Citizenship, Language and Digital Rights: The Status of African Languages as a Measure of the Health of Digital Rights

By Nanjala Nyabola, August 2021 – *Draft in development*

Abstract

In recent years, the tech utopianism that characterised the early years of the internet has diminished considerably as societies around the world confront the limits of technology and the importance of human rights in the digital sphere. East Africa is no exception. Although Internet use in the region is growing steadily – driven by the use of smartphones and low-cost data bundles, as well as the state's increasing reliance on digital platforms – digital authoritarianism and corporate malpractice in the technology space is also growing. For example, in 2020 the Tanzanian government imposed a social media shutdown to frustrate online organisation efforts by the opposition during the election[1]. Similarly, while Kenya has led the charge in the embrace and use of technology in both private and public life in the region, many of these developments have outpaced the development of a coherent rights framework and norms of relation between the state and the citizen, to protect citizens from the excess of state and corporate power.

The goal of this paper is to connect work in linguistics, literature and social theory to the practice of advocacy of digital rights. Sociolinguistics has long argued that language is more than merely words or phrases, and that it is crucial to create knowledge in African languages to strengthen those communities. Making social information available in local languages enhances the participation of these language communities in shaping their social and political realities, including the defence of their rights. Yet African languages continue to be under-represented in digital platforms, even as the digital becomes a more prominent part of African public lives. Using the example of Kiswahili, the most widely spoken African language in the world, this paper will argue that finding a place for African languages like Kiswahili in digital spaces is not merely about diversity and representation. Rather, it is a bell weather for advancing digital rights and protecting the interests of digital citizens in a shared digital future.

Introduction

All over the world, the digital has emerged as a key site for public life. In addition to the organic embrace of social media and messaging as low-cost spaces for political organisation and mobilisation, several governments have also compelled their citizens to shift more aspects of their political lives online. "Digital first government" is a central pillar for governments as disparate as the United Kingdom, Estonia, Kenya and India. This demands renewed attention to the ways in which shifting relationships with power online changes the quality and quantity of power political participation.

Some of the concepts that underpin our capacity to participate in civil life in the analogue space map perfectly onto the digital space, but some do not. Ideas like citizenship, democracy, networks and deliberation are all intimately connected to our political lives. Yet they are also rooted in specific linguistic and historical contexts, and this raises the question

[1] "Shutdown Victim Stories: Tanzania Is Weaponizing Internet Shutdowns." *Access Now*, 16 Dec. 2020, https://www.accessnow.org/tanzania-internet-shutdowns-victim-stories/.

of whether or not simply grafting them onto the digital retains their full power. Citizenship for instance is routinely deployed in conversations about technology and politics although the questions it triggers about how closely the analogue translates to the digital are only now gaining more attention. In some ways, the analogue concept of citizenship maps perfectly onto the digital, for instance when thinking about services delivered by the government online. But this chapter argues that there are less apparent aspects of citizenship – notably language – that affect our ability to effectively participate in these digital platforms, or to call ourselves digital citizens.

From Analogue to Digital Citizenship

The idea of a citizen is foundational to social and political theory and behaviour, and yet definitions remain varied and elusive. Etymologically, the word citizen has Latin roots from the word civitas which means a city. The city-state was the foundational unit of belonging in Western Europe, and from the 14th century the word referred explicitly to "freemen" or inhabitants of a city, rather than slaves or foreigners[2]. In contemporary terms, the word is used in three connected but not necessarily overlapping ways. The first is the legal sense provided by the framework of legal eligibility[3]; the second is connected to participation, that is, that the citizen is one who participates in the political space in a specific entity;[4] and the third is more reflexive and focused on the individual's identity and sense of identity and belonging[5]. Each of these definitions connects the citizen to a political geography in a certain way, establishing either rules, norms or sentiments as the foundation of relation between an individual and the political entity they inhabit.

Digital citizenship therefore is an emerging body of work that considers the ability of individuals, and indeed institutions and inanimate entities (e.g. corporations or bots) to participate in the digital sphere. Mossberger *et al* (2008; 1) initially define digital citizenship as simply "the ability to participate in society online", and this triggers questions about access and connectivity. But even with full access to the internet and devices, standards of exclusion and inclusion into a digital society can still exclude people from considering themselves digital citizens of a specific group. Roberts and Hernandez (2019) developed the 5'A's to analyse how availability, affordability, awareness, abilities and agency stratify who is able to make effective use of digital technologies and who is excluded and left behind (Hernandez and Roberts 2018).

A digital citizen therefore could be one who is entitled to participate in the digital space, or one who participates actively in the processes and systems of the digital space, or one who belongs or has an identity that is drawn from their presence on the digital sphere. Each of these definitions is once again founded on the notion of relation, specifically, the relation that the individual has to the digital space and to the powers that shape it. But the notion of digital citizenship carries with it a complication that isn't reflected in the literature on geographical citizenship, in that our participation in the digital public sphere is moderated and affected by private corporations. As such, a legalistic of the digital citizen would necessarily be rooted in

---

[2] https://www.etymonline.com/word/citizen

[3] Cohen, J., 1999, "Changing Paradigms of Citizenship and the Exclusiveness of the Demos", *International Sociology*, 14 (3): 245–268.

[4] Kymlicka, W. 2000, "Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts", in *Citizenship in Diverse Societies*, W. Kymlicka, W. Norman (eds.), Oxford: Oxford University Press, 1–41.

[5] Carens, J.H. 2000, *Culture, Citizenship, and Community. A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press.

rules established by corporations rather than by states, for instance by the terms and conditions we agree to before signing up to digital platforms. Still, in practice norms and sentiments rather than laws have determined the definition of a digital citizen, and the basis of digital citizenship is regularly connected to the sense of identity and belonging individuals get from participating in digital spaces.

Taken together, these definitions suggest that a digital citizen is one who inhabits the digital public sphere and is able to contribute towards it meaningfully. Yet the definition of a digital public sphere is also affected by unique concerns connected to the nature of the digital itself. Western political theory the public sphere is often described as a unitary space where political ideas are generated, debated and adopted[6]. Habermas suggests that the public sphere is defined primarily through speech acts, in that we are constantly engaged in processes of defining our political actions through debating them with others and with power[7]. For Habermas, the public sphere is produced by ideas, and in this sense, the digital public sphere is basically the functions of an analogue public sphere grafted onto a new arena of engagement[8]. A digital public sphere is therefore produced wherever people can engage with power and with other citizens to debate the ideas that will shape their shared polity[9].

On one hand, one feature shared by both the digital and analogue public spheres is exclusion. Not everyone who exists can equally participate in the digital public sphere, even though ideally, everyone who wants to participate in both the digital and the analogue public sphere should be able to. The archetypical polis was not designed for women, the poor, slaves, and foreigners. Indeed, scholars from the global south argue that we in fact inhabit multiple public spheres, their work influenced by Ekeh's foundational studies on the bifurcation of the identity of the colonised individual[10]. Feminists would argue that the home is a form of public sphere for women where the politics of patriarchy established by society outside the home affect their lives in the domestic sphere. In Ekeh's bifurcated public sphere, deliberation in service of political – and political in the broadest sense – action remains the same, but each of these spheres serve a different function and negotiates with a different centre of power[11].

On the other hand, a feature that significantly distinguishes the digital and the analogue public spheres is the participation of corporations, where in most countries private capital cannot participate in the public sphere as a distinct entity from those who wield it. However, corporations can and do engage meaningfully in the digital space, for example, particularly where limits and standards on corporate communication sufficiently sever the identity of the person behind the account from the account itself. Increasingly, brands are turning digital participation into a core site for their corporate action, speaking more and more directly with consumers online than they would ever engage offline and imbuing their digital avatars with aspects of personality. At the same time, the digital is also full of inorganic users – bots, automated processes, and coordinated inauthentic behaviour. In so far as the idea of citizenship has never been premised on equal and universal participation of all individuals, then the proliferation of inorganic users in the digital public sphere challenges the notion of digital citizenship as a flat, cohesive structure.

---

[6] Habermas, (1974) p 49
[7] Habermas, 1992) p 31
[8] Habermas (1992) p 31
[9] Nyabola, Nanjala. *Digital Democracy, Analogue Politics: How the Internet Era Is Transforming Kenya*. ZED, 2018. P 40
[10] Ekeh (1975) p 92
[11] Mustapha (2012) p 31

Another major distinction is that digital citizenship it is not attached to a specific geographic entity but to networks of connection and participation. A digital citizen could be active across various civics, including some that may be in tension with each other, for example when one participates in forums that call for treasonous action while also participating in conversations about local or national issues. Digital citizenship does not demand exclusivity from the participant in the way that analogue citizenship does. Similarly, digital citizenship has few legal barriers to qualification: the threshold and standards for participation are entirely established by tacit agreement between the members of the community. These are all the primary characteristics of digital citizenship, but as will be demonstrated in this chapter, language is an intervening factor that makes all of these subsequent characteristics possible.

There are also qualitative elements that define digital citizenship. In practice, the idea of digital citizenship is often connected to the ethical obligations that flow from participating in these digital spaces. For technology companies especially, it can sometimes be easier to define who a digital citizen isn't than who a digital citizen isn't. Kim and Choi (2018) argue that such approaches emphasise normative aspects like acknowledging the rights of others or respecting intellectual property of others[12]. But they also assert that this is a minimalist standard, and that in addition to these, digital citizenship must also encompass numerous affirmative actions, and that digital citizenship includes cognitive, emotional, and behavioural factors[13].

Even so, Ekeh and Habermas' conceptions of the public sphere do map strongly onto the digital. Digital citizenship as defined by norms and practices maps closely onto their ideas of an analogue public sphere and therefore analogue citizenship, while differing in some significant ways. Moreover, participating in digital platforms produces new relations between the individual, the collective and power[14]. Arguably, the mere act of participating in these spaces gives shape to them, and that shape is a form of a public sphere even if it is incomplete[15]. Warner (2002) argues that a public can also be valid even if it has a constrained audience, and merely the capacity to articulate a view in public for this public constitutes the kind of rational-critical debate that is necessary to creating a public sphere, if not *the* public sphere[16].

Kiswahili in the Digital Age

African sociolinguistics has long recognised the value of language in political cultures. In his seminal work "Decolonising the Mind" Ngugi wa Thiong'o said that "the choice of language and the use to which language is put is central to a people's definition of themselves in

---

[12] Kim, Minjeong, and Dongyeon Choi. "Development of Youth Digital Citizenship Scale and Implication for Educational Setting." *Journal of Educational Technology & Society*, vol. 21, no. 1, 2018, pp. 155–71, https://www.jstor.org/stable/26273877. P 156

[13] Kim, Minjeong, and Dongyeon Choi. "Development of Youth Digital Citizenship Scale and Implication for Educational Setting." *Journal of Educational Technology & Society*, vol. 21, no. 1, 2018, pp. 155–71, https://www.jstor.org/stable/26273877.p 157

[14] Nyabola, Nanjala. *Digital Democracy, Analogue Politics: How the Internet Era Is Transforming Kenya*. ZED, 2018. P 41

[15] Warner, Michael. "Publics and Counterpublics." *Public Culture*, vol. 14, no. 1, 2002, pp. 49–90, https://muse.jhu.edu/article/26277.

[16] Warner, Michael. "Publics and Counterpublics." *Public Culture*, vol. 14, no. 1, 2002, pp. 49–90, https://muse.jhu.edu/article/26277. 49

relation to their natural and social environment, indeed in relation to the universe"[17]. Ngugi argues that language is the most important vehicle through which power – and colonial power especially – "held the soul prisoner"[18]. Language is not just a means of communication – it is also a carrier of culture. Ngugi continues that language is the means through which relation is established and through which the boundaries of our social interactions. Language also orders our production or our relation to our means of life: it organises our relation to the natural world[19]. Finally, language particularly when written is also a system of signs[20]. Language acts carrier of our histories and our politics, and this suggests that what is not written or what is not possible to write can be just as important as what is. For example, a society that names female genitalia in the same vein as shame and dirt betrays its patriarchy. A language that has a rich history of description that cannot describe the violence that colonisation enacts on the colonised betrays its injustice. To decolonise African intellectual thought therefore, Ngugi urges the use of indigenous African languages, not only as a form of protest but as a means of reclaiming the African identity and cultural experience from the violence of colonisation.

Languages are also a marker of belonging and identity, and even a technology for political action[21]. Mazrui and Mazrui (1993) discuss the functions of Kiswahili, Kenya's second official language after English, in public life in the country[22]. The Swahili people are a network of communities found along the East African coast ranging from Southern Somalia to Northern Mozambique. They consist of several small, related Bantu groups as well as descendants of Arab immigration in the fifteenth and sixteenth century[23]. The Swahili coast of Kenya was never formally colonised by the British, as it was administered separately as a protectorate, but after independence the coast united with the mainland. Similarly, Zanzibar in Tanzania which was once the capital of the Sultanate of Oman was never fully colonised and remains in union with the mainland of Tanganyika rather than fully incorporated to it.

Given the colonial history, unlike other indigenous languages in the region, Kiswahili – literally, the language of the Swahili people – is also an official language in both Kenya and Tanzania with a combined population of over 100 million people. Mazrui therefore calls Kiswahili "preponderant" – that is, it has numerous speakers even though the ethnic group that developed it is not dominant in the African country where it is spoken – the language has major sociolinguistic value[24].
Because the Swahili people were historically traders, including contributing to the Indian Ocean slave trade[25], there was also a great deal of contact between the coast and the hinterland that continues today. Many of these commercial connections continue today as borders in the region remain relatively open to petty traders. As a result, Kiswahili is also

[17] Ngugi wa Thiong'o. *Decolonising the Mind: The Politics of Language in African Literature*. (1981). P 9
[18] Ngugi wa Thiong'o. *Decolonising the Mind: The Politics of Language in African Literature*. (1981). P 13
[19] Ngugi wa Thiong'o. *Decolonising the Mind: The Politics of Language in African Literature*. (1981). P 14
[20] Ngugi wa Thiong'o. *Decolonising the Mind: The Politics of Language in African Literature*. (1981). P 14
[21] Nyabola (2018) p 174
[22] Mazrui, Alamin M., and Ali A. Mazrui. "Dominant Languages in a Plural Society: English and Kiswahili in Post-Colonial East Africa." *International Political Science Review / Revue Internationale de Science Politique*, vol. 14, no. 3, 1993, pp. 275–92, https://www.jstor.org/stable/1601194.
[23] Matveiev, Victor V. "The development of Swahili civilization." *Africa from the Twelfth to the Sixteenth Century, edited by DT Niane* (1984): 455-80.
[24] Mazrui, Alamin M., and Ali A. Mazrui. "Dominant Languages in a Plural Society: English and Kiswahili in Post-Colonial East Africa." *International Political Science Review / Revue Internationale de Science Politique*, vol. 14, no. 3, 1993, pp. 275–92, https://www.jstor.org/stable/1601194. P 276
[25] See generally Clarence-Smith, W. G., editor. *The Economics of the Indian Ocean Slave Trade in the Nineteenth Century*. Frank Cass, 1989.

spoken in northern Malawi, Zambia and Mozambique, as well as Eastern Democratic Republic of Congo. In Uganda, Kiswahili is spoken because it is one of the official languages of the East African Community as well as the unofficial language of trade. Rwanda, Burundi and South Sudan also speak Kiswahili as a result of their membership of the regional block, but also long running conflicts in the three countries resulted in the emigration of tens of thousands of refugees into Kenya and Tanzania. With the advent of peace, many of these refugees returned to their home countries and brought the language with them. As of 2021, there were plans to teach Kiswahili in schools in South Africa and Namibia[26]. Kiswahili is also the only African language that is an official language of the African Union.

The use of Kiswahili in the region underscores Ngugi's observation that language is a carrier of the history and politics of a society, as well as the importance of doing more than simply providing translation in order to secure the protection of digital rights. In Kenya especially, there is need for work to popularise the use of the language and give users agency over shaping it. Kiswahili is the language of commerce in East Africa as a direct consequence of British imperialism and the desire to "solve" the problems of language diversity in the region[27]. The uptake of Kiswahili in non-Swahili communities of Kenya and Tanzania therefore happens at the intersection of two contradictory impulses – the organic uptake of the language by those who wished to trade with the Swahili Arab coastal communities, and the inorganic imposition of the language through imperial force.

Kiswahili is also a complex language. Although the language is an official language and all Kenyans are forced to learn it in school, Standard Kiswahili or the formal register of Kiswahili is rarely used in informal contexts[28]. There are several major dialects of Kiswahili spoken by the various Swahili communities – Kimrima, Kiunguja, Kipemba, Kimgao in Tanzania and nineteen recognised dialects in Kenya including Kibajuni, Kiamu, Kimvita, Kipemba, Kimambrui, and Kipate[29]. The language remains tremendous sentimental value in Kenya's public sphere as it enabled the coordination of the independence and resistance effort, but it is also rejected for its association with the military[30]. In so far as there is a bifurcation in the colonial mindset, in Kenya and Tanzania (and indeed in Uganda, where Kiswahili is associated with the 1979 war between the two countries) it also has distinct historical associations that constrain its uptake and popularity.

Most Kenyans and Tanzanians would not recognise this complexity because the cultural significance of language is also shaped by contemporary forces like youth culture and commerce. Indeed, Kiswahili has a bizarre status in Kenya, culminating in the development of sheng' the actual lingua franca of Kenya and what Githiora argues is an informal register of Kiswahili that allows Kenyans to reconcile all of these contradictions. Sheng' is an amalgam of the various languages spoken in urban Kenyan settings and reflects the

---

[26] "Kiswahili in Namibia Classes by 2021." *The East African*, 5 July 2020, https://www.theeastafrican.co.ke/tea/news/east-africa/kiswahili-in-namibia-classes-by-2021-1435068.
[27] Mazrui, Alamin M., and Ali A. Mazrui. "Dominant Languages in a Plural Society: English and Kiswahili in Post-Colonial East Africa." *International Political Science Review / Revue Internationale de Science Politique*, vol. 14, no. 3, 1993, pp. 275–92, https://www.jstor.org/stable/1601194. P 277
[28] Githiora, Chege. *Sheng: Rise of a Kenyan Swahili Vernacular*. NED-New edition, Boydell & Brewer, 2018, doi:10.2307/j.ctv1ntfvm. 2
[29] African 671, University of Wisconsin-Madison Students in. *Swahili Dialects*. https://wisc.pb.unizin.org/lctlresources/chapter/swahili-dialects/. Accessed 30 Aug. 2021.
[30] Mazrui, Alamin M., and Ali A. Mazrui. "Dominant Languages in a Plural Society: English and Kiswahili in Post-Colonial East Africa." *International Political Science Review / Revue Internationale de Science Politique*, vol. 14, no. 3, 1993, pp. 275–92, https://www.jstor.org/stable/1601194. P 289

multilingual identities that exist in these contexts. Githiora (2018) has argued that sheng' is more than broken English: it is a variety of Kenyan Kiswahili spoken spontaneously in informal and formal registers depending on the audience at hand[31]. Sheng' contains multiple registers and vocabularies that reflect underlying frictions of class, while the index language that forms the speaker's grammatical foundation also reflects whether they are urban (English) or rural speakers. Sheng' can be used to create a context of both exclusion or inclusion and is for some a rebellion against economic marginalisation and degradation in the public sphere[32]. There is no standard form of sheng' – only a constantly evolving language that reflects the creativity and needs of those who develop it[33].

The place of sheng' in public life mirrors the contours of the digital public sphere in many ways. Language innovation and digital cultures share the characteristic of being primarily driven by youth culture. Sheng' is inexorably linked to youth culture and indeed the choice of words for different objects or events in sheng' is often a generational marker. Erastus and Hurst-Harosh (2020) argue that the combination of language innovation and digital cultures has allowed young people to create distinct youth cultures and push the boundaries of African languages[34]. They call these networks "communities of practice" – a group of people who share a common mutual endeavour – reflecting the definition of a digital public sphere or a digital citizen as a member of a community united by a shared interest in a specific social or political aspect[35]. The emergence of sheng' in Kenya identifies urban youth as a distinct community of practice that is dealing with socio-economic concerns that are qualitatively different from those faced by, for example, rural agrarian communities.

Erastus and Hurst-Harosh also point out that patois like sheng' and digital cultures also share the characteristics of hybridity and an ability to take what exists in the dominant culture and add to it, enriching their digital experiences with this mix of backgrounds. Their research in South Africa shows how vernaculars from various geographies can often collide in WhatsApp messages for example, where young people fluidly combine American slang with isiZulu and Afrikaans words in forms that would not be acceptable in any of these languages. The same happens in Nairobi, Dar es Salaam where words taken from youth culture in the United States like "baller" or "slay queen" enter the popular slang discourse and into Kiswahili by extension with no local language translation. In many African urban spaces the influence of US popular culture is ubiquitous although also modified by regional and local popular cultures, particularly with the international success of pop culture icons and the rise of transnational digital platforms like East Africa Television (EATV) and Netflix.

---

[31] Githiora, Chege. *Sheng: Rise of a Kenyan Swahili Vernacular*. NED-New edition, Boydell & Brewer, 2018, doi:10.2307/j.ctv1ntfvm.

[32] Githiora, Chege. *Sheng: Rise of a Kenyan Swahili Vernacular*. NED-New edition, Boydell & Brewer, 2018, doi:10.2307/j.ctv1ntfvm. 2

[33] Mazrui, Alamin M. "Slang and Code-Switching: The Case of Sheng in Kenya." *Afrikanistische Arbeitspapiere: Schriftenreihe Des Kölner Instituts Für Afrikanistik*, no. 42, 1995, pp. 168–79, https://www.africabib.org/rec.php?RID=147024250. P 169

[34] Erastus, Fridah Kanana, and Ellen Hurst-Harosh. "Global and Local Hybridity in African Youth Language Practices." *Africa Development / Afrique et Développement*, vol. 45, no. 3, 2020, pp. 13–32, https://www.jstor.org/stable/27000067.

[35] Erastus, Fridah Kanana, and Ellen Hurst-Harosh. "Global and Local Hybridity in African Youth Language Practices." *Africa Development / Afrique et Développement*, vol. 45, no. 3, 2020, pp. 13–32, https://www.jstor.org/stable/27000067. P 15

Githiora argues that for young people in Africa, the rejection of standard forms of language is a form of rebellion but also a reflection of the high level of mobility amongst African youth[36]. Sheng', he argues, is an attempt to create a non-ethnic youth culture that reflects the need to navigate these parallel worlds. Kenya for example, is characterised by high rural-urban migration, resulting in what researchers call a "dual system". Many people leave ethnically homogenous communities to enter ethnically heterogenous communities in urban areas, and the emergence of slang is not simply a reflection of "de-tribalisation" or the loss of an ethnic identity, but the creation of a new one, marked with a different shared language and a myth of common ancestry. This suggests that sheng' might be a more organic language for Kenya's digital citizens than Kiswahili. Both Kenya and Tanzania are young countries with the majority of their populations under the age of 35, and if youth culture is the driving force in shaping the use of technology, arguably it makes more sense to use the language that is in popular use.

But neither Sheng' nor Kiswahili are used in this way. In fact, the default language of technology in Kenya remains English, reflecting an unwillingness or inability to build technology that sees local contexts and prioritises local needs. De Sousa-Santos argues that "what does not exist is actually produced as non-existent, that is, an unbelievable alternative to what exists"[37]. By extension this means that the inability of the rules-based language approach that computers take to processing languages to handle sheng' is interesting not just because of that inability but because of what it says about disinterest in trying. It adds to a broader impulse to make sheng' non-existent. This resonates with the Kenya government's deliberate effort to mute or even eliminate sheng in the country. In 1987, for instance, the vice Chancellor of Kenyatta University, Kenya's second largest university, called sheng' a subversive element in Kenya's language education[38].

To be sure, African language practice is highly diversified, heterogenous and fluid in a way that rule based ICT systems struggle to understand. Kiswahili has a high regional profile, but the complexity of Kiswahili and its relationship to sheng' underscores the need for more asserted efforts to bring not just the language but its linguistic context into the way in which we build technology. There is currently no capacity to type or translate text into or from sheng', and existing translation or text to type features online often intertwine the two languages. This creates what de Sousa Santos (2012) calls a sociology of absence[39]. By its very nature, the fluidity and the transgressive nature of sheng' demands an ontological approach that can process language in a way that is dynamic and equally transgressive. The inability of language learning to capture sheng' is indicative of the ontology of sheng' itself – rejecting rules, constantly evolving, rebuilding itself from what it cannibalises off other languages.

Langauge, Rights and Digital Citizenship

---

[36] Erastus, Fridah Kanana, and Ellen Hurst-Harosh. "Global and Local Hybridity in African Youth Language Practices." *Africa Development / Afrique et Développement*, vol. 45, no. 3, 2020, pp. 13–32, https://www.jstor.org/stable/27000067. P 17.

[37] de Sousa Santos, Boaventura. "Public Sphere and Epistemologies of the South." *Africa Development / Afrique et Développement*, vol. 37, no. 1, 2012, pp. 43–67, https://www.jstor.org/stable/24484031. P 52

[38] Mazrui, Alamin M. "Slang and Code-Switching: The Case of Sheng in Kenya." *Afrikanistische Arbeitspapiere: Schriftenreihe Des Kölner Instituts Für Afrikanistik*, no. 42, 1995, pp. 168–79, https://www.africabib.org/rec.php?RID=147024250. P 168

[39] de Sousa Santos, Boaventura. "Public Sphere and Epistemologies of the South." *Africa Development / Afrique et Développement*, vol. 37, no. 1, 2012, pp. 43–67, https://www.jstor.org/stable/24484031.

Understanding the place of African languages in the digital sphere is part of the broader challenge of decolonising technology. For example, Aiyegbusi (208) argues that because the domain of digital humanities is preoccupied with Western institutions and research funds, the questions that might intrigue African researchers are often left unexamined[40]. Language is a major part of how African analogue publics are defined, where ethnic communities of the modern age are united by only two things – a shared language, and the perception of a shared homeland. Yet, as stated, the default language of the African digital sphere to date is English, with French a distant second. Few apps or platforms begin with African language as the default imagined user. African users are routinely placed in a position to interact with the digital through translation. Even alternative keyboards that recognise the diacritics of specific African languages do not exist. So discursive work around what language use reflects in African digital publics is poorly understood.

Yet language is intimately connected to the capacities of the digital citizen. Language defines how digital citizens present themselves in the digital publics. For instance, African digital users routinely toggle between languages in order to extend or constrain their reach at will. Code switching – the practice of alternating regularly between languages in multilingual speakers[41] – is a typical feature of Africa's digital publics where the average African is trilingual in a European language, a national African language and a third mother language. Code switching is also used as a means of subverting power, by switching to languages that cannot be translated online in order to gossip or speak negatively about powerful people in English or French speaking constituencies. Code switching in this way however can also be used to disseminate hate speech in order to avoid machine-based content moderation which still cannot process most African languages.

In addition, language is a key tool through which communities can define the limits of their digital communities. African digital communities also use language to extend the reach of their digital communities. In Kenya, sheng' is increasingly important to digital discourse as more users from working class backgrounds join the platforms[42]. There is also the regionalisation of political discourse, where for example, 67% of the tweets sent out in defence of Ugandan politician Bobi Wine sent out from Kenya, means that political concerns also begin to transcend digital national boundaries[43]. The desire to communicate more with people in Tanzania also fuels an interest in Kiswahili in Kenya. Language is allowing these digital public spheres to redefine their constituencies.

Moreover, language can be a legalistic marker of citizenship, defining belonging in strict terms. Where there is a requirement to speak and engage in an official language in a political entity, the inability to speak the language can be used to exclude. As stated, the complex position of Kiswahili in Kenyan public life is indicative of its history of imperialism and conquest, as well liberation from these two forces. The British colonial state in Kenya had a stated interest in eliminating African languages, except Kiswahili, but the successor independence state has been slow to embrace the protection of mother languages. In the

---

[40] AIYEGBUSI, BABALOLA TITILOLA. "Decolonizing Digital Humanities: Africa in Perspective." *Bodies of Information*, edited by Elizabeth Losh and Jacqueline Wernimont, University of Minnesota Press, 2018, pp. 434–46, doi:10.5749/j.ctv9hj9r9.26.. p 441

[41] Auer, Peter. *Code-Switching in Conversation: Language, Interaction and Identity*. Taylor & Francis, 2013, https://public.ebookcentral.proquest.com/choice/publicfullrecord.aspx?p=5293291., p 3

[42] Githiora (2018) p 132 - 133

[43] *#FreeBobiWine and Today's Pan-Africanism for the Digital Age | African Arguments*. 23 Aug. 2018, //africanarguments.org/2018/08/freebobiwine-today-pan-africanism-digital-age/.

colonial state, language was imposed violently as a marker of citizenship where children were beaten as part of the process of forced assimilation, or in contemporary states where other language are simply not available for use[44]. The contemporary state has not gone far enough to defend these languages, and so as sub-national languages they do not have the resources required to strengthen their presence both online and offline. This further complicates the discourse on the bifurcation of identity and digital citizenship for Kenyans online[45].

Language also determines the contours of the civic space that digital citizens have to demand their rights. Ragnedda (2018) adds to the idea that digital participation or digital exclusion is not merely a factor of technical access, but also to social and political factors[46]. Language is one of these key social factors that gives users the confidence to speak up in the digital public sphere in the confidence that their ideas will be heard and handled properly. Indeed, rights are in the simplest sense the claims that a citizen is able to make from the political society that they are party to regarding their protection or survival. In his seminal work "Citizen and Subject", Mamdani (1996) argues that the bifurcated colonial state gives the best entry point for understanding the distinction between a citizen and a subject; where "citizenship would be a privilege of the civilised [and] the uncivilised world would be subject to all around tutelage"[47]. Whereas a citizen was entitled to the full menu of rights, a subject was only entitled to some civil rights nut no political rights because "a propertied franchise separated the civilised from the uncivilised"[48]. This was always the distinction embedded in the classical notions of citizenship, where the landed elite were entitled to participate fully in the governance of the city, but slaves, women and other disenfranchised groups were never fully considered citizens.

Therefore, where words do not exist to describe and therefore contextualise certain harms, digital citizens will find it hard to demand the protection of those rights. For example, until 2019, Kenya did not have a data protection law which meant that both public and private entities collected, transmitted and even commercialised citizen data without consent or consequence. In 2019, the country passed a data protection law in part because a court held that without such a law the nationwide data collection drive for the single source of truth digital identity system was unconstitutional. Yet, Kenya's Data protection law has not yet been translated into Kiswahili, and indeed until 2021 there was no effort to even provide the words "data protection" with a Kiswahili translation. The dominance of English as the language of digital citizenship contributes to the circumscription of the digital citizen's rights.

Evidently, language and rights are intimately connected and there are laws that recognise that. The International Covenant on Civil and Political Rights (ICCPR) not only recognises language as one of the key avenues through which discrimination can be perpetrated, but in Article 14 also states that people have a right to participate in courts in their chosen

---

[44] Ong'uti, Charles Onchiri, et al. "Factors Affecting Teaching and Learning in Mother Tongue in Public Lower Primary Schools in Kenya." *International Journal of Psychology and Behavioral Sciences*, vol. 6, no. 3, 2016, pp. 161–66

[45] Ong'uti, Charles Onchiri, et al. "Factors Affecting Teaching and Learning in Mother Tongue in Public Lower Primary Schools in Kenya." *International Journal of Psychology and Behavioral Sciences*, vol. 6, no. 3, 2016, pp. 161–66

[46] *Global Agenda for Social Justice: Volume One*. 1st ed., Bristol University Press, 2018, doi:10.2307/j.ctv47wfk2. p 151

[47] Mahmood Mamdani (1996) Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism (Prinecton: Princeton Press) p 17

[48] Mamndani, 1996, p 17

language[49]. The ICCPR recognises that without the guarantee of language, an individual is unable to participate fully in court processes and they will risk greater injustice. The ICCPR in the same article therefore also insists that translations should be made available to those who are charged in criminal cases to protect them from such exclusion[50]. Moreover, in Article 27 the ICCPR also recognises a right for religious and ethnic minorities to use their own languages[51]. Over 173 countries around the world have ratified and are state parties to the ICCPR, meaning that this is domestic law in at least 173 countries.

But even beyond legalistic foundations, language can also be a method of enforcing norms on belonging and participation. This relates to the ability of the individual to show up online as their whole chosen self. Drahos (2017) uses the example of a Chinese character simplification exercise that undermined the ability of Chinese internet users to exist online with their full chosen names[52]. In the 21st century, the Chinese government has been pushing an initiative to simplify the language characters that can be used online, inadvertently marginalising individuals whose names contain unusual characters[53]. Nor was the problem restricted to participating in social networks or digital dialogues. The digitalisation of identities that accompanied this process also created problems in creating bank accounts, proving home ownership, or even the process of obtaining identity cards itself[54]. Indeed, the government encouraged affected individuals to change their names in order to make the new language policy work. The social impact of the language initiative was a big part of its rights context, but it was not taken into consideration.

Given this significance of language, an increasing number initiatives around the world, many led by indigenous language speakers themselves, recognise the importance of language in the digital space. The Global Coalition for Language Rights is a network of international organisations that supports global efforts to increase access to critical information and services, as well as equal digital representation for all languages, while including speakers of indigenous and underrepresented languages in social and educational issues online[55]. Wikimedia regularly hosts editing marathons to provide content for Wikipedia in Kiswahili[56]. In 2020, the United Nations for Human Rights launched the #WikiForHumanRights campaign on International Mother Language Day to "enhance the quality of human rights content online in languages other than English"[57]. During this event, Tanzanian contributors

[49] ICCPR https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
[50] https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx 14 (f)
[51] https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
[52] Drahos, Annie. "UNGEILIVABLE: LANGUAGE CONTROL IN THE DIGITAL AGE." *Control*, edited by Jane Golley et al., ANU Press, 2017, pp. 229–36, https://www.jstor.org/stable/j.ctt1sq5tvf.24. P 230
[53] Drahos, Annie. "UNGEILIVABLE: LANGUAGE CONTROL IN THE DIGITAL AGE." *Control*, edited by Jane Golley et al., ANU Press, 2017, pp. 229–36, https://www.jstor.org/stable/j.ctt1sq5tvf.24. P 231
[54] Drahos, Annie. "UNGEILIVABLE: LANGUAGE CONTROL IN THE DIGITAL AGE." *Control*, edited by Jane Golley et al., ANU Press, 2017, pp. 229–36, https://www.jstor.org/stable/j.ctt1sq5tvf.24. P 231
[55] *GCLR*. https://sites.google.com/translationcommons.org/gclr/home. Accessed 30 Aug. 2021.
[56] *Wikipedia Editathon Arusha 2020 — Programs & Events Dashboard*. https://outreachdashboard.wmflabs.org/courses/Wikimedia_Community_Arusha/Wikipedia_Editathon_Arusha_2020/home. Accessed 30 Aug. 2021.
[57] Rights, UN Human. "#WikiForHumanRights: Promoting Knowledge of Human Rights in a Multilingual World." *Medium*, 21 Feb. 2020, https://unhumanrights.medium.com/wikiforhumanrights-promoting-knowledge-of-human-rights-in-a-multilingual-world-96209fdd7445.

added 41 new articles on human rights in Kiswahili including details on major human rights conventions[58].

It is worth noting that in the digital age, the question of language, digital citizenship and digital rights is complicated by private corporations. The concept of "rights" is generally used to refer to the relationship between states and individuals, which is in turn governed by a social contract. Given that corporations dominate the digital space, the idea of a social contract recedes in favour of the idea of a commercial contract, and in many contexts digital rights are increasingly narrowly defined as consumer rights because the penalties for failing consumers are a lot clearer than the political and social violations that occur. Recalling Ngugi's argument that language is also about semiotics or signalling, the shift in language from "citizen" or "voter" that one who has civic duties and protections, to "user" or one who merely has commercial ties is significant.

This shift perhaps explains why African languages continue to be neglected in digital spaces. This notion of consumer rights is rooted in US capitalism and the idea that US citizens as consumers deserved highly specific protections of their rights before corporations[59] and reflects the dominance of US corporations in the digital space. The commercialisation of the internet and the shift from viewing the internet as a purely public good to a commercial one does not see non-English speaking communities as viable markets. The argument for investing in the inclusion of African language communities online is primarily a civic rather than a commercial one, and this contradicts the logic of profiteering that lately dominates the Internet.

The danger is that consumer rights protect the user from the excesses of the free market, but do not specifically address those rights violations that arise even within the bounds of properly conducted business. Thus, for example, consumer rights would be concerned that the process of distributing advertising on social media platforms was fair and un-exploitative but would have little to say about how the content of these political advertisements affected political behaviour and outcomes. When consumer rights displace human rights as the foundation of digital rights, the language of digital rights increasingly takes on the language of consumer rights. Rather than appeal to criminal or civil legal action, users are encouraged to appeal to community standards or self-policing. The success or interest in including African – and indeed global indigenous – language communities into the internet could therefore be a strong indicator of the extent to which the contours of digital citizenship will be defined by civic and political, rather than commercial concerns.

Conclusion

Ultimately digital rights are human rights, and specifically human rights that protect digital citizens from the excesses of power on the digital space. Language therefore is crucial to the full comprehension and expression of digital rights, as it enables the digital citizen to not only understand their place in the digital public sphere but also to participate fully, to express their identity and to belong to a digital community. Offline, language is a key entry point through which citizens are able to make rights claims from geographical entities, and through which

---

[58] Rights, UN Human. "#WikiForHumanRights: Promoting Knowledge of Human Rights in a Multilingual World." *Medium*, 21 Feb. 2020, https://unhumanrights.medium.com/wikiforhumanrights-promoting-knowledge-of-human-rights-in-a-multilingual-world-96209fdd7445.

[59] Larsen, Gretchen, and Rob Lawson. "Consumer Rights: An Assessment of Justice." *Journal of Business Ethics*, vol. 112, no. 3, 2013, pp. 515–28, https://www.jstor.org/stable/23327337.

states can deny those claims. States routinely use language as a method to delineate belonging or citizenship, as when the Swedish government proposed language testing as a method for "reducing social differentiation" or of homogenising the diversifying society[60].

In the digital space, imposing English on Kiswahili language speakers is a projection of power that undermines the rights of Kiswahili language speakers because it defines the marker of digital citizenship through an imperial language. But the liberatory power of Kiswahili should not be overstated either, as the language also occupies a complex political space in the region. Overlooking other African languages in favour of Kiswahili has historical precedent, and the championing of Kiswahili should not come at the expense of creating opportunities for other languages to find full expression online as well. Kenya's language families are defined primarily by two factors – a shared language and a myth of common origin. Language can be as much a tool for exclusion as inclusion in a country where identities have formed the basis for political exclusion and even violence[61]. This complicates the context of preservation and popularisation of mother languages. Particularly as the successor state makes more concerted efforts to link ethnic identities to the allocation of resources, this heightens the contestation between groups and the potential for collision[62]. Thus, without due attention, privileging Kiswahili over other language can also be interpreted as the decision to mould Kenyan digital citizenship through national rather than sub-national identities.

Pretorius and Saoria (2017) remind us that "the destiny of a language is primarily determined by its native speakers and their broader cultural context"[63]. Thus, as the digital becomes a more prominent part of African public lives, then the question of the language of the digital future becomes more urgent. The proper representation of African languages in the corpus of possibility of the digital is not just about diversity and representation, it's also about advancing digital rights in a shared digital future.

---

[60] Milani, Tommaso M. "Language Testing and Citizenship: A Language Ideological Debate in Sweden." *Language in Society*, vol. 37, no. 1, 2008, pp. 27–59, https://www.jstor.org/stable/20108095.

[61] Lynch, Gabrielle. "Negotiating Ethnicity: Identity Politics in Contemporary Kenya." *Review of African Political Economy*, vol. 33, no. 107, 2006, pp. 49–65, https://www.jstor.org/stable/4007111. P 50

[62] See Lynch, Gabrielle. "Negotiating Ethnicity: Identity Politics in Contemporary Kenya." *Review of African Political Economy*, vol. 33, no. 107, 2006, pp. 49–65, https://www.jstor.org/stable/4007111.

[63] Pretorius, Laurette, and Claudia Soria. "Introduction to the Special Issue." *Language Resources and Evaluation*, vol. 51, no. 4, 2017, pp. 891–95, https://www.jstor.org/stable/26648706. P 895