Language in Education Policy:

A Comparative Critical Policy Analysis of South Africa and South Sudan

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Abstract

Policies that determine the language of instruction in schools, including the implementation and outcomes of such policies, are often fraught with historical, social, cultural, political and economic complexities. These contentions are found, both in the design and the implementation of such policies. The purpose of this analysis was to explicate the inherent disputations found in the language in education policies (LIEP) of South Africa and South Sudan, by comparing and contrasting their LIEPs. Perhaps more importantly, this investigation sought to answer a fundamental question of the role of LIEPs, in transforming inequitable educational systems that marginalize some students and their communities. This critical policy analysis was conceptualized based on text-context theory and the three-dimensional theory of justice. The discussion of the analysis was based on complex adaptive systems theory and the theory of critical practice approach to policy. The first research question sought to answer how the policies were positioned with regards to the multilingual societies of these countries, and what they instructed schools to do, in terms of language of instruction. Next, the paper focused on how these policies were implemented and the outcomes that followed. It was found that despite the differences in the design and intentions of the policies in both countries, the implementation of the policies faced similar challenges and had similar (often negative) outcomes. The discussion based on the findings, focus on understanding educational systems as historically charged, inequitable, complex adaptive systems. As such, this analysis interrogates the utility of LIEPs as a tool in transforming inequitable educational systems.

Keywords: language in education policies, education, South Africa, South Sudan
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“Policies, successful and unsuccessful, are ultimately epic poems or stories, with problems to be solved, heroic agents, participants, false starts and dead ends, and with endings, at times happy and at times, tragic” (Luke, 2009, p. 374)

The persistent conundrums that involve policies as transformational tools are powerfully highlighted by this quote. Likewise, Language in Education Policies (LIEPs) are no exception to this phenomena. LIEPs, like other national policies are introduced by countries to regulate and control human, economic, cultural and social capital. As such, the outcomes of these policies impact economic, cultural and social spheres (Luke, 2003). For example, how countries formulate voting rights stratifies human capital, in terms of who is worthy of citizenship and who is not. Voting rights in the United States prior to 1965, experimented with many forms of voting processes that effectively disenfranchised African American’s and other minorities. Consequently, the notion of citizenship was closely tied to economic capital, both in terms of Whiteness that claimed to be the ‘ultimate property’ and others as property that is owned (Harris, 1993, p. 1721).

Similarly, national language policies, including LIEPs have been a source of contention and have engendered grievances in minoritized communities within nation states such as, India, Sri Lanka, Ireland and Croatia among others (Laitin, 2000). Therefore, these policies warrant careful scrutiny, considering their strong impact on societies in terms of decisions regarding lingua franca, national status and access to various forms of capital (Paulston, 1994).

Furthermore, as nations redefine their borders, language related controversies emerge between nations as well. The language debacle in Crimea is a good example of this. Since its
annexation into Russia in 2014, primary schools in Crimea were (supposedly) banned from teaching Ukrainian, despite over 10% of Crimean’s considering Ukrainian their first language.

Defining the Functions of Policies

In order to understand how policy impacts society, the purpose of policy must be examined. While some would argue that the purpose of policy is regulative (Luke, 2003), others would argue that policy plays an educative role (Ball, 2010). Human (1998) described the attributes of policies as ‘precise and detailed statements, explicitly stated goals with clear indications as to how these goals are to be achieved’ (p. 150). Conversely, others argue that policies do not follow a linear process that bring desired outcomes, rather that they are often controversial, additive, filtered, resisted, layered, unstable, complex, recurring, and ideologically manipulable (Ball, 2006; Elmore, 1996; McNeely, 1995; Rizvi & Lingard, 2010; Tollefson, 2002). Therefore, it is not surprising that the implementation of these policies would be equally or more complex, even when a policy is written in a precise and detailed manner.

Ball (2006) and Tollefson (2002) remarked that policies are written, and talked about with a sense of obviousness, sensibility and presumptuous common sense, as if no alternate realities exist. Despite this presumed obviousness, McNeely (1995) stated that the outcomes expected by a policy rarely materializes in practice in the way it envisions, while others, such as Hill and Hupe (2006) noted that the outcomes may even be contradictory to what the policy intended. Furthermore, texts such as policies are never neutral, as they are written to shape the world in terms of ideological interests that impact communities (Ball, 2006; Luke & Woods, 2009). Particularly, in terms of language policies, Johnson (2013), stated that ‘administrators draw upon dominant discourses, and their own idiosyncratic beliefs to interpret and appropriate policy language, which can both restrict and facilitate multilingualism in schools’ (p. 286). While
I believe the purposes of policy could be multifaceted, for the purpose of this paper, I am particularly interested in the view that positions policy as a tool, which transforms inequitable educational systems (Keogh, 1999). This paper uses a critical policy analysis approach to explore the impact of LIEPs, based on policy designs/descriptions, together with their implementation and outcomes (Tollefson, 2002). Critical policy analysis allows for in depth understandings based on who benefits, and who does not, by the ways that policy is designed, described, framed and implemented. Particularly, with regards to how they support or weaken the values of democracy and social justice (Monkman & Hoffman 2013; Rizvi & Lingard, 2010; Tollefson, 2002). Furthermore, while this paper is an analysis of language policy, it also seeks to introduce a systems lens in order to understand the mechanisms of instilling change that foregrounds equity and social justice.

The Impact of LIEPs

The importance of LIEPs cannot be overstated, as civil society and its functions (i.e., human relationships, agency and action) are dependent upon access to information, knowledge, text and other forms of discourse that are inextricably connected to language (Luke, 2005, p.xx). Although, there may be considerable discrepancies between what a LIEP prescribes, and what is implemented, its impact on society cannot be underestimated. This impact is acutely felt when language policies are inequitable. For example, in 1999, Abdulla Ocalan a leader of the Kurdish rebels stated that restrictions placed on the Kurdish language by the Turkish government was the primary motivating factor for the war against Turkey (Laitin, 2000). Although not all language grievances lead to conflict (Laitin, 2000), the deleterious effects of language based inequities can be experienced in many spheres of a nation. Particularly, if language is an ethnic marker of a
groups identity, these inequities then determine their access to various forms of capital (Tollefson, 2002).

LIEPs not only regulate the language used in teaching and learning, but also determine what type of knowledge is valued. For example, using English as a medium of instruction espouses a western Eurocentric knowledge system, which is essentially positivistic (Breidlid, 2013). Often this stands in stark contrast to other indigenous ways of knowing, such as spirituality or belief in ancestors. Historically, western hegemonic influences posited indigenous knowledge systems that are closely tied to language in those contexts as lesser knowledge systems. For example, Mesina (2000) explored how language shaped knowledge systems, in terms of how people made meaning of the world around them. The term *Ubuntu* is an African philosophical stance used in conflict resolution, which encompasses both spiritual and material elements of human existence that is not easily translatable into English. Therefore, LIEPs are pervasive in that, through appropriating the language of use, it influences both education and civil society (Johnson, 2013; Luke, 2002; Taylor, 2004). The use of language, and its impact on knowledge systems valued in schools have important consequences. As such, Breidlid (2013), observed that in the global south, the language of instruction was “fundamentally problematic” (p. 3). Here, teachers were forced to use languages (mostly colonial) that neither they, nor their students were adept at using. Further, he noticed that children struggled to understand the content not only because of the language barrier, but also because the content was not located in contexts that took their own cultures and world views into account.

**Structure of the Analysis**

Based on the impact of LIEPs discussed so far, three questions frame this paper. The first question focuses on what the LIEPs dictate. It queries the content of the LIEPs in South Sudan
and South Africa. I am particularly interested in examining how LIEPs position themselves in multilingual societies; both in terms of ideologies they ascribe to, and the demands that they place on school systems in fulfilling these envisioned outcomes. The second question, explores how these policies are implemented, and their outcomes in terms of providing equitable opportunities to all learners. Based on the analysis of the first two questions, the third question investigates the utility of current LIEPs in terms of transforming language practices in school systems in terms of equity. This question based on utility is framed squarely on understanding the historicity of the contexts in which these policies are enacted (Ball, 1997).

The LIEPs of South Africa and South Sudan were utilized for this analysis. This policy analysis was unique, in that it compared each country’s LIEPs and practices within its own policies such as Education Acts and Constitutions, while concurrently comparing policies and practices between two countries. The two countries were selected based on, one that signed and ratified the Convention of the Rights of the Child 1990 (South Africa), and one that did not (South Sudan). The significance of selecting the countries based on this Convention is that Article 30 of the Convention of the Rights of the Child (CRC), specifically states “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 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” (emphasis added). It was assumed that the LIEP of South Africa would be more equitable in terms of language rights in comparison to South Sudan. This assumption is warranted, particularly because ratification is a treaty agreement that carries a legal obligation, which requires states to bear the responsibility and the consequences for noncompliance (McNeeley, 1995). As such, while South Africa is obligated to
abide by the precepts of the CRC in terms of protecting language rights, South Sudan has no such obligation.

The comparison was not only predicated upon the CRC. While the commitment to the CRC is fundamental in terms of language rights, these countries were comparable based on other criteria. First, both countries have relatively new Constitutions and new LIEPs. South Sudan became the world’s newest country in 2011, following its cessation from Sudan. South Africa experienced its first multi-racial elections in 1994, permanently dismantling the apartheid. Second, according to Ethnologue, they are comparable in terms of the number of living languages spoken within the country (South Africa 44 languages and South Sudan 68). Additionally, both countries were colonized, and were exposed to many discriminatory LIEPs during that time (Hammond, 2013; Webb, 2002). Furthermore, both countries experienced civil conflicts. South Africa’s conflict took the form an anti-apartheid movement within its borders, while South Sudan’s civil engendered cessation from Sudan. Finally, both countries report similar problems in education, such as untrained teachers, overcrowded classrooms, poor achievement levels, high drop-out rates, limited access to education, and importantly the marginalization of some groups (Hammond, 2013; Posel & Casale, 2011; Spronk, 2014; Webb, 2002). For instance, Van der Berg (2007) noted that South African schools perform at lower levels than most African countries, despite having greater resources, less acute poverty, and more educated parents. Similarly, the government of South Sudan, struggles with numerous educational challenges that are typical of countries recovering from conflict’s such as, overcrowded classrooms, lack of trained teachers and resources (Hammond, 2013; Laguarda & Woodward, 2013; Spronk, 2014).
This analysis was organized in two parts. The first part focused on how the policy documents were positioned in these linguistically diverse nations in terms of its vision and dictates. The second part focused on analyzing the policy in terms of how it was implemented and the outcomes induced by the implementation. Overall, this approach to understanding policy enabled a closer exploration of the LIEPs. Particularly, in terms of the historical complexity of school systems in which they are enacted, and their impact on the lives of people living through the conditions mediated by the policy.

**Conceptual Framework**

Ball (2010), argued that if we are to address persistent inequalities in education through policy, then school is the wrong place to reform, particularly in isolation from other parts of the society. While I agree with Ball that policy must consider the wider system, I also assert that along with considering the wider system, one must also understand the education system as a complex adaptive system in and of itself (Burrello, Lashley & Beaty, 2001). Further, I argue that this understanding must be framed within a critical practice approach to policy, with an emphasis on historicity (King-Thorius & Maxcy, 2015). Therefore, using these frameworks to guide my thinking, I take a closer look at the conditions that exist within the educational system.

Drawing from complexity science, which holds that education systems are unpredictable and disorderly, I focus primarily on the historical nonlinearity of complex adaptive systems. According to Burrello et al., (2001), these systems are characterized as, ‘systems that interact multidirectionaly and mutually’ (p.36). Here, the predictability of outcomes is uncertain as agents and organizational structures within the system mediate the outcomes. Similarly, the framework of a critical practice approach to policy acknowledges that policies are never enacted in neutral educational environments. In fact, this theory acknowledges that policies are enacted
in existing inequitable socio-cultural and historical contexts (Ball, 2006; Luke, 2011; Paulston, 1994). Thus, they are dependent upon multiple actors and their ways of understanding and appropriating the policy (Levinson, Sutton & Winstead, 2009). I argue that this appropriation would depend on the historical significance of language and LIEPs. It is expected that this framework would help move conversations regarding policy beyond the fidelity of implementation, to the conditions that enable or constrain implementation in how agents creatively interpret (and appropriate) policy in terms of local use (Ball, 2006; Johnson, 2011; Levinson & Sutton, 2001; King-Thorius & Maxcy, 2015). This framework may help explain why, even when policies have clear directives and objectives that are equitable, the outcomes may be unexpected and unintended, in terms of equity (Johnson, 2013).

**Analysis of Policy Documents**

The purpose of the textual analysis is to understand how the LIEPs were positioned with regards to the multilingual societies of these countries, and what they instructed schools to do in terms of language of instruction. Furthermore, taking a closer look at the policy documents, helps highlight the rationale of the policy, and the outcomes it envisions. The texts (lexical choices) used in policy documents are a reflection of how countries position themselves in terms of values and beliefs with regards to their constituents and the international community. I was interested in both the linguistic features of the text, and also the social contexts in which they were situated (Taylor, 2004). In explaining policy as text, Ball (2006) noted that the ‘physical text.... does not arrive out of the blue’ and that it has ‘interpretational and representational history’ attached to it (p. 11).

Therefore, in order to understand these nuances, the text-context theory introduced by Van Dijk (2002) was utilized. This theory is situated within the framework of critical discourse
analysis (CDA). In explaining his theory, Van Dijk (2002) claimed that analysis of text is context bound. Thus, it is influenced by scholarly aims, research questions and the text's relevance to the research. Since CDA is primarily a methodology, it is important that I justify my rationale in using this within my conceptual framework as a tool for analysis. Discourse theory gained traction as a post constructivist theory; a theory that questioned the meaning of texts, particularly the symbolic texts of institutional bureaucracies (Luke, 1997). This theory allowed for ways to study political texts, such as policies, in terms of their key words, statements, including their historical, political, social and cultural contexts (Luke, 1997). Luke and Woods (2009) noted that in terms of critical literacy, text-analytic approach ‘attempts to attend to the ideological and hegemonic functions of texts’ (p.15). Thus, it is not unusual for scholars who use discourse theory to use CDA as a mode of analyzing texts critically (Hyatt, 2013; Johnson, 2011; Luke, 1995; Taylor, 2004). As Taylor (2004), noted ‘it is the combination of linguistic analysis with social analysis, which makes CDA a particularly useful tool for policy analysis in comparison to other approaches’ (p. 436).

Discourse as conceptualized in this framework, follows Gee’s (2004) description of big ‘D’ discourse, where the use of language is closely tied to a person’s identity as it frames and shapes their social worlds in meaningful ways. Gee and Green (1998) claimed that Discourses are ‘inherently ideological’ and they are ‘resistant to internal criticism and scrutiny’ (p.161). As such, this methodology aligns well with my first research question that explicitly interrogates the content of the LIEPs. For instance, The Transitional Constitution of South Sudan (2011), declares all its indigenous languages as national languages (Section 6(1)). This statement is immediately followed by declaring that English shall be the official working language as well as the language of instruction at all levels of education (Section 6(2)). In this instance, the
significance of being declared a national language is dubious, considering English is given preferential status.

**Evaluating Policy Implementations and Outcomes**

In addition to the critical discourse analysis of the policy texts, I evaluate the implementation and outcomes of the LIEPs in both countries. This analysis is framed drawing from two main tenets of policy analysis suggested by Patton, Sawicki and Clark (2013). First, the tenet of defining the problem is specifically situated in the historical context of the problem. Second, the implementation of the policy is evaluated. The criteria used for evaluating implementation and outcomes of the policy are based upon Nancy Fraser’s (2009) three-dimensional theory of justice. As such, this construct holds that justice must allow everyone to participate as equals in social life by ‘dismantling institutional structures that impede participation of some groups of people’ (p.17). The three-dimensional theory of justice claims that social injustice has three dimensions. They include, (a) distributive justice (economic dimension of justice), which concerns the marginalization of people by impeding access to economic capital, (b) recognitive justice (cultural dimension of justice), which impedes participation, by creating hierarchies based on status that does not provide recognition and a sense of belonging to some groups; and (c) political or representative justice, which concerns the States jurisdiction and decision-rules (political processes) by which it may wrongly exclude people’s participation (Fraser, 2009). Fraser (2009) argued that representative injustice is the most egregious form of injustice, as it not only violates the rights of some groups, but also cuts off their ability to access distributive and recognitive justice. In this sense, this analysis is particularly interested in this form of injustice that may be caused by LIEPs, as a tool which is used in political processes by national governments.
With regards to understanding how LIEPs perpetuate inequities in terms of social justice within the three-dimensional theory, Luke (2013) posed three critical questions based on critical literacy in terms of how the LIEP creates obstacles. The first question is, whose life pathways will be affected (included and excluded) by the LIEP in terms of distributive justice? In terms of recognition justice, he asked how government policies, including LIEP can be coordinated to afford equal status to language. In other words, does the LIEP of these countries award equal status (recognition justice) to all languages and their users, or does it privilege some languages over others? Finally, in terms of representative justice, his question focused on which social groups are categorically sidelined by the LIEP (Luke, 2013).

Method

Textual Analysis of Documents

I specifically situated the textual analysis of these policy documents, within Van Dijk’s (2002) text-context theory, which is informed by critical discourse analysis (CDA). According to text-context theory, text is analyzed first according to topics or macrostructures/macro-propositions that convey the global meaning of texts. They highlight the orientation of the text (Van Dijk, 2002). Importantly, Van Dijk (2002) highlighted that these topics cannot be obtained directly from the texts, but need to be inferred using titles, headlines, summaries or anything in the texts that emphasize global meaning. Thus, these topics are able to extract the overall ideas conveyed by texts. Understanding local meanings of words and phrases is the second step of analysis suggested by the theory. This step focused on the meanings of words, structure of propositions, coherence, implicit and indirect meanings of words, word choices and, most importantly, anything that indicates the presence of marginalization of groups (Van Dijk, 2002; Taylor, 2004).
Interpreting official texts or ‘statements of policy’ is important to understand how policies are framed and ‘how they shape reality’ both in terms of what is stated explicitly and what is not (Monkman and Hoffman, 2013, p. 68). For the purpose of this paper, selected extracts from the policies and Constitutions were analyzed. This analysis was useful in interpreting both the explicit and implicit information available in texts as situated within their contexts. For example, while South Africa’s LIEP was explicit about elevating the status of all African languages (Section 5(3)), it only granted 11 languages official status. This may be problematic in a country that has over 40 living languages. Thus, the textual interpretation of “all” needs to be carefully considered within South Africa’s language context.

The textual analysis of the policies were not comprehensive, rather they were intended to highlight the big ideas (Taylor, 2004). Therefore, only the first two steps of text-context theory was utilized. The method of coding data was conducted systematically (See Appendix). The policy documents analyzed using this method included, the Constitution of South Africa (1996), the South Africa Schools Act (1996), the Language in Education Policy of South Africa (1997), the Transitional Constitution South Sudan (2011), and the General Education Bill of South Sudan (2012). The official policy documents were obtained from the respective government websites and by contacting the justice departments of these countries.

By using text-context theory within the CDA framework (Van Dijk, 2002), I was able to identify seven main topics across the documents. They included, acknowledgement of past injustices and discrimination; the purpose of education; equity in education; prescriptions for language learning in schools; classification of languages; roles of the National government, state and the Ministry / department of education; a general rights agenda. Addressing all these areas were beyond the scope of this analysis. Thus, the topics were merged and prioritized under three
categories in order to provide an overview of what the policies contained. They included (a) how the nation was portrayed/positioned in terms of its multilingual society; (b) prominence given to redressing language discriminations of the past; and (c) the dictates of the policies.

**Implementation and Outcomes**

This analysis was based on the basic analysis model put forward by Patton, Sawicki and Clark (2013). They divided the policy analysis process into six steps. This analysis focused primarily on two of the six steps, verify, detail and define problem and evaluate the implemented policy. For this evaluation, I sought to define the problems based on historicity. Thus, I created a category named ‘historical position of groups’ and subdivided it into past and present. This process was repeated for subsequent categories such as location and length of the problem (Patton, Sawicki & Clarke, 2013). Then, I created three categories which included distributive, recongnitive and representational justice (Fraser, 2006, 2009). The references were saved on Endnote, under these categories. The literature used for this analysis constituted a systematic search of peer reviewed articles. ERIC, JSTOR, Taylor & Francis and Google Scholar were searched using a combination of key terms that included “language in education policy”, “Language”, “South Africa”, “South Sudan” and “Education”.

**Warranting Findings**

In order to warrant the claims I make in terms of CDA, I used Wood and Kroger’s (2000) criteria of trustworthiness and soundness. First, the orderliness and documentation processes of policies were systematic, as described in the methods section of the appendix. Specifically, in terms of soundness, demonstration was used (showing vs. telling), where the process and logic of how and why I conducted the analysis in particular ways is briefly explained before asserting my claims. These claims are then supported using examples that are grounded in the texts. Similarly,
warranting my claims for the findings based upon the implementation was framed within the three-dimensional theory of justice. The categories analyzed, closely followed Fraser’s (2009) definitions and Luke’s (2003) guiding questions based on critical literacy.

**Analysis**

The findings that were predicated on the methods used in this analysis is exploratory. Thus, these findings do not seek to make firm conclusions. Rather, they seek to highlight quintessential aspects of the LIEPs and the outcomes that ensue upon being enacted. In examining how LIEPs were framed, it is important to understand the Constitutional power given to the LIEP. In South Africa, the LIEP of 1997 is a stand-alone policy, which is guided by both the Constitution of South Africa (1996) and the South African Schools Act (1996). South Sudan on the other hand, does not have a stand-alone LIEP. Instead, the provisions for language in education are enshrined in the Transitional Constitution of South Sudan (2011) and the General Education Act of 2012.

The textual analysis was undertaken by selecting articles/sections and excerpts from the policy documents. The selection process comprised of three steps. First, all the policies and Constitutions were read completely. During the second reading of the entire text, all preambles, and all sections related to language rights and language in education were selected. It was assumed that the preambles would set the overall purpose of the policies, and were fully analyzed. The other sections were selected based on their relevance to language or language in instruction. It must be noted that some sections of the policy documents were omitted. For instance, sections of the policy that stipulated funding, or local governance structures were not considered, since they did not pertain specifically to language. Finally, once the excerpts to be analyzed were selected, the coding process described in the methods section was utilized to
unpack key concepts. Following this process, the findings were divided into five subsections. The first three include, the LIEPs positioning in multilingual societies, redressing past discriminations and dictates that are based on the policies. The next sections, seek to define the problem historically and evaluates the implementation of LIEPs. Overall, the findings highlighted the increasing dominance of English, the poor status of local languages and inequitable access to capital, particularly in historically marginalized groups. These findings were similar in both countries, despite the LIEPs differing in terms of positioning, addressing past grievances and their dictates.

**LIEP Positioning in Multilingual Societies: Linguistic Assimilation vs Linguistic Pluralism**

It was assumed that the preambles to the Constitutions and other policies would explain the rationale of the overall purpose of the policies. Further, it was assumed that the preambles and sections that specifically addressed language would provide a reasonable understanding of how each country set about addressing the multilingual nature of their nations. Therefore, the analysis coded these selected excerpts under a topic named ‘vision’. This topic was further subdivided into assimilation, pluralism and vision unclear. The documents were read carefully, and assigned codes under these categories. The significance of how the countries positioned themselves was seen in terms of how languages were classified. The findings based on this analysis seemed to explicitly position South Africa as a multilingual nation, which promoted diversity as an asset (LIEP 1997, Section 5(3)). South Africa’s Constitution grants official status to 11 major languages (Section 6 (1)), which were formally granted only to English and Afrikaans. South Sudan’s policies prioritized social cohesion and integration (General Education Act, 2012, Section 6(a), 6(b), 7 e), and granted official status to English, while claiming all others as National languages.
This positioning was also evident in how these policies addressed non-official languages. In South Africa, the policies recognize the historically diminished status of indigenous languages and sought to elevate these languages to the level of English and Afrikaans (Pluddemann, 1999). The LIEP (1997) implores local and national governments to promote and develop the use of official languages (Section 5(3)) while ensuring respect for all languages. It is noteworthy that the words *promote* and *develop* are used only in terms of the official languages and the word *respect* is used for all other languages. It could be argued that the government is committed to elevating the standard of its chosen 11 languages, despite that over 40 languages are spoken in South Africa. Nonetheless, this position could be justified considering, 9 of the 11 languages are spoken by at least 98% of the population (Posel & Casale, 2011). South Sudan’s policies showed little to no evidence in terms of elevating the status of native languages.

The LIEP of South Africa, repeatedly positions language as an individual learner’s right (Section 7 (2 (1)), Section (3)). For example, Section 6 clearly states that “the right to choose the language of learning and teaching is vested in the individual”. Furthermore, in the LIEP (1997), the term multilingualism is often used interchangeably with two-way immersion, bilingualism and additive multilingualism (Section 8(2(1)) and 5(2)). Smit (1996), argued that South Africa’s current LIEP functions within a continuum of ideologies. On one end is additive bilingualism that recognizes the superior status of English, while still trying to achieve the goal of sociolinguistic plurality. On the other end of the continuum is the concept of additive, functional multilingualism which holds that all languages are fully functional, thus requires the Mother-Tongue to be the language of instruction (Huegh, 1999; Pluddemann, 1999). Consequently, using these terms interchangeably, creates confusion in terms of how linguistic plurality is conceptualized.
South Sudan’s Constitution (2011) is unique, in that it explicitly dictates the language of instruction to be used in schools. This underscores the priority given to the English language over other languages. One reason could be that historically, English was strongly tied to the identity of South Sudan, where English stood as the language of resistance against the predominantly Arabic Sudan (Sharkey, 2012). Furthermore, it could be that South Sudan envisions a nation where its citizens use a common language in order to advance its social cohesion agenda (Power & Simpson, 2011). The Transitional Constitution of South Sudan, (2011) declares all its indigenous languages as national languages (Section 6(1)), but declares that English shall be the official working language as well as the language of instruction at all levels of education (Section 6(2)). This situation is particularly problematic in a country where the largest 20 linguistic groups form over 90% of the population (Spronk, 2014). Considering the fact that South Sudan is recovering from a devastating civil war with Sudan, and that there is still ongoing armed conflicts within some regions of South Sudan, it is understandable that social cohesion and integration are valued over diversity. For example, the preamble to the Constitution of South Sudan emphasizes national healing, peace, justice, equality, human rights, commitment to the rule of law, and eradication of poverty. However, acknowledgement of the ethnolinguistic diversity of the country is conspicuously absent.

The emphasis on national healing and peace is typical in countries recovering from civil conflicts, where encouraging pluralistic identities may be viewed as ominous, to the solidarity of the nation, and reduce potential for political crisis (Hammond, 2013; Tollefson, 2002). For example, Power and Simpson (2011) claimed that the preference for English is based on it being an ‘ethnically neutral language’ that is ‘universally accepted across South Sudan’ (p. 9). This seeming neutrality of English, is based on the fact that English is not native to any part of the
population, thus is essentially a foreign language. Thus ‘neutrality’ in this sense may be due to English not favoring any particular native language over another. Nonetheless, neutrality and acceptance does not mean that English is equally distributed in the community. In reality these claims obfuscate lived realities of the South Sudanese, where the hegemonic influence of English has deleterious effects, evidenced in South Sudan’s soaring illiteracy rates.

**Redressing Past Discriminations**

Considering the importance of understanding the historical significance of context in which LIEPs are enacted, the textual analysis of the documents were coded specifically based on references made to past discrimination. For example, the topical coding of the text of historical discrimination was further coded under sub categories which included, discriminated groups, discriminatory policies and significance of the historical events in terms of language. Once these categories were created, the analysis proceeded to the next step, which analyzed local meanings of words based on context. Following this process, it was evident that both countries acknowledge, in varying degrees, that their LIEPs have been discriminatory in the past. For Example, South Africa’s General Education Act of 1997, emphasizes the importance of redressing past inequalities in education provision (Section 7.b), while the preamble of the LIEP (1997) states that ‘South Africa has been fraught with tensions…. underpinned by racial and linguistic discrimination’. Parenthetically, South Sudan’s General Education Act of 2012 points out the need to redress past inequalities (just once) with reference to creating access to learning opportunities (Section 7 (b)). There are two important differences between the policies of South Sudan and South Africa in terms of redressing past inequalities. First, South Africa’s firm commitment to redressing past inequalities was evident. This could be seen both in the number of times it is mentioned in the policies and the fact that it is mentioned in all the documents
analyzed. Secondly, South Africa’s acknowledgement of its past injustices refers to the injustices faced by different populations within South Africa, whereas South Sudan positions itself as a victim of discrimination by Sudan. The implications of South Sudan’s positioning of discrimination is important to the current LIEP context. By insinuating that past discrimination was based on Sudan imposing Arabic in South Sudan (Sharkey, 2012), it fails to recognize that the current LIEP and Constitution impose English on its Arabic (and other language) speaking citizens which is essentially discriminatory. Despite a long history of discrimination based on language, it is indeed perplexing that the General Education Act (2012) fails to recognize the importance of language equity and continues to privilege English.

**Dictates of the Policies**

For the purpose of this analysis, it was important to understand what the policies required schools to do, in terms of language in instruction. Thus, I created a topic area named dictates and created three sub categories that focused on what needed to be done, which population was targeted and who was asked to implement the policy. While, the policies were replete with many instructions that required compliance, this analysis selectively focused on what was expected in terms of learning and teaching practices in schools. For example, the sub category of who the instruction targeted was further subdivided into, who is allowed to choose the language of instruction? and under what conditions. The synthesis of this analysis highlights the concept of choice and conditions that delimited choice.

The School Act of South Africa (1996) states that students are to be instructed in their language of choice whenever practicable (Section 3 (a (v)). The LIEP (1997) states that all official languages must be promoted and developed (Section 5 (3)) and the education system is obligated to promote multilingualism (Preamble). Further, it highlights the importance of
maintaining competence in the one's home language (Section 5 (3)). Section 8 of the Schools Act (1996) and Section 29 (2) of the Constitution affirm the right to receive education in any of the official languages. It is noteworthy that the directives use the phrase “language of choice” yet constrain the choice by insisting that it has to be one of the 11 official languages. The choice is further constrained by adding caveats such as “whenever practicable or reasonably practicable” which can be found in both the Schools Act 1996 (Section 3 (a (v)) and (vii)) and the Constitution (Section 29 (2)). It is interesting, that the phrasing of the LIEP does not insist that the home language or mother tongue be used in instruction. Instead, it allows for a language of “choice”. This is peculiar considering that the policy advocates for multilingualism where home language maintenance is imperative. Thus, the use of the word “choice” might indirectly hamper the goal of mother tongue education. Pluddemann (2012) noted that this ‘voluntaristic’ characteristic makes mother tongue education ‘unenforceable’ (p. 11). In fact, 65% of students in South Africa are taught in English, which is the preferred language of choice (Department of Basic Education, 2010).

South Sudan on the other hand, directly requires that citizens know and learn English, clearly elevating its status over indigenous languages. Section 29 (1) and 29 (2) of the Constitution of South Sudan states that ‘education is a right for every citizen… without discrimination of religion, race, ethnicity, health, gender and disability along with ensuring compulsory primary education’. However, language rights are noticeably absent in this statement. The Transitional Constitution of South Sudan (2011) states, “English shall be the official working language in the Republic of South Sudan, as well as the language of instruction at all levels of education (Section 6 (2)). The dictates of the General Education Act (2012) states that English should be the language of instruction as per the Constitution (Section 6 (f)).
Nevertheless, indigenous languages can be used as a medium of instruction in primary grades 1 through 3. English becomes the medium of instruction from grade 4 onwards while the indigenous language becomes a second language taught in school (Section 13 (c-e)). Thus, effectively limiting choice of language instruction in education.

Although, the General Education Act of 2012 is far more equitable that the previous policies of South Sudan, scholars caution against assuming that this change is a reflection of South Sudan’s commitment to language rights. Rather, they attribute these changes to the problems of implementation and resistance in certain communities to enact English only instruction (Hammond, 2013; Spronk, 2014). For instance, Hammond (2013) noted that the Northern region of South Sudan pressured the government to allow Arabic instruction in favor of the returnees from Sudan. She claimed that it is due to such pressures the official policy of Southern Sudan was amended in 2012. However, by insisting that English education should resume after fourth grade, it is clear that the Government is resolute in keeping English as the language of instruction.

Language in Education Policies Terms of Historical Contexts

‘Problems’ Ball (2006) argued ‘must be solved in context’ (p.12). Therefore, this section seeks to understand the context in terms of its historicity. The analysis of this section was conducted by setting up a priori categories that specifically situated all research and other information sources under two categories; the status of education at present and the status of education in the past. It was assumed that by analyzing extant research on the basis of these two categories, it would be easier to draw parallels between the impacts of the past, on present education. The following discussion presents a brief historical synthesis of LIEPs of South Sudan and South Africa.
Historically, the role of language has been complicated in South Sudan. As a part of the then unified Sudan they gained independence from the British colonists in 1956, in the midst of a Civil war that began in 1952. This war between the north (predominantly Muslim Arab dominated government) and the south (non-Arab majority Christian population) continued up until 2005 with intermittent cease-fires. During this period the North vowed to unify the two fractions into a unified Islamic state, which used the Arabic language and enforced Sharia law. Thus, the education policies that followed independence promoted policies of Arabistaion (ta’rib) led by nationalist leaders (Sharkey, 2008, 2012). These policies deprived a large majority in the South, access to education, owing to the fact they did not know the Arabic. The Lingua franca adopted by much of South Sudan during the war was a dialect of Arabic called Juba Arabic. The use of Arabic was contentious, as any form of Arabic was considered oppressive (Hammond, 2013). Therefore, during the war, bush schools conducted by the South Sudan’s People Liberation Army, used English as a medium of instruction. Following the subsequent secession from Sudan, English was declared the medium of instruction in schools. Furthermore, in an attempt to align closely with East Africa, and other logistical reasons such as high enrollment, the government imported curriculum from neighboring East African countries, such as Kenya where English is the language of instruction (Hammond, 2013). Subsequently, all curriculum materials published later by the government of South Sudan were also in English.

Language policy as a part of a socio-political process has the potential to create and maintain social inequality (Johnson, 2013). In South Africa, LIEPs enacted during the apartheid propagated discrimination of social groups (Pluddemann, 1999; Webb, 1999, 2002). Historically, Afrikaans and English enjoyed higher status over native languages. The rise of Afrikaans began in the Eastern Cape in the mid-19th century as a way of separation from
the colonial government, and in the Western Cape as a religious movement to translate the bible for the working class. However, in 1899 the Anglo-Boer war ensued between the Boer who spoke Afrikaans and the British. This war ended in 1902, effectively crushing Boer resistance. Nonetheless, the traction toward providing equal status to Afrikaans was seen in language policy even before Afrikaans was recognized as a real language by the South African government. In 1910 this led to the dual medium and bilingual schools for Whites, but LIEP for the others were left unchanged. Thus the rise of Afrikaans in the early 1920’s was initially opposed by the English leaders. Yet by 1925, the government willingly introduced written script that soon transformed Afrikaans to a white identity marker that shared its privileges with English, as a language of Whites. Thus both languages dominated the economic climate and political climate of South Africa (Webb, 1999).

The resistance to the apartheid movement in the 1950’s language in education was brought into the strict control of the central government, eliminating localized control in deciding the language of education. During the apartheid, detailed LIEPs for specific racial groups were devised. For example, the Bantu Education Act of 1953, essentially prepared Black African children to follow a lesser academic curriculum that prevented social mobility (Heugh, 1999). The 50:50 policy of 1976, insisted that half of the subjects must be taught in Afrikaans and the other half in English. As a consequence, Black African parents revolted against the strict implementation of this policy which was known as the Soweto Uprising. Thus, Black African parents were allowed to decide the language of instruction, yet other minorities the Coloureds and Indians were given no choice but to choose between Afrikaans and English (Heugh, 1999; Pluddemann, 1999; Smit, 1996). Since 1994, in keeping with the new Constitution that advocated for building a non-racial nation, multilingualism was seen as the best way to elevate
previously marginalized African Languages to full equality with Afrikaans and English (Pluddemann, 1999). The new policy was based on the first language, second language model that advocated mother-tongue maintenance, proficient second language acquisition and cognitive development (Heugh, 1999, 2002). The current Constitution gives 11 languages official status, 9 of which are African languages which are spoken at least 98% of the population (Posel & Casale, 2011).

**Distributive Justice and the Hegemony of English**

The analysis of research in terms of distributive justice is primarily concerned with the access to economic capital, and was framed using two questions (a) how does the implementation of the LIEP positions life pathways of all children and (b) in ways does that positioning create access to capital (Luke, 2003). In South Africa, despite a LIEP that promotes indigenous languages, economic disparities continue to marginalize Black African and other language minorities, impeding their ability to access capital (Heugh, 2006; Van der Berg, 2007; Webb, 2002). For example, South Africa’s Gini coefficient, which is an economic measure of economic inequality is 0.63 (0 presents absolute equality) making it one of the most unequal countries in the world (Gibson, 2015).

Consequently, extant research on South Africa often highlighted the importance of knowing English as a means of gaining access to capital. In exploring the relationship between English and economic inequality in South Africa, Mda (1997), noted that the preference for English was partly due to South Africa’s economy being controlled by a minority English speaking White population. Consequently, Posel and Casale (2011) conducted a study in South Africa, comparing economic returns to English language and home language proficiency in the labor market. They found that the average earnings are significantly larger among African adults
who reported proficient English language skills. However, it was also found that the home language proficiency did not count toward tangible benefits in the labor market in comparison to English. Considering Mda’s assertion in 1997, it could be argued that not much has changed in terms of who continues to control the economy in South Africa. An interesting parallel can be drawn between English and Economic privilege for Black Africans. 70% of Black Africans claim that they do not know English (or are less proficient), whereas, 75% of Black Africans are also economically marginalized (Webb, 2002, 2006). The evidence confirming this parallel can be seen in the Quarterly Labor Force Survey Report released in 2013, which found that of the 25% of total unemployment rate, 40% were Black Africans.

Hammond (2013) remarked that South Sudan’s plight in terms of access to economic capital is abysmal because it remains a country recovering from conflict. She highlighted language based inequities that affect returnees, refugees and internally displaced children. For instance, due to the language of instruction being English, children in these populations show high dropout and low enrollment rates. This lack of access caused by the language policy leaves these vulnerable students perpetually stuck in poverty, while the elite of South Sudan leverage their knowledge of English to access economic capital. Paulston (1994) argued that despite what policies dictate, the choice of which medium of instruction will be chosen by minority groups are unpredictable. I would argue that the choice of instruction is equally unpredictable for majority groups as seen in South Sudan.

Despite the dictates of the policies in both Countries, parents often preferred English language instruction. It was understood that English was necessary in acquiring social and economic capital in an increasingly globalized world, where English is the language of technology, science and modernization (Brock-Utne, 2002; Hammond, 2013; Heugh, 2006; Lin
& Martin, 2005; Posel & Casale, 2011; Webb 2006). Pludemann (2012) claimed that this situation as seen in South Africa is ‘tragic’ that the ‘maximal use of English’ is seen as the pathway to social mobility (p.11). National Education Evaluation and Development Unit of South Africa released a national report in 2013 found that English is being taught increasingly in both urban and rural schools. This increase was seen despite the LIEP advocating for home language maintenance. Interestingly, they found that the reason for this was the high demand by parents who were threatening to remove children from schools if English was not the language of instruction. In this report, a principal justified this position, stating “because our children live in the rural area and are very disadvantaged, we decided to use English as the language of learning and teaching, to expose them to the modern world, so they can understand what is on TV. It is difficult, but we are doing it at our own pace and parents are very happy about it” (p.9).

The preference of English may be due to the prevailing economic constraints in both nations. For instance, 51% of South Sudanese live below the poverty line (Power & Simpson, 2011). According to the IMF South Africa’s unemployment rate is the sixth highest in the world (24.7%) with 47% of South African’s living in poverty (slightly higher than in 1994). Even though South Africa is relatively better than South Sudan in terms of economic status, both countries face unemployment, poverty and violence that is particularly prevalent in marginalized groups (Spronk, 2014; Webb, 2002). Nevertheless, researchers claim that parents are right in their view of seeing English as the language of social mobility, but are mistaken by assuming that English has to be taught at the expense of home language instruction (Webb, 2002).

Learning in English alone does not ensure proficiency. Sadly, what is poorly understood by parents in both nations is it that access to economic capital is predicated upon English proficiency (Pludemann, 2012). Pludemann (2012) noted that in South Africa, the lack of
proficiency will have the opposite effect of what parents hope to achieve in terms of social mobility, as poor literacy and numeracy are rampant in disadvantaged groups. Furthermore, learning in a language that is not well established compromises cognitive development that may cause further disadvantages to students (Brock-Utne, 2010; Van Der Berg, 2007; Webb, 2002). Lin and Martin (2005), noted the ‘painful cost paid by school children (in South Africa) sitting year after year in English-medium lessons, often repeating classes without learning anything’ (p. 4). For example, in South Africa 26% of students who completed grade 6 were functionally illiterate, while 38% of them were functionally innumerate. More importantly, only 46% of poor children are numerate, compared to 85% of rich children (Spaull & Taylor, 2015). There are multiple obstacles in attaining proficiency. Furthermore, a survey cited by Webb (2002) suggested, in 1996, among teacher trainees in the four northern provinces of South Africa, only 5% were functionally literate in English. In a similar example, Laugaurda and Woodward (2013) noted that in Kajokeji (South Sudan), English was the primary language of instruction. Yet the Mother Tongue (MT) was used in actual teaching. Here the teachers explained concepts in the MT and notes were written in English on the board. Children copied the notes, but were unable to read or understand the material. Further, they stated that this type of instruction was ongoing despite the new reforms allowing teachers to use local languages for instruction.

**Recognitive Justice and the Superior Status of English**

Recognitive justice is concerned with the differential statuses assigned to different languages. Recognitive justice in terms of language can be viewed as differential statuses assigned to languages by institutions such as governments. Lin and Martin (2005) noted that in terms of language, governments must undertake ‘status planning’. Canagarajah (2005) noted that proactive status planning is required, where ‘state’s policy to give a place to all languages instead
of globally valued languages’ and that this status must not be for the cursory sake of ‘linguistic preservation’ (p. 12). However, the institutional assignment of status for languages alone cannot be considered a panacea for elevating the status of historically marginalized languages. In South Africa, despite the policy advocating for a multilingual pluralistic society and granting 11 languages official status, English remains the dominant language of business and public life (Posel & Casale, 2011). This dominance continues to elevate the status of English over African Languages. Webb (2002) noted that elevated status of English is also seen in literacy practices in schools, which he calls the ‘over-estimation of English as an instrument of learning’ (p.9). For instance, in 2011, The Economist in an article titled, English is Dangerously Dominant noted that ‘Its (English) hegemony may even threaten the long term survival of the country’s African Languages spoken as mother tongue by 80% of the population’. The low status of African languages is apparent is civil society as well. For instance, Pluddemann (1999) noted that in South Africa, while 73.4% of the population did not speak English as their home language, 49.5% of the books published in 1991 were in English. The dominance of English can also be attributed to the historical importance of English, as it is considered the language that ushered in liberation, whereas native languages are seen as languages of oppression (Pluddemann, 1999; Posel & Casale, 2011; Webb, 2002). Regardless of the reasons, English clearly claims higher status over other languages.

Similar trends can be seen in South Sudan as well. What is different though, is that the Constitution explicitly elevates the Status of English over other languages by declaring it to be the language of instruction and administration. The issue of prestige related to English language is evident in both South Africa (Mda, 1997) and South Sudan (Power & Simpson, 2011). For
example, Power and Simpson (2011) in their interviews found that South Sudanese thought that their local languages were not prestigious enough to serve as the official language.

**Representative Justice and the Increasing Preference for English in Public Spheres**

Representative Justice questions political processes such as policies that marginalize different groups within a society. In South Africa 11 national languages are given equal political power, in administration and education, yet English continues to be the language that is widely used (Webb, 2002). Brocke-Utne (2001) noted that ‘the language question is all about power’. Thus she claimed that the choice of language instruction in Africa is a political choice that may redistribute power in global contexts, as well as within an African country’ (p.118). In terms of the LIEP, Education Act and the Constitution of South Africa, they do not explicitly marginalize diverse language groups. In fact, it is mandatory that at least two languages are used in administration. However in reality, critics point out an increasing trend toward the preference for English is gaining traction, in both the private and public spheres (Brocke-Utne, 2001; Mda, 1997; Posel & Casale 2011; Webb, 2006). This trend is seen globally, particularly in post-colonial countries. Lin and Martin (2005) noted that in post-colonial countries, despite adopting nationalist agenda’s immediately after gaining independence, ‘English has returned with renewed force’ and ‘unashamed enthusiasm’ which they refer to as the ‘postcolonial puzzle’ (p. 3-5). Similarly, Brock-Utne (2010) referred to this as the ‘re-colonization of education in Africa’ (p. 642).

This trend is visible in multiple spheres of public and political life. For instance, in South Africa, the country’s Zulu speaking president Jacob Zuma, makes all speeches in English and parliamentary debates are conducted in English. Meanwhile, African Language departments at universities are closing down (*The Economist, 2011*). Similarly in education, despite South
Africa’s LIEPs claim that all national languages need to be used as languages of instruction, there is an implicit requirement that English must be known. This can be seen in schools, as all students in fourth grade and above need to do their tests and assessments in English, thus implicitly requiring the discontinuation of home language learning (Heugh, 1999; Posel & Casale, 2011). These processes make non-English speaking South Africans vulnerable to wide scale marginalization in education. In fact, in 2015, professor Taljaard (from the University of Pretoria) writing to the Pretoria News stated that ‘one of the anomalies of the post-apartheid South Africa is that the only pupils who are linguistically privileged are the very same English speaking (and to some extent Afrikaans) groups who were privileged during the apartheid. He further noted, in the non-English and Afrikaans speaking groups, learning and teaching is often conducted in ‘poor South African English’, and ‘it seems that the policy (LIEP) as it currently stands is ‘yet another stalactite hanging from the roof of our educational cave, not reaching the bedrock’. Thus this trend is disconcerting considering as it is the Black Africans that are disadvantaged both in terms of language status that give access to other forms of capital.

South Sudan explicitly mandates English as the language in instruction. As such, the marginalization of large parts of the population in terms of language use is unavoidable (Hammond, 2013). This marginalization is alarming considering more than one million children have no access to education, and this number is growing according to former UK’s former prime minister Gordon Brown. Further, the adult literacy rate is a mere 30% due to prolonged war. Thus, the marginalization of local languages engender detrimental consequences. For example, the World Bank Report on South Sudan (2012), stated that only 35% of sixth graders met the achievement criteria for language. The increasing dropout rates and low enrollment rates of certain population’s stands as evidence to the marginalization created directly by the policy.
These populations include, returnees from Sudan, rural inhabitants, urban poor and children living in cattle camps, where competency in their local language is vital for trade (Hammond, 2013). In a country where education is dismal the government mandating English as an official language continues to marginalize a large majority of people.

**Discussion**

Elmore (1996) pointed out that reform oriented policies make three inaccurate assumptions; that new reforms automatically takes precedence over existing policies, they embody a single message about what schools should do differently, and that reforms take place uniformly despite the context in which it is enacted. I situate this discussion, based on the third inaccuracy. I extend this assertion by stating that the historical contexts in particular needs to be considered. More importantly, this discussion seeks to interrogate the use of LIEPs as a mechanism in transforming historically inequitable education systems, in contexts that have historically marginalized people. Based on the above analysis it is evident that the LIEPs of South Africa and South Sudan show similarities and differences. Salient differences include, the language to be used in instruction, and their differing positions toward their multilingual countries. However, despite these differences, the implementation and outcomes of the policies show similar characteristics. These similarities can be seen with regards to inequitable outcomes in terms of distributive, recognitive and representative justice, and particularly in the dominance of English. These findings necessitate careful exploration for two significant reasons. First, it queries the utility of policies, as a tool in transforming systems of educational practice that perpetuate and maintain inequities. Secondly, it warrants a careful understanding of the conditions that lead to how policies are implemented and the outcomes that ensue, despite the
intentions of the policy. Thus, it is poignant to investigate the utility of the policy as a tool of transformation, and what conditions constrain and afford its effectiveness.

**Extant research in explaining outcomes**

In exploring the above dilemma, typically, extant discourses point to the policy-practice gap. These explanations take up a substantial portion of policy analysis scholarship, particularly with regards to equitable outcomes. A policy-practice gap is said to occur when a policy is not implemented as intended, by practitioners or masses for whom it was intended, often vilifying the latter for noncompliance. Ball (1997), referred to this as ‘blame-based’ tactics that assume that policies are ‘always solutions and never a part of the problem’, that the problem is ‘in’ the schools and never ‘in’ the policies (p. 265). Often the proposed solution in this view is based on improving the fidelity of implementation, by centralizing control or by introducing punitive accountability measures (Keogh, 1990; King Thorius & Maxcy, 2015).

Moreover, previous research on LIEPs also point out multiple other factors that contribute to the failure of policy and practice in terms of creating equitable outcomes. Research alludes to the misidentification of the source of the problems policies intend to solve (Brocke-Utne, 2006; Heugh, 2002). For example, Heugh (2002) argued that the failure of South Africa’s current LIEP is due to misidentifying the problem of discrimination, as one that impacted only isolated parts of education, and not as one that plagued the whole. Others argued that ambiguous or contradictory dictates and goals of policies, instigate and maintain inequities. Skuntabb-Kangas (1997) claimed that “with no clear guidance in terms of the objectives, schools may continue old practices that were oppressive’ (p. 61). For example, the Constitution of South Africa states that “Everyone has the right to receive education in the official language or languages of their choice where it is reasonably practicable” (Section 29(2)). With regards to
ambiguous goals in language policies, Luke, (2003) argued that if the goal of a policy is assimilation, then a policy that aims for multilingual identities cannot survive. The Constitutional mandate that English has to be the primary mode of instruction in South Sudan is a good example of such an assimilationist objective, which continues to perpetuate inequity.

Other reasons include, policies that are disconnected and contradictory to other policies. Heugh (2002) pointed this disconnect where, in South African policy discussions on curriculum and language of instruction were discussed separately. Consequently, the curriculum policy was introduced in 1997-1998, whereas the language policy was introduced in 1997. The curriculum policy implicitly considered English to be the language used in disseminating curriculum, despite the constitution giving 11 national language’s official status (Heugh, 1999; Pluddemann, 1999). Similarly, in South Sudan, the Constitution establish English as the language of instruction while the General Education Act (2012) allows for local language instruction. Furthermore, the lack of resources allocated for the successful implementation of the policies that strengthen home language maintenance, and second language education are highlighted throughout the extant literature (Hammond, 2013; Heugh, 2006, 1999; Mda, 1997; Smit, 1996; Spronk, 2014; Webb, 2002). These resources include, lack of government will, poor timing in language transitions, lack of funding and policy to developing language competencies, robust teacher training, and providing appropriate curriculum materials. Finally, in terms of public opinion, research points out the economic benefits (perceived and actual) of knowing a language such as English far exceeds the well-researched discourse on the benefits of MT instruction advocated by researchers (Brocke-Utne; 2006; Pluddemann, 2012; Webb, 2002).

While there is much to be appreciated in the considerations highlighted by extant literature, these assertions make an assumption that policy design and implementation are
somewhat linear and technical. Thereby, suggesting that tweaking the policy or improving resources would mend implementation faux pas. Although, the strategies suggested are important, I argue that they pay less attention to the complexities seen within the education system in which policies are enacted. In my view, even if the shortfalls in policy and practice stated in current literature are rectified, inequitable outcomes will not cease to exist unless the nature of the activity arena, in this case the educational system is understood (Cole, Vasques & Engeström, 1997).

Therefore, I position my perspectives on the inequitable outcomes of the LIEPs in terms of the educational contexts, specifically in terms of its historicity, in which these LIEPs are enacted. I believe this understanding is imperative to decipher the role of LIEPs in transforming the systems that perpetuate inequities. With every newly reformed LIEP there is renewed hope for equity, yet time and again the LIEPs seem to fall short of its goals. For instance, a year after the LIEP of South Africa in 1997 was introduced, Pluddemann (1999) wrote ‘despite some inconsistencies in terminology, the policy presents a milestone along the route to equal access to education for all learners’ (p. 329). However, in 2012 he claimed that the situation is ‘tragic’....where most speakers of African languages ‘remain educationally disadvantaged’ (p.11). Language policies influence the structure and use of language that engage multiple agents across multiple systems, both at the macro-level of national planning to the micro-level users and others in between (Johnson, 2013). Therefore, the context in of the education system must be considered when designing and enacting policy.

**Importance of understanding the Educational context in terms of Historical significance**

Ball (1997) critiqued the fact that most policy analysis lacks a sense of time, and that this ‘neglect is rampant ahistoricism’ (p. 266). Thus, my analysis focuses specifically on the
historical significance of contexts and LIEPs. Educational systems in multilingual societies can be described as a “zone of mediation” (Welner, 2001). Here, policy appropriation (not implementation that assumes linearity, but appropriation that assumes mediation) produces inequitable outcomes. Welner (2001) described that the actors in the zone of mediation are not passive recipients of the policy but, are those who powerfully interpret, negotiate and resist policies (Levinson et al 2009; Hodgson, Edward & Gregerson, 2007). The LIEPs and the outcomes discussed in this analysis provide ample evidence of this explanation. For example, South Africa espoused a multilingual policy, while South Sudan’s was essentially assimilationist or *E pluribus unum* (for many, one). Yet, the outcomes of the two policies were similar in terms of the inequities seen in terms of social justice. As such, the dominance and privileged position of the English Language effectively marginalizes many groups within these countries.

In order to understand how the LIEP mediates outcomes in South Africa and South Sudan, I emphasize the inertial and normative forces that are deeply embedded in cultural practices rooted in the *history* of local sites (Welner, 2001). In explaining a different political process, of the Truth and Reconciliation Committee in Sierra Leone, Shaw (2007) claimed that ‘universal intentions such as justice, human rights, democracy…. are never fully realized, as they are intended, when ‘engaged in particular places with particular histories’(p.187). She quotes Tsing’s (2005) idea of ‘frictional local engagement’ to describe this process (p.6-8). Similarly, King Thorius and Maxcy (2015) in their analysis of RTI policy in the USA claimed, that normative forces that specifically take into account a site’s *history* determines how policy is appropriated.

The language of instruction prescribed by both LIEPs have strong historical significance. For example, in both countries, English is seen as the language that ushered in freedom from
oppression. This is interesting, considering that in both countries English was once the language of the oppressor (McLean, 1999). This places the significance of English in a tenuous position in terms of national identity. Nonetheless, their most recent histories connects English to the Discourse of freedom rather than oppression. This Discourse (Gee, 2004) of freedom is strongly connected to their national identities as South African’s and South Sudanese, even though a large part of the community does not claim English as their home language. For instance, the census data of 2011 in South Africa show that only 9.6% of the population speaks English as their first language. In such circumstances, the dictates of the LIEP despite the language it appraises, will mean that English will have some level of dominance, even if it may only be of ideological or symbolic value (Tollefson, 2002).

Thus, the design and implementation of LIEPs must consider the historical and symbolic significance of a language in terms of how it relates to national identity, before deciding what the language of instruction should be. Put differently, the crucial impact in terms of the language of instruction prescribed by the LIEP may have very little to do with the language it chooses to prescribe, rather the impact may be based on the significance of that language to a citizen in terms of their historical National identity. In South Africa, for example, Huegh (1999) noted that parents are suspicious of LIEPs that promote home language instruction, due to their bitter experiences with LIEPs such as the Bantu Education Act (1953) that promoted home language as a means of privileging the White and other non-Black minorities. These emotional experiences related to education, can instill contempt for one’s own culture while admiration for the colonizer’s culture as the ultimate form of education (Brocke-Utne, 2001)

Historical relevance to one’s national identity in not solely based on nostalgic reverence for the language. Instead, these identities have significant pragmatic relevance for people. For
instance, South Sudan and South Africa continue to have elite populations (albeit being small in numbers) who are English speaking, which is typical in former colonized countries (Crossley, 2003). In terms of social status highlighted in recognition justice, English remains a language of prestige (Mda, 2007; Power & Simpson, 2011; Pluddemann, 2012). For example, professor James Okuk writing to The Sudan Tribune in 2012 claimed that in the University of Juba, ‘Arabic Pattern students are being forced to become Englishman’ in their final years at the university, where the use of any other language is now effectively ‘unconstitutional’, thus criminalizing the use of local languages.

Pragmatic considerations also extend to distributive justice. For example, it is well established that members of the post-colonial society who were closely aligned to the colonialist, are in positions of cultural privilege that continue to advantage them in education systems (Crossley, 2003). Furthermore, this elite population invariably has disproportionate control over the economy, thus, the viability of these identities are important to distributive justice (Mda, 1997). The schools survey report of South Africa in 2011, found that despite the LIEP advocating for home language maintenance, 67% of the teaching and learning in schools were conducted in English, while only 7% of the population claimed English as their home language. In South Sudan, 90% of schools are taught in English from grades 5 through 8, which is not surprising considering English is the mandated language of instruction for these grades. However, what is interesting is that, though parents were given the option to educate their children in their home language from grades one through three, only an average 31% of students were taught in the home language (National Statistics Booklet, 2011)
Understanding the Role of LIEPs in Transforming Inequitable Outcomes

The complex nature of education systems require an understanding of the role of a mediating tool such as a LIEP. Consequently, language policy is increasingly understood as a multi-layered process that is a dynamic socio-cultural practice (McCarty, 2011). Paulston (1994), using Peru’s failed implementation of Quechua as a national language stated that ‘no language policy will be successful which goes counter to existing socio-cultural forces’ (p. 4). I extend this argument by asserting that language policy also encounter historical forces that encompass a ‘historical trajectory’ (Johnson, 2013 p. 3). The role of the LIEP in both countries that were analyzed is significant in terms of their past discriminatory histories. Keogh (1999), noted that the purpose of reforming policies is often based on redressing past inequities. However, even if past discriminations were redressed in current LIEPs of South Sudan and South Africa, the assertions that they ensure equitable outcomes cannot be substantiated. For example, although South Africa’s LIEP can be considered relatively less discriminatory than the one during the apartheid era, and comparatively equitable as opposed to South Sudan’s current LIEP, the outcomes in terms of distributive justice, recognitive justice and representative justice show similar inequalities.

My interpretation, based on this analysis, is that policy, even equitable ones that are enacted in historically inequitable school systems will only beget inequitable outcomes. Luke (2009) argued that the success of a policy will depend on ‘rigorous empirical descriptions of classrooms, with a fuller estimation of cultural and social consequences’ (p.374). I would add historical consequences to this list. It is in this light that I argue, that a policy’s transforming role will not only depend on how well a policy is envisioned, rather will depend on the commitment of the government and community in fully comprehending the value of eliminating the factors
that historically discriminated some parts of the community. Thus, equitable policies must address historicity as the front and center of the education reform agenda. This suggestion must be taken into account with what Luke (2009) suggested, as ‘products of histories and cultures, always contingent and contested...as a part of a larger governmental and community commitment to specific visions of the public good’ (p. 374). Therefore, I suggest that the current discourse on LIEP should move beyond figuring out which language of instruction to prescribe, and how to implement the LIEP with fidelity. Rather, it should seek to gain a thorough understanding of the system in which the policy interacts. Thus, build within its ranks the necessary mechanism to continuously evaluate systems in terms of creating equitable opportunities, particularly for historically marginalized groups. Put differently, the role of the LIEP which is an artifact of the socio political, economic and historical condition of the education system, should move beyond seeing its purpose as a prescription for language in instruction. Instead, the LIEP should reorient its purpose as one that ensures equitable outcomes despite the language of instruction.

In order to do this the LIEPs will have to move beyond prescribing the language that must be used, to giving considerable freedom to different regions to decide the language of instruction (Lin & Martin, 2005). This however, does not assume that the flexibility allowed in localized implementation would ensure fidelity, rather this expects messiness. In other words, as Ball (1997) suggested, LIEPs are expected to display ‘ad hoc-ery’ (P. 270). In fact, this view encourages local contexts to creatively appropriate policy in innovative ways, so long as it is accountable for equitable education opportunities for all. This process creates a paradigmatic shift from trying to control local environments in terms of fidelity, to supporting them to appropriate policy in equitable ways.
The supportive role of the LIEP should also ensure adequate providing resources and local flexibility in deciding the language of instruction. In terms of resources Van der Berg (2007) argued that pouring in resources into dysfunctional schooling systems does not improve schools. My point, however, is not blind re-appropriation of resources, rather to carefully channel appropriate resources for the specific equity based goals. Therefore, resources can be provided to decentralized education authorities to build capacity of teachers, and provide necessary material to teach in the language that they see fit. However these resources need to be framed within an equity framework. For example, as I envision, professional development would not center on ‘how to teach a second language’, rather would focus on who is benefiting from instruction in a particular language and how we can ensure teaching in ways that benefit all despite the language used in instruction.

Local flexibility in decision making is often a contested terrain. Thus, I am not proposing local flexibility as a solution, rather as a relatively better alternative to centralized control (Williams & Cummings, 2005). For instance, one could argue that South Africa does employ such a mechanism, where the school governing bodies decide the language policy to be used in schools (South Africa Schools Act, 1996), yet the system remains inequitable. Therefore, as Lin and Martin (2005) noted ‘the liberalist idea that each local community can always be ‘free’ to negotiate its own language…needs to be problematized’. In problematizing this idea of local control, I argue that it is still a better alternative to centralized control so long as it is balanced off by LIEPs turning their focus on a rigorous evaluation system that effectively monitors for inequalities.

Put simply, I am advocating for an arrangement of shared flexibility, and responsibility between local and central entities. In this view, the LIEP could re-frame its focus from what the
language of instruction should be, to probing if the language of instruction in place ensures
distributive, recognize and representative justice to all its students. These changes will require,
reconceptualization of frameworks and tools that could work at every level of complex systems.
A few examples of equity based frameworks and tools could be seen in the work of Kozleski and
Smith (2009) who introduce the systemic change framework and Skirla, Scheurich, Garcia and
Nollys’ (2004) work with equity audits. Consequently, by using such frameworks and tools, the
role of the national LIEP would be seen as one that guides, monitors, provides resources, and
feedback (not sanctions) with the objective of incrementally providing equitable services.
Consequently, the LIEP will no longer function as an artifact that is prescriptive. Rather, it would
re-frame its agenda to constantly reform and transform continuously while holding steady its
commitment to ensuring equitable outcomes for all within the Education system.

**From Implementation to Improvement**

While it is important to pay attention to the complexities and multiplicities of the local
context in which policies are enacted (King Thorius & Maxcy, 2015; Burrello et al, 2001), it is
also important to understand the work of policies as continuous processes. Therefore, I suggest
that theories regarding policy implementation should shift to theories of improvement. For
example, in keeping with the understanding of complex adaptive systems that are often
unpredictable (Burrello et al, 2001) it makes little sense to assume that once the context is
understood and the appropriate policy is devised, language based inequities will cease. On the
other hand, using a conceptual framework of improvement science may be more appropriate.
This conceptual framework was designed in the health care field in order to deal with health
related complex adaptive systems (*Education Week*, 2013). Unlike implementation that concerns
itself with the fidelity of implementation (often by tweaking policies and expecting rigid
compliance), improvement science builds upon the day to day problems of practice by using continuous assessment, and improvement based on how strategies work across diverse populations (Byrk, 2009). Further, improvement theories advocate for implementing policies in smaller communities, and using that feedback before increasing the scale and scope of the practice (Bryk, 2009). LIEPs and practices conceptualized within an improvement science framework would be seen as a complementary framework to implementation, thus providing a broader conceptualization which is necessary for working within complex adaptive systems that encompass frictional local engagement (Burrello et al, 2001; Tsing, 2005).

LIEPs and practices conceptualized within an improvement science framework, does not provide prescriptions for language in instruction. Rather, they focus on continuous evaluation of school based practices in terms of providing equitable opportunities to all children. Considering the language diversity in South Africa and South Sudan, where over 40 languages are spoken, it is difficult to think that one national policy such as the LIEP can prescribe practices that are equitable to all. Thus, an LIEP that increases localized decision making depending upon the needs of that community, while constantly being held accountable for improvement and equity in terms of language in education seems a viable option. Therefore, a LIEP that is conceptualized under this framework creates indicators that could measure inequities in the education system, and aims for continuous, flexible improvement over time. Put differently, instead of trying to devise an ideal, silver bullet LIEP that ensures equity, it expects that the LIEP would be amenable to change, based on contextual factors that are in constant flux, while being anchored by the objective of providing equitable educational opportunities to all.
Limitations of the Analysis

First, this analysis was designed to be descriptive than comprehensive. Therefore, only select sections of the policies that were in line with the research agenda were analyzed. Hence, it is acknowledged that some sections of the policies that were deemed irrelevant were omitted. This analysis, serves only as a snapshot of LIEPs in South Africa and South Sudan and may not be useful outside the conceptual framework used in this analysis. Secondly, it is expected that multiple explanations may exist for the assertions I make. However, it was beyond the scope of this analysis to portray all perspectives on matters related to LIEP. Thirdly, I acknowledge my own bias toward home language maintenance, as I am a recipient of the multiple advantages endowed to me through the language education system in my home country of Sri Lanka.

Additionally, I approached the concept of language as a bounded territorial entity, which is not an accurate depiction of language. Language like cultures are fluid, constantly changing while shaping the context it is situated in (Pennycook, 2004). For example, there are many different variations within a language such as dialects that were not addressed in this analysis. Furthermore, even when a dominant language is present, it often is mixed with local languages as seen in Pidgin or Creole formations (Crowley, 1996). This is an important consideration, in that language is not a monolithic immutable entity.

Finally, this analysis may have underestimated the value human agency, particularly in terms of current resistance to language policies (Brocke-Utne, 2010; Johnson, 2011). It is important that I acknowledge that within the backdrop of LIEPs and language practices, there are large and small scale resistance movements and multiple gatekeepers who interpret the policy at multiple levels of the system that may or may not have an impact at the level of practice (Laitin,
2000; Ball 2006). As Breidlid (2013) noted, they include multiple forms of intellectual resistance in literature, propaganda and counter hegemonic education (p.126).

**Conclusion**

Ball (2006) noted that the challenge in policy analysis in terms of connecting macro and micro level systems is the ability to ‘relate together analytically the ad hoc-ery of the macro with the ad hoc-ery of the micro without losing sight of the systemic bases and effects of ad hoc social actions’ (p.10). Thus, this paper could be considered a preliminary attempt in addressing this challenge, particularly in terms of the historicity of these systems. The LIEPs of South Africa and South Sudan were compared in terms of policy positioning, dictates, implementation, and outcomes. The first part of the analysis used CDA to analyze the LIEP documents and the Constitutions of the country with regard to its position and prescriptions for language in education. This analysis identified three main topics that included how LIEPs portrayed/positioned the nation in terms of its multilingual societies, the prominence given to redressing language discriminations of the past and the current dictates. It was found that South Africa advocated for a multilingual society while South Sudan ascribed to an assimilationist society that was required to know English as their common language. Despite the variations found in the LIEPs, the analysis of the implementation and outcomes of the policies found similar challenges in both Countries. The implementation and outcomes were analyzed based on the three-dimensional theory of justice (Fraser, 2009). While lack of resources, ambiguity of the policies and public opinion were highlighted as reasons for these outcomes in current research, I argued that limited understanding of the education system as a complex adaptive system and the utility of LIEPs as tools in transforming inequitable systems need to be given careful consideration.
References


Coding Methodology

Step 1

Topics: These are semantic macrostructures/macro-propositions that embody the most important information of a discourse and explain ‘gist’ of the global meaning. This required simply listing the topics of a text by summarizing them. For example, preambles to policies and constitutions met this criteria.

1.1 Main Topics were coded (e.g. T1: Recognizes importance of indigenous languages)
1.2 Sub Topics were coded (e.g. t1: home language use, t2. Second language use)

Step 2

Local meanings: This required an understanding of (implicit and explicit) meanings of words within that context in terms of how they polarize “in-groups” and “outgroups”

2.1 Key words (vocabulary, metaphors, collocations) were identified (Taylor, 2004) (e.g. L1: Mother-tongue instruction)
2.2 Implicit and explicit meanings coded (e.g. M1: Oppressor’s language)
2.3 In/out groups were identified (e.g. G1: Bantu speakers)
Conceptual Framework

Power and Privilege are embedded in the Language of Instruction

Implementation is complicated by capacity, compliance, and coherence with local cultures and ways of knowing