultural backgrounds from which learners are coming. These factors cannot be overemphasized as the guiding principles to the SGBs in the formulation and implementation of a multilingual policy.

The role of the School Governing Bodies in language policy formulation

South African legislation has granted more powers to the SGBs. According to Clase *et al.* (2007), these powers give SGBs the capacity to establish the overall character and ethos of public schools. The SGBs have the role to decide on the language of policy of the school. The language policy decided upon by the SGBs must promote multilingualism in the school as required by the South African Constitution and the education language policy, hence the focus on the multilingual policy. The role of the SGBs should be understood in the light of governance as they form part of the school governance. Governance and school governance must be clarified by studying different interpretations thereof. Maile (2002) and Ngidi (2004) regard school governance as “an act of determining policy and rules by which schools are to be organized.” According to Kuye and Kakumba (2008), governance refers to “the way power and resources are applied towards the realization of objectives.” This does not preclude the formulation and implementation of the school language policy, which falls within the functions of the SGB. Thus, school governance entails the use of power in a manner that respects human rights while promoting democracy and accountability in the school environment.

The focus on the SGBs in terms of the formulation of a multilingual policy of a school stems from the fact that the SGBs are statutory bodies. This is a school governing body of the school which has been established in terms of the South African Schools Act. As a statutory body, it has a mandate of setting policies including multilingual policies that govern the schools and also to monitor the implementation of those policies. The mandate of the formulation of the multilingual policy comes from a number of stakeholders which include the learners, parents and teaching staff of the school community.

The SGBs have so many roles or function which include but not limited to the following: formulation of the admission policy, language policy, code of conduct, adoption of the school constitution, school development, mission statement, property administration and the appointment of educators. For the sake of this discussion, the role of the SGBs in the formulation of the language policy and especially the multilingual policy of the school is the central focus. However, the formulation and the implementation of a multilingual policy is unproblematically achieved and without any challenges.

The challenges on the formulation and the implementation of multilingual policy

Generally, problems with language policy “arise when policy initiatives, whether guided by local governments or development agencies, are designed to change an education system,” Honna and Takeshita (2005). Driving the point closer to home, although SGBs remain responsible for the formulating of the language policy, some members serving in these structures may have insufficient knowledge, experience and skills to perform the expected governance functions (Botha 2006) because they have limited academic skills and experience as a result of low literacy levels.

However, “some SGBs are not functioning properly because they lack the necessary skills and are unsure about their roles and responsibilities,” Bayat, Louw & Rena (2014). Some members of SGBs have not been equipped with the knowledge and skills to deal with language policy matters. This makes it difficult for them to dispatch their duties with less or no loopholes since they are using their limited expertise on language policy matters.

The allocation of powers to SGBs in terms of South African legislation is indicative of empowerment of the public in matters of education. Even though independence may be welcomed as recognizing the involvement of the broader community, Roos (2003) cautions that “it could lead to the implementation of policies that do not comply with legal requirements.” Considering that SGB members, most of whom have “no legal training, are expected to draft rules that conform to intricate legal requirements, their independence may leave the decision as to the legality of rules to courts,” Probyn, *et al.* (2002). This includes the formulation of language policies that seem not to take into consideration the demographics of the community surrounding the school. The latter is confirmed by Clase *et al.* (2007), who observes that “courts are increasingly frequently being asked to settle disputes between the department of education and SGBs.”

Even though the decentralization of power to the SGBs was expected to increase democratic participation in the governance of schools, this has not necessarily always been the case. It has emerged from a number of court cases that, in some instances, this process is used by some to the detriment of others. It has not been easy for some parents to steer participation in the direction of changing the status quo: reasons include inadequate knowledge of legislation; feeling inhibited by the presence of knowledgeable educators; and perceiving their role as simply rubber-stamping what others have already decided upon (Heystek 2006, Mestry 2006 & Mncube 2009). This has led to a mismatch between the dream and reality, as Probyn *et al.* (2002:2) put it. This could be ascribed to SGBs in former

white schools generally having more human and social capital – more specifically, high levels of literacy and professional competencies, and motivation (Woolman & Fleisch 2008, Mncube 2009).

As Beckmann and Prinsloo (2009) observe, “although the governing body has no original power to act on its own outside the provisions of SASA, it has original power to perform its functions in terms of SASA.” It becomes incumbent on SGBs to ensure that, when deciding on the language policy of a school, the principles that govern the rights of individuals are adhered to. Challenges also arise often when the SGBs act on an unknown motive in formulating a language policy that goes against the core values of social cohesion and nation building which are the building blocks of a democratic South Africa. Research points on “language ideologies as an analytical framework to make sense of the parallels between the past and the present language regimes in policy and practice, and the implications of these regimes for the unequal distribution of linguistic power,” (Blackledge and Pavlenko, 2002; Makoni and Pennycook, 2007). Consequently, without understanding the language ideologies that inform multilingual policy formulation and implementation thereof, it will be difficult to promote full linguistic repertoires and cultural diversity that reflect the values of social cohesion in South African schools.

The rights-based approach in governance

The past few years have seen a growing trend in discussion regarding the participatory approach in new democracies. This article endeavors to establish a theoretical framework for studying the application of the rights-based approach to governance by SGBs. The rights-based approach forms part of governance and suggests that the holders of rights should be able to participate fully in deciding how their rights should be fulfilled. Their involvement in such an approach includes participation and greater empowerment. The rights-based approach integrates concepts and experiences from the areas of human rights and participatory development into programmes. The issue of the rights-based approach is raised against the backdrop of a society that is grappling with exclusion from activities that form the basis of human development such as education. To scholars such as Eyben (2003), “the basis of such an approach in human rights legislation makes it distinctively different from others.”

The SGB as a structure of governance may be held responsible for drawing a language policy that do not take into consideration the language rights of stakeholders of the school. It is for that reason that governance forms part of the expected practices of the SGBs. Although decisions on language policies of schools are to be taken by SGBs in a system of education that entails “centrally determined goals, priorities and frameworks for accountability,” (Caldwell & Spinks, quoted by Mestry 2006), SGBs are nevertheless put under the pressure of public accountability (Ngidi, 2004) because they operate in public schools, and the public should demand accountability for decisions that appear not to be in the best interest of the school and the community in which the school is situated.

This could leave these members vulnerable to accepting decisions that are not reflective of their true opinions. This could also lead to the formulation and implementation of a language policy that does not reflect the demographics of learners in the areas surrounding a particular school. In this way, the SGBs would exercise the powers that they have in terms of SASA in a manner that does not advance the principles of a rights-based approach. Van Wyk (2004) cautions that implementing and using these powers without proper training could render the SGBs worthless.

Principles of the rights-based approach

The principles of the rights-based approach are central to governance and in bringing about change in representation and the decentralization of power in the school system. The SGBs have become an integral part of governance in the new education system of South Africa. It has become important, therefore, to examine the research framework that informs governance to interpret the policy formulation and its implementation by schools. The decentralization of power as it relates to policy represents the paradigmatic changes in real-life events and the reality of politics that have often been overestimated, and the over-enthusiastic thesis of governance by private actors replacing the government altogether has rightly been discarded (Davies 2002).

“The principles of the rights-based approach emphasize the democratic governance of schools, which is centrally concerned with the distribution of powers,” Maile (2002). This should be done through the active involvement of all role-players, which relates to the emergence of wider issues of democracy and participation. The following figure illustrates the principles of rights-based approach as the interconnection of elements that interprets to the full acknowledgement of human rights by the SGBs.

The rights-based approach is distinguished by the principles illustrated in the figure above which represent respect for human rights and democratic values. These principles are discussed in the light of bringing a different approach to the SGBs who, when discharging their duties of formulating and implementing a multilingual policy, should consider. The principles of the rights-based approach are crucial in ensuring that the rights of individuals, especially in education, are not tampered with. These principles reflect how democracy should be embraced in

governance by those with the powers to ensure that the rights of individuals, especially in language matters as enshrined in the Constitution are respected and protected.

Fig. 1: Principles of the Rights-Based Approach



The principles of the rights-based approach should be seen to embody the following:

i) Accountability

This element should be regarded by the SGBs as the obligation to explain their decisions and actions to the stakeholders of the school regarding the formulation of a multilingual policy that will reflect the demographics of the school community. They must remember that their actions have an impact on the rights of constituency of the school and this is an intrinsic feature of the human rights approach. Whilst it is incumbent of the SGBs to decide on the mechanisms of accountability which are most appropriate in language matters, it is important that these mechanisms are accessible, transparent, and effective.

Accountability will provide the stakeholders of the school an opportunity to understand how the SGBs have succeeded or failed to formulate a multilingual policy as part of their obligation, and it also gives them the opportunity to explain their conduct. Accountability, an important but rather new principle in the realm of school governance, includes democratic control over administration and the right to legal protection. It implies that “the SGBs can be called upon to explain their policy-decisions, evaluate the impact of new rules and decisions and take responsibility for their actions,” De La Harpe *et al.* (2008). The importance of accountability is highlighted by Maile (2002), indicating that “it enhances partnerships and balances the power between partners.” In support, Ngidi (2004) shows that “accountability contributes to active involvement and efficiency,” whilst Fareed and Waghid (2005) emphasize that “it curtails the misuse of power by acting as a deterrent as it discourages irresponsible representation.”

ii. Universality

Universality is that which distinguishes human rights from other acquired rights such as contractual rights. Language right is a basic human right and is inalienable in that it cannot be taken away from a person or voluntarily given up. The emphasis on this principle is that the SGBs should remember that when formulating a multilingual policy of a school, they are actually affirming the universality of human rights and at the same time adhering to the quality of being true and appropriate. This stems from the fact that education is a commodity that should be shared by all for the benefit of a country. It is not there to benefit only a certain section of the population but to empower and change the country’s force for the good.

Universality disputes the idea of a distinction between members and non-members of a group as this creates division and can be a recipe for antagonism. It ensures universal morality wherein all individuals are treated in the same way regardless of their race, culture and language orientation. A multilingual policy that is formulated by the SGBs based on this principle will ensure the conception that every learner in the school benefits in terms of their language as part of their legitimate claim for the defined freedom.

iii. Indivisibility

Indivisibility would generally refer to the major categories of human rights such as political rights, social and cultural rights and language rights being part of the basic human rights. These rights are fundamentally complementary and equally important. Indivisible rights should be considered fundamentally the same and without grounds for distinction, or as constituting inseparable parts of a complete form. The SGBs should realize that any attempt to privilege one set of rights over another can lead to the dislocation of their balance in their chosen positions and could compromise their effectiveness.

The principle of indivisibility confirms that language rights and human rights including the other categories of rights are equally important and possess no hierarchical distinction. The formulation of a multilingual policy by the SGBs ensures that the language rights of learners are instituted instantaneously, and this could lead to the realization of their full potential in society. This principle emphasizes that rights are indivisible and should be taken holistically.

iv. Participation

Participation ensures that stakeholders and those affected participate in the process. This principle emphasizes the importance of ensuring active and informed participation by the stakeholders in support of the SGBs in the formulation, implementation of a language policy that addresses the language needs of the school community. It brings light to the fact that participation is valuable not just as an inclusion, but also as a basic human right that should be realized for what it is.

Participation makes attempts to change the situation of excluding people in decision making especially about issues that affect them profoundly. Four stages of participation may be distinguished but for the benefit of this discussion, policy choice is the relevant stage. Policy choice is the stage at which policies are formulated and decisions are taken regarding the allocation of resources in fulfilment of a particular right. By the same token, the SGBs as part of school governance should ensure that stakeholders participate fully in the formulation of a multilingual policy of the school. It should be emphasized also that effective participation by the stakeholders is important in order to overcome the complications that stakeholders have been sidelined in the process.

V. The rule of law

This principle is derived from the internationally acceptable standards that rule of law is the legal principle determining that the law should govern the nation. This is opposed to the situation of people being governed by arbitrary decisions that seem to undermine the rule of law. This principle emphasizes that rights must be protected by both strong legislations and an independent judicial system to ensure that the law is fair and is applied to all and equally.

According to this principle, the SGBs are regarded as the agents of the school and the department of education and lawmakers in that they decide on the future of the language of the learners. They should restrict the arbitrary exercise of power when formulating language policy by subordinating it to well-defined and established laws.

vi. Non-discrimination and equality

The principles of non-discrimination and equality are among the most fundamental elements of international human rights law. Since most common discriminatory practices deny those who do not have the voice access to fundamental services and human rights such as the rights, education and justice, this principle highlights the importance of non-discriminatory practices and equality in democracies. According to this principle, rights apply to all individuals and people must be protected from unjust and prejudicial treatment.

Non-discrimination and equality and non-discrimination in language matters in schools require that the SGBs take special measures to forbid discriminatory language policies and to provide policies with equal and effective protection against discrimination based on language. The emphasis on this principle is that everyone is entitled to all the rights without distinction of any kind, such as race and language.

vii. Interdependence and interrelatedness

This principle emphasizes that all human rights are closely interrelated and interdependent and affect one another. It helps in linking the root causes of problems to the symptoms of the problem especially in cases where the formulation of language policies seems to be against the fundamental values of coexistence and social cohesion. However, cooperative and collaborative efforts in the formulation of multilingual policies by the SGBs would be possible where there is a shared common goal on language policy matters which is dependent on the participation of all stakeholders.

Whilst success at school may seem to concern mainly educational, economic and social rights, the human rights framework points that the enjoyment of these rights may be crucially dependent on the enjoyment of language rights. The right to language affects the right to education. This principle dissipates the misconception that educational and language rights are indulgences relevant only to relatively affluent sectors of societies.

The principles of the rights-based approach are consonant with the principles entrenched in the Constitution, which must be considered when developing policies, and especially school language policies.

The rights-based approach and its implications on the language policies of schools

The rights-based approach seeks to emphasize the democratic governance of schools, especially regarding the formulation of multilingual policies. The distribution of powers through the active involvement of all role-players is at the center of ensuring that everyone's voice is heard in the formulation of the language policy of a school. The active involvement of all role-players in the formulation and implementation of school language policies places emphasis on school governance, and SGBs. The principles of the rights-based approach give rise to a new framework built on elements such as accountability, universality and participation, which, according to Maile (2002), "strengthen the position of school managers and enable them to share educational power instead of losing it." This becomes an important element of governance, since the democratization of schooling will be tenuous and remain nothing more than "policy rhetoric if all governance functions are not equally accessible and practiced in schools," Karlsson (2002).

However, as Mabasa and Themane (2002) and Mabovula (2009) indicate, "democratic school governance is inhibited by many underlying factors." These factors include the fact that parental participation is beset with problems (Singh, Mbokodi & Msila 2004); to this Roos (2003) adds the "uncertainties which silence the voice of community partners in school matters." Disregard for the principles of the rights-based approach on the formulation and implementation of school language policy could result in a loosening of the management grip on certain schools, which could then have a negative effect on the entire school system. Clase *et al.* (2007) add a word of caution about "the lack of cooperation between educational role-players, as this could seriously threaten the functioning of the entire education process."

There have been differing views on whether SGBs are indeed representative and whether decisions taken are in the interests of the broader community. Mncube (2009) reports that "SGB members often accept decisions taken by principals as they are afraid of being suspected of betrayal, and therefore pretend to be involved in decisions," including those relating to language policymaking. Findings by Xaba (2004) indicate that some principals dominate decision-making, while Probyn *et al.* (2002) found that "in implementing policies some SGBs succumb to political pressure rather than conforming to statutory functions." These are clear indications of the performance by SGBs of functions that are not guided by the principles underpinning the rights-based approach.

Although SASA provides for the representation of all major stakeholders in SGBs and in language policymaking, important role-players could be excluded. This could undermine the principle of democracy, can be seen as divisive, and could lead to the formulation of a language policy that favors only a section of the population of the school. On this issue, Mabovula (2009) maintains that "a key principle of school governance is the basing of decisions on consultation, collaboration, cooperation, mutual trust and the participation of all affected parties."

Conclusion

The article has several implications regarding the formulation and implementation of a multilingual language policy by the SGBs. In this article it is argued that the anticipated change in representation and decentralization of power in the school system has been realized largely through the establishment of SGBs in South Africa. It has become evident also that in terms of SASA, SGBs should act fully within their legislative mandate to regulate the language policy at their respective schools autonomously, and this must occur within the ambit of the Constitution, as well as relevant legislation. In this article the role of the SGBs has been examined within the framework of governance. This idea is based on the premise that school governance is not only about managing schools, but also about removing barriers to equal educational opportunities for all learners such as language policies that seem to undermine the language rights of learners. It has emerged that some of the challenges regarding the formulation and

the implementation of a school language policy can be minimized through the empowerment of SGBs with the necessary skills to discharge their legislative and social responsibilities.

It has been emphasized, through the principles of the rights-based approach, that the right to development constitutes a human right because every person is entitled to participate in and contribute to all spheres of life, including education, in which all human rights and fundamental choices can be fully realized. This idea has been raised since the process has been seen to have been dominated by certain individuals within SGBs who, in an attempt to undermine the democratic values, set by the Constitution, ensure that the formulation of a school language policy disadvantages others. Good governance can be realized through consultation, participation and action plans that involve all role-players. This is what the principles of the rights-based approach encourages to reduce the possibility of court cases that might bring the education system of the country into disrepute.

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