

Onomastic Controversy on Sepedi and Northern Sotho/Sesotho sa Leboa Language Names: A Forensic Linguistic Perspective



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ABSTRACT

This article interrogated the existence of Sepedi, Northern Sotho and Sesotho sa Leboa as different language names that are used to designate one and the same language. The researcher's main intention was to determine if the socio-onomastic dissension that is caused by the aforementioned language names qualifies to be resolved from a legal point of view. Content analysis as a qualitative research approach was used, where the researcher mainly focused on constitutional imperatives, relevant legislations and minutes of the Joint Parliamentary Constitutional Review Committee. The article established that the National Assembly, the Constitutional Court as well as the Department of Justice and Correctional Services have failed in their responsibilities, specifically in resolving the matter under discussion. The article further pronounced that the current defiance and disregard of Section 6(1) of the Constitution of South Africa, Act No. 108 of 1996 was exacerbated by poor monitoring and evaluation, lack of public accountability, poor oversight and confusion of roles and responsibilities between the Pan South African Language Board (PanSALB), the Department of Sport, Arts and Culture and the Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities. The intervention by a competent court of law is recommended since the matter has been dragging since the finalisation of the Constitution in 1996. The article contributes to scientific knowledge by presenting the perspective that, from a legal point of view, Sepedi is the official language, not Northern Sotho or Sesotho sa Leboa.

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INTRODUCTION

A contradiction surrounding a language name is realised between Section 3(1) of the Interim Constitution of South Africa, Act No. 200 of 1993 and Section 6(1) of the South African Constitution, Act No. 108 of 1996.¹ This contradiction is considered one of the major qualitative variables that caused unpleasant feelings and divisions among the first-language (L1) speakers. This was after the interim Constitution designated 'Sesotho sa Leboa', which is also known as Northern Sotho, as one of the proposed eleven

¹ Republic of South Africa, *Interim Constitution, Act No 200 of (1993)* (Pretoria: Government Printer, 1993).

official languages of South Africa. Subsequently, the name ‘Sepedi’ was designated and listed as one of the official languages of the country referring to the same language, namely; Northern Sotho.

For the purpose of this article, both Sepedi and Northern Sotho/Sesotho sa Leboa names are used in a discriminatory way. In a more practical sense, the researcher used the name ‘Sepedi’ to refer to the name of the official standard language. However, he fully acknowledges that this may be problematic, insensitive and controversial to those speakers and scholars who hold the view that Sepedi is not a fully-fledged language but a dialect. This decision is purely based on compliance, brevity and the legality of Section 6(1) of the Constitution since it is considered as a legal and valid document. The researcher further underscores that the crux of the matter is the lack of transparency and consultancy on a sensitive matter that binds speakers of the language under attention into a single national group. Scholars such as Mojela in a Joint Parliamentary Constitutional Review Committee meeting of 2011, Kretzer, Rakgogo, Rakgogo and van Huyssteen, Rakgogo and Zungu expressed a similar view that the discrepancy surrounding the use of Sepedi and Sesotho sa Leboa/Northern Sotho was caused by hidden agendas during the finalisation of the final Constitution of South Africa.²

On the other hand, Mojalefa presented a different view during the Joint Parliamentary Constitutional Review Committee meeting of 2011. His ideology was that the interim Constitution was supposed to serve as a temporary measure until an acceptable version could be produced, and it reflected the *status quo* at that time. He further expressed that the Language Board had recommended that Sepedi replace Sesotho sa Leboa in the final version, for historical reasons. In addition, he continued to argue that a research committee of the Language Board agreed unanimously that the correct position was in fact Sepedi. That decision was made official even though there was no consultation with the affected communities. At a subsequent meeting in September 1994, only one member had misgivings about the correctness of the decision, but he had not been present at the June 1994 meeting when the decision was made.

The existing politics surrounding the Sepedi and Sesotho sa Leboa/Northern Sotho language name has been a sensitive and dominating sociolinguistic debate amongst the L1 speakers of the language under attention since the promulgation of the Constitution of South Africa, Act No 108 of 1996. Several efforts and different mechanisms were devised in an attempt to resolve the matter, but the status quo remains the same. As a concomitant part of poor accountability and political will in resolving the matter, L1 speakers, government departments and private organisations are left with no choice but to choose the language name they identify with for the purpose of official use. What triggered this article is the researcher’s observation that the socio-onomastic controversy of Sepedi and Sesotho sa Leboa/Northern Sotho names was never addressed from a legal point of view whereas the drafting of the interim and final Constitutions is what initiated the controversy. As confirmed by the minutes of the Joint Parliamentary Constitutional Review Committee of 2011, it is strange that the issue under attention was never raised at the Certification Hearings at the Constitutional Court when there had been objections from many groups.

Taking cognisance of the foregoing state of affairs surrounding the Sepedi and Sesotho sa Leboa/Northern Sotho dual naming dilemma, the current article aims to meet the following objectives:

- To establish if the concurrent use of Sepedi and Sesotho sa Leboa/Northern Sotho to designate one and the same language constitutes a legal matter; and

² Michael M Kretzer, “Variations of Overt and Covert Language Practices of Educators in the North West Province: Case Study of the Use of Setswana and Sesotho at Primary and Secondary Schools,” *South African Journal of African Languages* 36, no. 1 (June 28, 2016): 15–24, <https://doi.org/10.1080/02572117.2016.1186891>; Tebogo Jacob Rakgogo, “A Sociolinguistic Perspective of First Language Speakers from the Selected South African Universities” (Tshwane University of Technology, 2016); Tebogo Jacob Rakgogo, “Investigating the Onomastic Principles of Naming an Official Language: The Case of the Sepedi and Sesotho Sa Leboa (Northern Sotho) Language Names” (University of the Witwatersrand, 2019); Tebogo Jacob Rakgogo and Linda van Huyssteen, “A Constitutional Language Name, Lost in Translation and Its Impact on the Identity of the First Language Speakers,” *South African Journal of African Languages* 39, no. 2 (2019): 165–74; Tebogo Jacob Rakgogo and Linda van Huyssteen, “Exploring the Northern Sotho Language Name Discrepancies in Informative Documentation and among First Language Speakers,” *South African Journal of African Languages* 38, no. 1 (2018): 79–86; Tebogo Jacob Rakgogo and Evangeline B Zungu, “A Blatant Disregard of Section 6 (1) of the Constitution of South Africa by Higher Education Institutions and Language Authorities: An Onomastic Discrepancy,” *Literator-Journal of Literary Criticism, Comparative Linguistics and Literary Studies* 43, no. 1 (2022): 1814; Tebogo Jacob Rakgogo and Evangeline B Zungu, “The Elevation of Sepedi from a Dialect to an Official Standard Language: Cultural and Economic Power and Political Influence Matter,” *Literator-Journal of Literary Criticism, Comparative Linguistics and Literary Studies* 43, no. 1 (2022): 1827.

- To point out the failures of the Justice System, Parliament as well as relevant language authorities in resolving the matter.

LITERATURE REVIEW

Supremacy and legality of the Constitution

The clause 'Section 6(1)' of the Constitution of South Africa, Act No. 108 of 1996, designated the following as South African official languages: **Sepedi**, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu (emphasis added).

This Constitution was approved by the Constitutional Court of South Africa on the 4th of December 1996 and it took effect on the 4th of February 1997. In terms of the law, the Constitution has been accepted and promulgated as the supreme law of the land. It provides the legal foundation for the existence of the Republic, further sets out the rights and duties of its citizens, and defines the structure of the government. This means that no other law or government action can supersede the provisions of the Constitution. From the perspective of constitutional implementation, the concurrent use of Sepedi and Sesotho sa Leboa/Northern Sotho as official language names to denote one language is inconsistent with the Constitution. Thus, it is safe to claim that it is against the law.

In terms of this article and also in taking into account the problem statement that initiated the article, the researcher underscores that there is a need for this matter to be looked into from a legal implementation perspective. The issue of lack of transparency and thorough consultation with the relevant stakeholders should not be neglected. Equally important, the minutes of the meeting where the Language Board decided to replace Sesotho sa Leboa/Northern Sotho with the Sepedi name should also be obtained. The researcher further argues that the Language Board is an official sub-structure of the Pan South African Language Board (PanSALB). Therefore, to obtain the minutes should not be a problem.

Still, on the constitutional imperatives, the researcher submits that from the ten translated versions of the Constitution, it is only the isiZulu version that considered Sepedi as the rightful language name to be included in the Constitution. The rest of the nine versions recorded Northern Sotho, which is directly translated as Sesotho sa Leboa as one of the official languages. In terms of this article, the researcher argues that there is a need to get a legal perspective on what should be done to settle the topic that initiated the current investigation.

From a translation point of view, it can be argued that translation principles were also neglected and undermined since the quality and meaning of the source text do not match the quality of the source text since the majority of the translated versions recorded the language as Sesotho sa Leboa/Northern Sotho. It is important to mention that the English source text is deemed original, legal and valid since it is the one that was signed by the then President, Nelson Mandela. It is equally important to articulate that the source text designated the language name as Sepedi, not Sesotho sa Leboa/Northern Sotho. Thus, there is a loss of meaning which could have been prevented by following translation principles and strategies.

What further exacerbates the problem under attention is the Sepedi-translated version of the Constitution. The language name 'Sesotho sa Leboa' has been listed as the name of the official standard language whereas the document is named as the 'Sepedi version of the Constitution'. However, when one opens the Sepedi version of the Constitution, the name Sesotho sa Leboa/Northern Sotho appears as one of the official languages. There is no reference to Sepedi anywhere in the document whereas the document is named the 'Sepedi version'. It is against this background that the current article is more concerned with the investigation of Sepedi and Northern Sotho/Sesotho sa Leboa names emanating from a legal perspective since no legal view was ever established on this matter.

In addition to the above-mentioned, the language name discrepancy between Sepedi and Sesotho sa Leboa/Northern Sotho is also found in the minutes of the Joint Parliamentary Constitutional Review Committee of 2010. This was after Boshego, the translator of the South African Constitution from English into Sesotho sa Leboa, noted that he had received a letter of thanks from Parliament, on 18 December 1996, once he had completed the translation, and coordinated the translation from English into several other official languages. This read: '... [t]he translation of the Constitution into *Sesotho sa Leboa* has been a mammoth task which you have completed under difficult circumstances... thank you for making it possible for the *Sesotho sa Leboa*-speaking people to read the Constitution in their own official language'.

He also received a letter from Mr. Cyril Ramaphosa, along similar lines, that also mentioned ‘Sesotho sa Leboa’.

According to the minutes of the Joint Parliamentary Constitutional Review Committee of 2011, scholars such as Mojalefa confirmed that Parliament had assigned service providers to translate the Constitution from English into ten official South African languages. That project was completed in 1995. He further articulated that it could be argued that the individual assigned to perform the translation task manipulated the Constitution. The reason for this submission is that he/she allegedly went as far as attempting to influence the translation groups to change Sepedi to Sesotho sa Leboa, but that was unsuccessful.

This article argues that the translation project was unsuccessful because out of the ten versions, it is only the isiZulu version that is in alignment with the source text, which is the English version. In terms of this article, critics may support that this has contributed to the confusion as to which language name is correct and which one is not, especially to those speakers who are not familiar with the language name contradictions between Sepedi and Sesotho sa Leboa/Northern Sotho languages.

The records of the Joint Parliamentary Constitutional Review Committee of 2011 confirm that Boshego was the first person to inform Parliament that the use of the designation ‘Sepedi’ was incorrect. Having been asked by Parliament to translate the final Constitution into Sepedi, he discovered the mistake and pointed out to Parliament that the reference to Sepedi was incorrect and should have been Sesotho sa Leboa. Boshego reported the problem to the chief coordinator and the executive director of the translation process. When he came to Cape Town with the translation team to finalise the translations, he was asked to contact the last chairperson of the Northern Sotho Language Board, which had been terminated in 1995. From the existing literature, it is arguable to state that this was never actioned.

From a translation point of view, it needs to be established whether Boshego had the right to correct what he thought was right, according to his language ideology. The researcher puts forward that there is also a conflict of interest that can be realised since there are those who are in favour of Sepedi as a language name and also those who hold the view that Sesotho sa Leboa/Northern Sotho is the correct name to designate the language. The researcher contends that Boshego, as a translator who understood the socio-nomastic controversy surrounding the two different language names under attention, could have done better in managing the situation. He may be perceived as having overstepped and somehow abused the translation powers he had to advocate his language ideology.

According to van Wyke, dictionary entries tell us that the word “ethics” refers to systems of values that guide and help determine the “rightness and wrongness” of our actions.³ Ethics of translation, then, necessarily addresses what is considered the morally correct manner in which one should practice the task of rewriting a text in another language. Although every conception of translation implies a certain notion of the ethical duties of translators, for much of the history of translation discourse, the noun “ethics” is absent because a certain ethical position for translators has generally been taken for granted. Since translation has been understood as a task in which one strives to reproduce the original as closely as possible, ethical behaviour has been simply posited as fidelity towards the original and its author. Within the context of this article, it may be implied that the translator assigned to the project was not faithful enough to the given task.

Newmark distinguishes between semantic translation and communicative translation.⁴ In the case of producing a translation that is ruled by the principle of communicative translation, the aim would be: “to render the exact contextual meaning of the original in such a way that both content and language are readily acceptable and comprehensible to the readership.”⁵ Within the context of this article, it can be submitted that the translated versions of the Constitution were not necessarily accepted since they received some criticism from the intended readership. In addition, Savory in Otorá adds that for many years, translation studies were dominated by the concept of equivalence or the idea that a ‘correct’ translation

³ B. Van Wyke, “Ethics and Translation,” in *Handbook of Translation Studies*, ed. Y. Gambier and L. van Doorslaer, vol. 1 (Amsterdam: John Benjamins Publishing Company, 2010), 111–15.

⁴ P. Newmark, *A Textbook of Translation* (Hemel Hempstead: Prentice Hall International Ltd., 1988).

⁵ Newmark, *A Textbook of Translation*, 39.

should be faithful to its original or source text, in the sense of a translation being a mirror-image of its original.⁶ Translators were expected to follow such contradictory rules as:

- A translation must give the words of the original;
- A translation must give the ideas of the original;
- A translation should read like an original work;
- A translation should read like a translation;
- A translation should reflect the style of the original;
- A translation should possess the style of the original;
- A translation should possess the style of the translator;
- A translation should read as a contemporary of the original;
- A translation should read as a contemporary of the translation; and
- A translation may never add to or omit from the original.

Considering the language name change from Sepedi to Sesotho sa Leboa in most of the translated versions except for the isiZulu one, it can still be argued that these target texts do not serve their purpose since they do not produce ideas of the original text. The only memorable thing that can be realised is the confusion and language name contradiction between the source text and the target texts.

Another critical point that comes to the fore is the response from the chief coordinator and the executive director of the translation process. According to the response provided, it may be argued that the Language Board knew about the language name change from Sesotho sa Leboa to Sepedi. Furthermore, several questions may be posed and answers to the following questions may help in resolving the matter:

- What is the core mandate of the Language Board?
- Does this matter fall within the terms of reference of the Board?
- Whom did they represent in this context?
- Whom did they consult before making the decision?
- What motivated the language name choice by the Board?
- Where are the minutes of the meeting?

As part of the legal investigation on the topic under discussion, the researcher holds the view that proper answers and accountability on the above-mentioned questions may profoundly contribute to amicably resolving the matter. Equally important, it can be postulated that the Constitutional Court in consultation with the Constitutional Assembly had a constitutional obligation to look into the matter since it violates the linguistic rights of the L1 speakers as well as the constitutional democracy.

Joint Parliamentary Constitutional Review Committee and its efforts in resolving the matter

According to the minutes of the Joint Parliamentary Constitutional Review Committee of 2010, interested parties were called to Parliament to interact on the issue of whether Sepedi or Sesotho sa Leboa should be entrenched in the Constitution as one of the official languages of the Republic. During earlier submissions made to the Committee on the same topic, there had not been an opportunity for the Committee members to question those submissions so that this meeting would allow for interrogation. The chairperson of the committee asked all who were making submissions to be brief, because of travel constraints.

The Language Board had recommended that Sepedi replace Sesotho sa Leboa in the final version for historical reasons as had been outlined by Mojalefa. What captures the attention of the researcher in this article is the lack of consultation and transparency with the first-language speakers of the language under attention. In terms of law, one may submit that this action was unconstitutional since it was done without proper public consultation with the speakers of the language. It is against this background that the

⁶ T. Savory, *The Art of Translation* (Boston: The Writer Inc., 1968); Osmond Agbor Otor, "Language Translation in Communication as a Strategy in Cross-Border Governance and Cooperation: Some Preliminary Observations in the Nigeria–Cameroon Border Relations," *Available at SSRN*, 2022.

language name change from Sesotho sa Leboa to Sepedi was never accepted by the majority of the first-language speakers.

Rakgogo confidently claims that the current onomastic controversy on the use of Sepedi and Sesotho sa Leboa as both official standard names in informative, descriptive, official and policy documentation was motivated by constitutional documentation, proclaimed in 1996.⁷ Rakgogo's submission is based on the fact that nobody knew what caused the language name discrepancy since the process lacked transparency and thorough consultation with the relevant stakeholders.

In the minutes of the Joint Parliamentary Constitutional Review Committee of 2011, scholars such as Mojela confirmed that the inclusion of Sepedi in the Constitution was just an imposition as a result of political power and influence. He contended that speakers of the language were not consulted as to why the language name 'Sesotho sa Leboa' should be replaced with the 'Sepedi' language name. According to Mojela, Sesotho sa Leboa/Northern Sotho is the rightful language name to be included in Section 6(1) of the Constitution as one of the twelve official languages.

According to the minutes of the Joint Parliamentary Constitutional Review Committee (2011), Swart as one of the committee members articulated:

There is a need to establish, from a legal perspective, whether the replacement of Sesotho sa Leboa with Sepedi in the final Constitution was an error of fact or an error of law that was responsible for the discrepancy between the Interim and Final Constitutions. He added that the Committee needed to determine whether it was a political decision that was responsible for the fact that 'Sepedi' was listed in the English version. It was strange that the issue was not raised at the Certification hearings at the Constitutional Court when there had been objections from many groups. The English text, referring to 'Sepedi', was the text before the Constitutional Court at that time.

Similarly, in the same Joint Parliamentary Constitutional Review Committee (2011), Gaum as a committee member emphasised that:

The Committee should consider getting a legal perspective on the controversial issue of the Sepedi and Sesotho sa Leboa names, primarily because the matter involves the Constitution. He further suggests that since the onomastic and sociolinguistic controversy of Northern Sotho language names is also considered a legal issue, legal advisors representing the South African parliament should be brought on board and be granted an opportunity to give a thorough presentation on the matter. In his conclusion, Gaum draws attention to the sensitivity of the matter and recommends that a type of Solomonic compromise be reached in the Constitution of South Africa, by suggesting the inclusion of both Sepedi and Sesotho sa Leboa instead of retaining one or the other in settling the dilemma of double designation.⁸

In this article, the researcher shares a similar view with the above-quoted committee member on the issue of getting a legal opinion as to which language name should rightfully be listed in Section 6(1) of the Constitution. However, he completely disagrees with the committee member on the postulation that a Solomonic compromise be reached where both Sepedi and Sesotho sa Leboa will be mentioned in the constitutional document. The researcher's view is that this type of compromise will expose the South African justice system as not having the capacity to resolve the matter that was compounded by the Constitution.

In terms of this article, it is pleasing to note that both Swart and Gaum as committee members believe that a legal view should be obtained from the Parliamentary legal experts. It is against this backdrop that the current article looked into the dual naming dilemma from a legal perspective. The article further established if the topic under attention qualified to be interrogated from a legal point of view.

⁷ Rakgogo, "Investigating the Onomastic Principles of Naming an Official Language: The Case of the Sepedi and Sesotho Sa Leboa (Northern Sotho) Language Names," 4.

⁸ Joint Parliamentary Constitutional Review Committee, *Sesotho Sa Leboa vs Sepedi* (Pretoria.: Government Printers, 2011).

The crux of the matter in this article is that it is now 30 years since the passing of the democratic Constitution. However, there are no practical measures from the relevant stakeholders and language authorities to attempt to resolve the dual designation of Sepedi and Sesotho sa Leboa/Northern Sotho as different language names used to denote one and the same language in informative, descriptive, official, and policy documentation as well as in general language use. From an observational point of view, one may submit that this undermines the linguistic rights of the concerned parties. Equally important, it also undermines constitutional democracy and its supremacy.

Failure of the Justice System to resolve the matter

In 2013, a memorandum was sent by the then Executive Director of the Sesotho sa Leboa National Lexicography Unit with the subject:

Request for intervention by the Public Protector to investigate the Government's (Constitutional Review Committee's) apparent hesitation and bias in correcting a Constitutional error of using SEPEDI instead of SESOTHO SA LEBOA (by Government departments) – to protect the people against unfair political treatment.

This submission was made with the co-operation of most concerned academics in the University of Limpopo, University of South Africa, University of Johannesburg, University of Venda, and the entire (Northern Sotho) Magoši (royal leaders) in the Capricorn, Mopani and the Waterberg districts of the Limpopo Province as well as Mapulaneng in Mpumalanga, in particular the following: Dr Mpho Monareng (University of Johannesburg), Dr Malekutu Bopape, Prof LJ Rafapa and Dr Peter Boshego (University of South Africa), Prof Maje Serudu (Professor Emeritus – University of South Africa), Prof Mokgale Makgopa and Dr Lekau Mphasha (University of Venda), Prof Sekgaila Chokoe (University of Limpopo), Adv. Tommy Ntsewa, Kgošigadi Mothapo (Bakgaga ba ga Mothapo), Kgoši Sekgalabjana Sešego Sekororo II (Banareng ba ga Sekororo), Kgoši Dikgale (Bakone ba ga Dikgale), etc.

On the 19th of September 2013, a response to the request for a full investigation into the alleged delay by the Joint Parliamentary Constitutional Review Committee to replace Sepedi with Sesotho sa Leboa in the Final Constitution, Act No. 108 of 1996 was recorded in the following way:

Section 6 of the Public Protector Act grants discretionary powers to decide not to investigate a matter when it can be adequately addressed by another competent authority. Having examined all factors and having regard to the provisions of Section 6(4)c(ii) of the Public Protector Act, we have concluded that the Department of Justice and Constitutional Development (now known as the Department of Justice and Correctional Services) can adequately address the complaint under attention.⁹

It was further stated that:

We have written a letter to Minister Jeff Radebe, Minister of Justice and Constitutional Development, making him aware of the nature of the complaint and the Department will in the future convey the outcome of the investigation directly to the complainant. We will, however, keep our file under monitoring for the next 60 days, whereafter we expect a response from the Department of Justice in relation to what steps they have taken to address the matter.

As part of our intervention, we will keep this file under monitoring for the next 60 days, whereafter we expect a response from the Department of Justice in relation to what steps they have taken to address your complaint. Depending on the progress report we receive after the expiry of the 60-day period, the initial decision to refer your complaint to the Department of Justice and Constitutional Development may be reconsidered.

⁹ Republic of South Africa (RSA), *Final Constitution of the Republic of South Africa (Act 108 of 1996)* (Pretoria: Government Printers, 1996).

Based on the response from the Public Protector's office, it is clear that interested parties have another avenue that they can take as a way of establishing a legal matter on the onomastic controversy of Sepedi and Sesotho sa Leboa/Northern Sotho. On the other side, interested parties still have a right to go back to the Department of Justice and Correctional Services to make a follow-up on this complaint. What captures the attention of the researcher is that the above-quoted matters confirm that the topic under attention can be explored and resolved from a legal point of view.

THEORETICAL FRAMEWORK

For the purpose of this study, Critical Discourse Analysis (CDA) has been used to strengthen the researcher's contention. According to Johnson and McLean, CDA is a growing interdisciplinary research movement composed of multiple distinct theoretical and methodological approaches to the study of language.¹⁰ They further add that CDA scholars commonly view language as a form of social practice, and are concerned with systematically investigating hidden power relations and ideologies embedded in discourse. Lastly, they emphasise that this theory maintains an explicit impetus to intervene actively in, or challenge, the power relations or social problems under any investigation.

CDA and the Language Ideology fields share a similar interest in issues of language, power and ideology. They have developed over the past two decades as more or less distinct strands of research, due probably to their separate geographical and disciplinary origins.¹¹ Khan and Zaki add that ideology, discourse and language are interconnected phenomena.¹² It is for this reason that Rakgogo and Mandende articulate that decisions about whether speech forms constitute an independent language or a dialect are based on language ideology and not on linguistic criteria.¹³ According to Deroo and Ponzio, there is a noticeable interrelatedness between language practice, acceptance and belonging.¹⁴

The significance of CDA in this article is that it mostly deals with power dynamics and relations. The issues of politics, dominance, status, religion, race, language, etc., are also part and parcel of CDA. Based on the background that has been laid in this article, it is debatable whether language can be separated from political power and influence. Another important aspect that comes to the fore is that the main contention is all about which language name is correct between Sepedi and Sesotho sa Leboa/Northern Sotho. Within the parameters of this article, it can be reasoned that the matter touches on the status type of language planning.

According to the minutes of the Joint Parliamentary Constitutional Review Committee of 2011, Advocate Gaum expressed that the issue of Sepedi and Sesotho sa Leboa/Northern Sotho is a legal matter, but he also reiterated that it is also a 'political landmine'. In the final analysis, the committee would need to make a political call. In the same Parliamentary meeting, Swart as a committee member added that there might be a need to look into the records of the constitutional deliberations or call on Mr. Ramaphosa to explain whether it was a political decision, an underhand move or an error.

Its relevance is that it allows the marginalised speech communities to raise their dissatisfaction and complaints. In terms of this article, CDA allows the concerned parties to also explore a legal route as part of social justice since the topic under discussion tends to undermine the integrity and identity of the L1 speakers. Equally important, it can also be observed that the concurrent use of both Sepedi and Sesotho sa Leboa/Northern Sotho to designate one and the same official language to some extent violates the linguistic human rights of the concerned speech communities. It is against this background that the researcher opted for CDA as a theoretical framework that will share, guide, and fortify his argument.

¹⁰ M.N.P. Johnson and E. McLean, *International Encyclopedia of Human Geography*, 2nd ed. (Oxford: Elsevier, 2020).

¹¹ T.M. Milani and S. Johnson, "CDA and Language Ideology – towards a Reflexive Approach to Discourse Data," in *Methoden Der Diskurslinguistik*, ed. I.H. Warnke and J. Spitzmüller (De Gruyter, 2008), 361–84.

¹² Muhammad Asim Khan and Sajida Zaki, "Corpus Assisted Critical Discourse Analysis of Pakistan's Language Education Policy Documents: What Are the Existing Language Ideologies?," *SAGE Open* 12, no. 3 (2022): 21582440221121804.

¹³ Tebogo Jacob Rakgogo and Itani Peter Mandende, "Is Khelobedu a Language or a Dialect?," *South African Journal of African Languages* 42, no. 2 (2022): 179–89.

¹⁴ Matthew R. Deroo and Christina M. Ponzio, "Fostering Pre-Service Teachers' Critical Multilingual Language Awareness: Use of Multimodal Compositions to Confront Hegemonic Language Ideologies," *Journal of Language, Identity & Education* 22, no. 2 (March 4, 2023): 181–97, <https://doi.org/10.1080/15348458.2020.1863153>.

METHODOLOGY

The article was qualitative in nature and content analysis was employed for data gathering and analysis purposes. According to Bengtsson, as a method, content analysis is unique in that it has both a quantitative and a qualitative methodology, and it can be used in an inductive or a deductive way.¹⁵ Renz, Carrington and Badger state that content analysis is one of the most commonly used methodologies to study a phenomenon in qualitative research.¹⁶ The purpose of content analysis is to discover the underlying meaning of text through the quantification of the meaning of spoken or written language. Content analysis has been described as “indigenous” to communication research because it analyses data captured in messages and communications versus observable events or individual properties.

For the purpose of this article, the researcher relied on content analysis focusing on constitutional documentation, relevant legislations, and legal memorandums, as well as minutes of the Joint Parliamentary Constitutional Review Committee of 2011, 2016, 2017 and 2020 for data collection and analysis purposes. The researcher contends that the aforementioned method helped him to clearly articulate the problem statement under investigation and further determine the ontological argument that led to the epistemological and phenomenographical stances. Participant observation as another qualitative method of data collection was also employed in the study.

Ethical considerations

This article is partially based on a Master’s and PhD study that was conducted by the researcher in 2016 and 2019, respectively. It is important to mention that no human participation was involved in the current research, meaning that no face-to-face interviews were conducted. Similarly, no self-administered questionnaire was distributed. The study relied on the qualitative data mentioned in the research methodology and design of the article. However, the main studies (Master’s and PhD) received ethical approval from the Tshwane University of Technology Research Ethics Committee (with reference number Ref #: REC/2015/03/007). Similarly, the study also received approval from the University of the Witwatersrand, Johannesburg Human Research Ethics Committee (Non-Medical) R14/49 (Protocol No. H17/06/46). Should there be a need, copies of the approval letters can be obtained from the primary researcher.

DISCUSSION OF FINDINGS

For the purpose of data analysis and its discussion, interpretative and descriptive research paradigms were employed to make sense of the conceptual data that was gathered in this study.

Qualitative themes

From the conceptual data that was collected through constitutional documental and other relevant legislation including minutes of the Joint Parliamentary Constitutional Review Committee of 2011, 2016, 2017 and 2020, the following are the six qualitative themes that emerged:

Qualitative Theme One: Supremacy of the Constitution

According to the literature that was consulted for this article, it is clear that the main argument lies in whether the Sepedi language name should be maintained in Section 6(1) of the Constitution or should be replaced with the Sesotho sa Leboa/Northern Sotho language name. Looking at the supremacy of the Constitution, it is crucial to state that Section 6(1) of the Constitution of South Africa, Act No. 108 of 1996 designated Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu as the twelve South African official languages.

The current article submits that it is important for all government departments, private organisations and also relevant language authorities within the South African linguistics fraternity to

¹⁵ Mariette Bengtsson, “How to Plan and Perform a Qualitative Study Using Content Analysis,” *NursingPlus Open* 2 (2016): 8–14.

¹⁶ Susan M Renz, Jane M Carrington, and Terry A Badger, “Two Strategies for Qualitative Content Analysis: An Intramethod Approach to Triangulation,” *Qualitative Health Research* 28, no. 5 (2018): 824–31.

respect what has been captured in Section 6(1) of the Constitution. This article established that there is no other law, act or policy in the country that should be inconsistent with or supersede the Constitution. Thus, all the stakeholders advocating for Sesotho sa Leboa/Northern Sotho as the rightful official standard language name should also admit that at the moment, Sepedi is still considered the official language.

This implies that to use of the name Sesotho sa Leboa/Northern Sotho in official documentation may also constitute another legal matter, which may have its own legal implications. Views and perspectives that support the unconstitutionality and injustice of replacing the aforementioned name with the Sepedi name without following proper processes should be challenged in a competent court of law as advised by the Office of the Public Protector. The outcome of the case should determine the name that deserves to stand as a symbol of identity to all those who identify themselves as L1 speakers of the language under attention.

Qualitative Theme Two: Ethics in translation

Another qualitative variable that is linked to the problem statement investigated in this article is the translation project of the 1996 Constitution. Equally important, the article postulated that translation principles and strategies were neglected by those who were appointed to translate the constitutional document, especially when it comes to Section 6(1) of the Constitution. In terms of this article, it still needs to be established from a legal implementation point of view if Boshago as the translator of the Sepedi version of the Constitution had a legal mandate to change the language name from Sepedi to Sesotho sa Leboa.

The minutes of the Joint Parliamentary Constitutional Review Committee of 2011 further confirm that:

Section 82 of the Constitution states that the signed copy of the Constitution is conclusive. In this context, the signed version is the English text. Constitutionally, the Sepedi language name is in a strong position.

However, the findings of the article provide that this does not mean that those who advocate for the Sesotho sa Leboa/Northern Sotho name to replace Sepedi do not have a case. The literature proves that the process of replacing Sesotho sa Leboa with Sepedi in the final Constitution was unconstitutional. This implies that those who are in support of Sesotho sa Leboa/Northern Sotho as a language name also have a strong case.

What further needs to be observed with regard to ethics in translation is that the translation project that was initiated and funded by Parliament was hijacked to suit the language ideologies of those who did not want to identify themselves with the Sepedi language name. What captures the attention of the current article is the fact that translation principles and strategies were intentionally violated. Thus, the article postulates that manipulating the translation project is considered unethical conduct in terms of the rules and laws that govern translation, more especially within the context of loss of meaning and confusion that can be realised between the source and the target texts.

Qualitative Theme Three: Violation of linguistic human right(s)

The findings of the article established that the use of Sepedi and Sesotho sa Leboa/Northern Sotho as different language names that are used to designate one official standard language is a direct violation of the linguistic human rights of the concerned speech communities. In addition to this, constitutional democracy is also violated and the article proposes an intervention by the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL) Commission and the Human Rights Commission as Chapter Institutions that are mandated to protect and strengthen the constitutional democracy. Should the two mentioned Commissions fail to address the matter constitutionally, the National Assembly should look into the matter since all the Chapter 9 Institutions have to give an account to the National Assembly.

Qualitative Theme Four: Poor justice system and oversight

The article established without any doubt that there was a poor oversight between the National Assembly as the drafters of the Constitution and the Constitutional Court as the approver and certifier of the Constitution. The minutes of the Joint Parliamentary Constitutional Review Committee of 2011 confirm that the language name discrepancy between Sepedi and Sesotho sa Leboa/Northern Sotho never emerged during the Certification hearings of the Constitutional Court.

In terms of this article, the following are some of the critical questions that emerged from the literature that was consulted:

- Why was Sesotho sa Leboa/Northern Sotho replaced with Sepedi without a transparent process?
- It is confirmed that the Language Board gave the green light regarding the Sepedi language name. Why are there no minutes and records of the meeting of the Language Board as part of the evidence?

The literature consulted in this article revealed that there was a memorandum of complaint that was sent to the Office of the Public Protector in 2013. It was established that this office responded and provided a clear directive that the Department of Justice and Constitutional Development should look into the matter and provide a legal view within 60 days. The current article, however, found that ten years have passed since the promise was made that the Justice Department would look into the matter. The article notes that it is dissatisfying that no formal response was provided to the Sepedi and Sesotho sa Leboa complaints. It is against this background that the article records that a poor justice system accompanied by poor oversight from the National Assembly as the drafters of the Constitution is part of the major qualitative variables why the topic under discussion has not yet been resolved.

Qualitative Theme Five: The identity framework of language

Issues of languages and dominance in the Republic of South Africa, as in any other African country, are linked to political power and influence. The naming controversy of Sepedi and Sesotho sa Leboa/Northern Sotho touches on the status type of language planning which is considered a political process in nature. In terms of this article, one of the contributing factors to the lack of peace, unity and stability amongst the L1 speakers of the language under attention regarding the name that should be attached to the official standard language is due to ethnic pride, which is, within the context of the article linked to the identity framework of language ideology.

The framework is that language, culture, identity and ethnicity cannot be separated which is the core reason why one group opposes Sepedi as the rightful name to serve as the name of the standard language on the ideology that this name speaks specifically to a particular ethnic group. On the other hand, the other group is of the view that Sepedi has historical value drawing from the missionaries' activities which led to the translation of the Bible into Sepedi, which ultimately contributed to the elevation of Sepedi from a dialect to an official standard language. In terms of this article, the researcher needs to emphasise that the identity framework of language ideology does not separate a language from its ethnic group. This means that each ethnic group should have its own language, culture and identity, as well as its Paramount King or Queen. Consequently, the current article poses two critical questions:

- If Sepedi is rightfully to serve as the official standard name, what about other ethnic groups and their languages?
- If Sesotho sa Leboa should replace Sepedi in the Constitution, which ethnic group does it fall and who is its Paramount King or Queen?

Qualitative Theme Six: A competent court of law to investigate the matter

From the literature that was consulted in this article, it may be claimed that the main contention of whether Sepedi should be retained in the Constitution or whether Sesotho sa Leboa/Northern Sotho should replace Sepedi is surrounded by power relations, dominance and status. Of the two groups (the one in support of Sepedi and the other in support of Sesotho sa Leboa), none will ever succumb to the other since the matter touches on identity and ethnicity. Therefore, there is a need for this matter to be investigated from a legal point of view. The sequence of events from the interim Constitution to its finalisation in 1996 and also the

translation project of the final version of the Constitution support that the language name dilemma of Sepedi and Sesotho sa Leboa is a legal matter. The minutes of the Joint Parliamentary Constitutional Review Committee of 2011 confirm that this is indeed a legal matter which needs a legal perspective from the Parliamentary legal advisers.

RECOMMENDATIONS

To ensure compliance with Section 6(1) of the South African Constitution by higher education institutions, government departments, and private organisations, the Department of Sport, Arts and Culture, along with its entity, the Pan South African Language Board, should collaborate with the CRL Commission, a relevant Chapter 9 Institution. Together, they should engage the Department of Justice and Constitutional Development to resolve this issue. The Constitutional Court of South Africa can also be involved, as the matter pertains to a violation of the Constitution and oversight issues that occurred before the Constitution was finalised and adopted. This legal effort will require that all organisations referring to the official standard language as Sesotho sa Leboa or Northern Sotho be held accountable, as such terminology disregards is inconsistent with the nomenclature used in the Constitution.

CONCLUSION

This article envisaged to address two objectives, namely, to establish if the concurrent use of Sepedi and Sesotho sa Leboa/Northern Sotho to designate one and the same language constitutes a legal matter; and to point out the failures of the Justice System, Parliament as well as relevant language authorities in resolving the matter. The literature consulted in this article together with the findings that were established confirm that the continued use of Sepedi and Sesotho sa Leboa/Northern Sotho language names disregards the Constitution, which means that a legal process can be constituted based on the available evidence. The article successfully illustrated the failures of the justice system together with those of other relevant stakeholders to resolve the naming controversy surrounding the Sepedi language. Furthermore, it postulates that there is a need for a legal perspective to be established on whether Sepedi is the rightful name to be included in the Constitution or not. It is for this reason that the article concludes that the only way to obtain a legal perspective is when the matter under attention can be heard in a competent court of law.

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