

When the Court Does Not Speak Your Language Linguistic Imperialism in Africa: Case of Senegal

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Abstract

French has been proclaimed Senegal's "official" language, where 20% of the population speaks it. In their day-to-day life, the Senegalese use their twenty national languages to communicate, among which there are *Wolof* (employed by more than 90% of the population), *Pulaar* (by 27%) and *Séeréer* (by 17%). This produces the urgent question of why a colonial, foreign and minority language continues to be the sole authorized language in official government and jurisdictional communication. This article applies Bourdieu's theory on the fabrication of the "official" language to the Senegalese context. More than a communication tool, language is an instrument of symbolic domination. This

article highlights how such an instrument of domination has been maintained after Senegal's independence. More importantly, it will demonstrate the disastrous effects of the linguistic status quo regarding the fairness of trials. This paper presents contestations and alternative citizens' initiatives concerned with the redefinition of Senegal's language policy.

Introduction

Senegal boasts around twenty languages. This figure is not precise due both to the various criteria used to classify languages (in groups and sub-groups) and the definition of ethnicity in studies.¹ Each language corresponds to an ethnic group, except Pulaar, which is common to the Tukulóor, Pël and Lawbe groups. The territorialization of languages is not marked in Senegal. "All languages are spoken in almost all regions."² Intense interethnic mixing, the strong territorial mobility and the close origins of the different Senegalese languages are some of the leading causes. The Lexar, Saafeen, Noon languages share 75% of common roots, whereas Pulaar and Séeréer share 37%.³ Studies have confirmed the cohabitation of Wolof, Pulaar and Séeréer in Tekruur (10th century), in Waalo and Jolof (13th - 14th centuries).⁴

Next to the common origins, there are two features of the Senegalese linguistic situation: polyglotism and the predominance of Wolof. In 2002, 38.5% of Senegalese used at least two languages of communication.⁵ The number of Wolof speakers is more than double the number of members of the Wolof ethnic group.⁶ This figure increases by 22% every generation.⁷ More than 90% speak Wolof fluently.⁸ Since

the decree of the 24th of July (1968) on the transcription of national languages, reviewed by the decree of the 21st of May (1971), Senegal codified and homologated Wolof and the five main languages: Joolaa, Mändi , Pulaar, Sééréer, Soninke. Currently, they all have the status of “national language”, which they have been sharing since the adoption of the Constitution of January 2001, with “any other language that may be codified.”⁹ There are now twenty-two languages that share this status.

This dynamism of the Senegalese languages, their mixing and nascent recognition should not make us forget another fact recalled earlier in the Constitution: “French is the official language of Senegal.” This provision is supported by Article 28 of the Constitution: “All candidates for the presidency of the Republic must ... know how to read, write and speak fluently the official language.” Imposed by colonial oppression, French was spoken by 10 to 15% of the population when instituted as an official language of the Senegalese during the accession to independence in 1960.¹⁰ Today, despite French being the medium of education, government communications, administration and the courts, it is still a minority language, understood by about 20% of Senegalese. Therefore, one unavoidable question arises: why is French the “official”, “legitimate”, “the only” language of Senegal, even though it is only understood by a minority, and where the population, in daily life, predominantly use their national languages, like *Wolof* (employed by more than 90%), *Pulaar* (used by 26.7%) or *Sééréer* (by 12.7%), to communicate?¹¹

One should begin to grasp this paradox of the Senegalese language policy by considering the main objective of a language, as Pierre Bourdieu did. “Language merely functions as a pure instrument of communication.... It is the place of symbolic power relations,

where different speakers or their groups are battling.”¹² In Senegal, French as an “official” language has led to its fabrication as an artifact, an instrument of prestige and authority. This article analyzes the mechanisms of this fabrication, “legitimation” and “naturalization”, by going back to its origins. It then looks at the undersides of the confirmation of French as Senegal’s “official” language, as well as its disastrous consequences, particularly in terms of fair trial. Finally, it presents the original, and now growing, resistances to the imposition of French in Senegal, and the ongoing strategies of emancipation.

The fabrication of the “official” language in Senegal

*The domination of a people’s language by the languages of the colonizing nations was crucial to the domination of the mental universe of the colonized. (Wa Thiong’o, 1986)*¹³

The presence of French in Senegal goes back to 1659, with the installation of the first trading post on the island of Ndar, renamed Saint-Louis of Senegal. Until the end of the 18th century, the French traded from the coast. In a second move, they established strong trade relations in the country’s interior by claiming land concessions.¹⁴ From 1838, a more offensive policy of armed conquest emerged. *Faidherbe* alone killed 20,000 Senegalese within eight months.¹⁵ However, the domination was far from totalizing, as the acts of resistance were multiple: intense armed struggles, frequent popular uprisings, refusal to pay taxes, refusal to be enrolled in the colonial army, and school absenteeism.¹⁶

As elsewhere, the defeat of adversaries and the concentration of opportunities for domination is accompanied by a social transformation.¹⁷ In Europe, the former warriors

became the aristocracy of the courts, where they manufactured “good manners”, which became the means to pursue rivalry. Language is an integral part of this arsenal of “good manners” or “civilization”. In Germany, German, called by Frederik II of Prussia “a half-barbaric language,” was banned from the courts in favor of French. “Nothing is more vulgar than writing letters in German,” wrote Gottsched’s fiancée to her fiancé in 1730.¹⁸ This way of labeling others’ languages as “barbaric” or “vulgar” is characteristic of this mechanism of domination. “In the same way, the ancestors of “civilization”, namely “politeness” and “civility”, served as a basis for the predominance of the court aristocracy.”¹⁹ Moreover, the conflicts between the foreign language and the Senegalese languages are conflicts for the symbolic power “having at stake the *formation* and the *re-formation* of mental structures.”²⁰ French is proclaimed, by Abbé Grégoire, as “a new national language, conscious of its identity.”²¹ In Senegal, it was erected as “an element of fusion of African races and languages,” which were belittled as “different, disparate, inadmissible.”²²

After the war of arms, the school took over to impose French. The intransigence of the colonial oppression on sending young Senegalese to their school, from a very young age, is justified by its need to uproot all those who, because of their royal origins, could compromise its interests in the future. In appointing King Alboury’s son, Chaudié, governor of the French West Africa, stated: “This young man is nineteen to twenty years old; he was raised under our surveillance at the *École des Otages*.”²³ In 1928, a decree reminded teachers who missioned to “naturally incline pupils to see and feel things in the same way”²⁴ that French was the only language authorized in schools. The use of national “idioms” and “dialects” during class or recess was formally banned.²⁵ Apart from

the reward and sanction (grading) mechanism entrusted to the teachers, learning French was considered a rite, a consecration. To be a student was to speak French, and to have the privilege of doing so. The student who spoke French badly was humiliated, with a dunce’s cap. Inversely, the student increases his chances of success in the new colonial economy.

The confirmation of French as the “official” language of Senegal and its effects in the legal field

*The influence of language is so important that the European metropolises think that they can withdraw from Africa politically, in an apparent way, while remaining there, in a real way, in the economic, spiritual and cultural field. (Diop, 1960)*²⁶

Like other countries in so-called “Francophone” Africa, Senegal is one of the few states in the world to have exclusively retained the imperialist language as its “official” language. This attitude is to be studied in the light of the predisposition of its new ruling class, symbolized by Léopold Sédar Senghor. Senghor was entrusted to missionaries at an early age. Teacher of French, linguist, and member of the French Assembly in 1945, he was reluctant to accept independence, which he considered premature.²⁷ Nevertheless, he was the president of Senegal from 1960 to 1980, with France as a model. As a founding member of the Francophonie and future member of the French Academy, Senghor considered it “neither desirable nor possible to replace French as the official language and language of instruction.”²⁸ Accusing the defenders of national languages of being “irresponsible romantics,”²⁹ Senghor took refuge behind the pretext of the Senegalese plurilingualism, once asking “By which language do you want

French to be replaced?”³⁰, while simultaneously questioning the maturity of national languages. “... How, when there is not even a good grammar in *Wolof*, to teach modern sciences and succeed where languages written for thousands of years still fail?”³¹

Behind Senghor, a certain elite that owes its prestige and power to French continues to defend, with the funds and pressures of the Francophonie, a “language of culture”, “international”, “universal.”³² Meanwhile, Senegalese educated in national languages or in the 6040 Koranic schools have their training unrecognized by the state.³³ In the labor market, their prospects are limited to the informal sector. In addition, 80% of the population must content themselves with laconic translations from the press to understand official government or administrative communications. In court, they see the imposition of French undermining their right to a fair trial. Article 255 of the 1965 Code of Criminal Procedure, like the Article 92 of the recent 2016 Code, states:

*“An interpreter must be called in if the accused does not speak or understand French. When the accused or witnesses do not understand French, a “sworn interpreter is called in; or an interpreter, aged of at least 21, appointed ex officio and made to swear an oath by the president.”*³⁴

Even when the judges transgress the law and speak in a national language—which can happen—it remains that the indictments, pleadings and judgments must be in French.

In a courtroom, an interpreter is required for two speakers who could have spoken and understood each other without the intermediation of French. Not only is this costly, in terms of money and time, but it contradicts common sense. Furthermore, the Senegalese law seems to give more attention to the use of French

than to the comprehension of the litigant. From its perspective, it is better to call upon an improvised interpreter, whose command of the language is not guaranteed, who may have no command of legal technicalities, and who may be unaware of the context of the case, than to let the court and the litigant talk in a national language that both understand perfectly. Interpretation, which is normally an exception, becomes the principle in the case of Senegal, where as many as 80% of citizens do not understand the language used to judge them. Even if French was only used for the indictments, pleadings and judgments, the issue is still critical. “Fairness requires effective communication between litigants and between litigants and the court. Mutual comprehension is not merely instrumentally related to the pursuit of a fair trial; it in part constitutes fairness.”³⁵

Finally, the axiom of any legal system is that no one is supposed to ignore the law. In Senegal, this conscience of the law comes up against a double barrier: technical and linguistic. Jurists are trying to create a specialized language, with its own forms and with new meaning to ordinary words. This new language is already alienating for the layman.³⁶ Their situation worsens when the legal word is spoken in a foreign language with an obscure form of French.³⁷ Citizens find themselves disconnected from the law, turning away from state justice, deemed opaque, and resorting more naturally to customary institutions.³⁸ This partly explains why only 53% of Senegalese trust their justice system.³⁹

Contestations and surpassing of French in Senegal

The dangers associated with the imposition of an “official” minority language were perceived early by citizens, who tried to counter them in various ways. Even today, some people refuse to enroll their children in French schools,

forbidding them from pronouncing a single French word.

A cultural resistance, a vector of a dense literary production in the national languages, cannot be undermined. It is due both to individuals, often organized in associations, and to religious and intellectual figures who escaped the influences of colonial oppression. The poets of the various religious brotherhoods first recalled the equal dignity of languages. Under the pen of Serigne Moussa Ka, one learns: “*Béppub lakk rafet na / Buy tudd ci jaam ngor la / Buy leeral ci nit xel ma.*” “Any language is beautiful / Which glorifies virtue / And enlightens humans.”⁴⁰ Following them, in 1958, Cheikh Anta Diop and the students of the Grenoble Group, with their syllabary *Ijjib Wolof*, opened the way to numerous initiatives, including publication of newspapers, creation of publishing houses, translation of classics of African and world literature, and the writing of dictionaries and scientific works in national languages. This activism is behind the first decrees recognizing national languages, their experimental introduction into the education system after the 1981 education Estates General (preceded by months of violent protestations). In 2014, national languages became authorized in the national Parliament, after the organization of the first Arabic baccalaureate in 2013.

In the legal field, in 1963, the Constitution was translated into Wolof. To date, the Wolof ak Xamle Group, with 3,000 members on WhatsApp, is translating fundamental legal texts. They are also developing a simultaneous translation app that will be made available to the government, Google and Facebook.⁴¹ In parallel, legal clinics are beginning to flourish. They are trying to reduce the gap between legal texts, language and citizens. As salutary as they are, these initiatives have not yet shaken up practices in the courts, where citizens remain “dispossessed” even though their interests,

their fate, are at stake. “Interpreters have been hired to work in the courts since 1997 and court interpreter training was started very recently, in 2014.... In the words of a judge working at the Palais de justice in Dakar: the *procès criminels* treat the harder cases and thus demand a more solemn attitude, which necessitates speaking...French.”⁴²

Conclusion

Language as a natural reality does not exist. The dominant groups, concomitantly with their success in monopolizing the chances of success, favor the “officialization” of the language they master. This situation did not change when Senegal regained its independence. Nevertheless, the failures in the education system, the demystification of French, and the rise of popular demands forced the Senegalese state, which had been wait-and-see in its relationship with national languages, to make room for them.⁴³ These concessions have been symbolic, in contradiction with the social reality. Some authors have spoken of a “Senegalese school without a society.”⁴⁴ The obstacles to implementing a Senegalese linguistic policy have so far been political. This status quo is beginning to shift; the balance of the social forces is increasingly in favor of national languages, thanks to the growing awareness of the perverse effects of the imposed French. In Senegalese courts, one is silenced when they do not speak French. The parties that do not take the initiative to redefine linguistic policy will find themselves forced to address it. With all due respect to the caste of the last intellectuals who go to the rendezvous of the Universal, looking away, and leaving behind them, with no voice, their own population.

Endnotes

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