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الدستور الجزائري وآليات حماية التعدد اللغوي - اللغة الأمازيغية بتنوعاتها اللهجية نموذجاً -

The Algerian constitution and mechanisms to protect multilingualism- Tamazight dialectal variations as a model-

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Abstract :

The Algerian society is characterized by rich linguistic diversity, inherited from its ancient past and rooted in the ancient past, where the Arabic and French languages as well as the Amazigh language coexist with their dialects. We do not forget the many Arabic dialects which have a rich dictionary. A large proportion of it consists of Turkish, Persian, Italian and Spanish vocabulary.

Tamazight is now considered one of the three components of the national identity in addition to Islam and the Arabic language, with the consensus of all Algerians. But this recognition has come to pass since independence, and we find trails in various Algerian constitutions and a desire to promote the Amazigh language through legal mechanisms that we address in this article and compare it with those of European Constitutions claiming the protection of multilingualism.

Key words: Constitution - Amazigh - mechanisms - multilingualism-dialects

المخلص:

يتميز المجتمع الجزائري بتنوع لغوي ثري ورثه من تاريخه العريق الحضارة جزيره في القدم، حيث تتعايش اللغات العربية والفرنسية فضلا عن اللغة الأمازيغية بتنوعاتها اللهجية دون أن ننسى اللهجات العربية المتعددة والتي تتميز بمعجم غني نسبة هامة منه تتكون من مفردات تركية وفارسية وإيطالية وإسبانية.

تعتبر الأمازيغية الآن أحد مكونات الهوية الوطنية الثلاث إلى جانب الإسلام واللغة العربية وذلك بإجماع كل الجزائريين، لكن هذا الاعتراف جاء متأخرا منذ الاستقلال، ونجد لهذا التدرج في الاعتراف

بها أثرا في مختلف الدساتير الجزائرية وربعة في الرقي باللغة الأمازيغية من خلال آليات قانونية نتطرق إليها في هذا المقال ونقارنها بما ورد في دساتير أوربية تدعي حماية التعدد اللغوي.

الكلمات المفتاحية: الدستور - الأمازيغية - آليات - التعدد اللغوي - لهجات.

Introduction:

The independence of a large number of countries in the world, particularly in Africa and Asia after the end of the Second World War, and the feeling of their own national existence has led to the need to adopt a single official language used by the population of each country in understanding with each other. Therefore, it is conceivable that the choice of a language rather than another language as a national or official language is of great importance and is reflected negatively or positively at the political, economic and cultural levels.

Language can be a fundamental pillar in nation-building, in gathering people in their commitment to their homelands, in connection with their common history, with the heritage and traditions of their ancestors. On the contrary, it may become a curse, a cause for conflict and discord between them, and a tool used by enemies to spread hatred among the citizens of one country, so as to deny all the fundamentals and principles that unite them.

Hence, we understand the great responsibility of Governments that are multilingual, to avoid the feeling by some groups in society -whose languages are not officially recognized by the State - of injustice and discrimination against them in order to avoid a linguistic conflict between them which may become an effective political conflict threatening national unity.

In this approach, a third amendment was proposed the 1996 Constitution, in which the Amazigh language would be recognized as an official language, and the Parliament passed these amendments in March 2016, but, to what extent does the officializing of the Amazigh language help protect the identity Algerian security?

In response to this problematic, the research plan included a definition of identity and its relation to language, and then touched upon the dimensions and variations of Tamazight as an element of Algerian identity. The article also discussed the historical, demographic, geographic and demographic components that justify the institutionalization of the Tmazight with its different dialects.

On the other hand, I stood on the most important reasons for marginalizing Tamazight in Algeria after independence, as well as the attitude of different Algerian constitutions toward the linguistic situation.

1. Definition of identity :

Politics of identities is not separated from the legal field, but it is a constitutive element of law. No understanding of legal fields either be it state, communal, and international, is promising without analyzing how cultural identities form and 'generate' law. Law neither can be separated nor should be isolated from identities that compose our personalities and collectivities.

It is the same meaning as it is expressed in Latin the word "Idem", which in turn means: "It is, the same thing," including the term Identity used in many European languages, not only descendants of Latin such as French, Italian and Spanish, but also Germanic origin such as German, English, Dutch and Danish.²

Concept of identity is very difficult to explain because of the complexity of its meaning. That is why there is often one-dimensional (incomplete) interpretation of this concept, or a confusion of different terms used to explain the meaning of identity. It is also used within an ahistorical background (noncontextual one) in which it is difficult to be explained. However, the basic meaning of identity refers to where one (a person or a group) belongs, and what is expressed as "self-image" or/and "common-image", what integrate them inside self or a group existence, and what differentiate them vis-à-vis "others".³

The fundamental paradox of identity is inherent in the term itself. From the Latin root idem, meaning "the same," the term nevertheless implies both similarity and difference. On the one hand, identity is something unique to each of us that we assume is more or less consistent (and hence the same) over time.⁴

Constitution of identity/ies In the formation of a person, the first step is to adopt a group identity, so as to satisfy his/her need for belonging somewhere as a member of a community (of a family, or a larger community, to the given society/state, to a generation, etc.). A person recognizes oneself through the adaptation to the concept of "we" as a primary form of an understanding where one belongs. In this phase a person accepts norms, believes and experiences of his/her group as a "proper place of living", because in a collective security one escapes from loneliness and from a threat of the unknown world he/she is unable to cope with upon birth.⁵

2- Language and identity in relation to the stability of societies:

There is some sort of general consensus that the concept of "cultural identity" refers to a set of elements that are supposed to allow the identification of the cultural belonging of a person, or of a particular human group. It also refers to implicit or explicit awareness of belonging to a particular human group living in a specific geographic space, sharing a history and cultural heritage, the language is one of its main components.

If we consider that language is not just a communication tool among people, it is mainly involved in the collective identification of the group who use it , the act of selecting certain languages as national or official languages is of undisputed importance and has certain effects on economic, cultural, and ideological levels.

"To speak a language or a language, and I prefer to use this form without that, or to use this form without that, something that always goes beyond using a communication tool. To speak a language always indicates, as well as to speak this language, something else, because when I am able to make a choice between a number of languages, my choice is just as meaningful as the content of the message at the same time," says Louis Jean Calvi⁶

It appears that a feeling(impression) of belonging to a particular cultural identity is a necessary psychological and social need for any human being, and this affiliation is the emotional and symbolic field of self-development, self-affirmation and openness.⁷

The identity is the way people apprehend themselves or their nation, and the language, culture and religion take its forms. as they are inherently independent of unilateralism, and they tend to be integrally pluralistic if they are well-managed, and they are given a chance. It can be a factor of unity and development, and it can become a factor of dismemberment and split of the social mainstream that is commonly established by the unified language.⁸

3. Diversity of Amazigh aspects as an element of Algerian identity: aspect

A) Historical aspect:

The historical evidence indicates beyond doubt that the Tamazight language was an original language in the Maghreb, which is confirmed by Ahmed Bouse when he says, "The Amazigh is the oldest language in the region." Sources from the archeology of Ancient Egypt date the Amazigh written to the second millennium at least before Christ.⁹

In the same context, Kamal Nait Zarad confirms that Tamazight "has been used for thousands of years throughout North Africa... It is likely that it has since been related to very similar local dialects, but the differences have been deepened over time."¹⁰

Tamazight in its disparate local variations bears a deep unity; it is used today in an intermittent geographical area and in a very variable range, from the Atlantic Ocean to Egypt and from the Mediterranean sea to Burkina Faso.

In this region, it has used and continues to use other languages: Phoenician, Punic, Greek, Latin, Arabic, Turkish as well as Roman languages (languages derived from Latin) of the former colonial powers, but the arrival of each of these languages to the region is documented by history, unlike berber language, and thus concludes that they preceded all other languages.¹¹

The material evidence of this language is perhaps its alphabet rooted in history, where the old people of North Africa used a written system, called "Libyque," from which Tifinagh Touareg emerged. Evidence of this is that Libyan inscriptions and ancient tfinagh were found in areas that are today quite arabize (in Tunisia, in north-east Algeria, in the west and Tangier in Morocco and in the northern desert...)

This writing in the northern regions of Berber, especially the coastal ones, has faced since the arrival of the Phoenicians a great competition from the Punic writing and later Latin, to the extent that we accept the conclusion that Libyan writing in these regions was forgotten by its people, especially when the Arabian alphabet came to the spread of Islam in the seventh century.¹²

B) Demographic and geographical aspects:

Population statistics related to religion, language and race have always been a sensitive topic in most countries of the world, particularly in third world countries, because of the potential threat to its social and political peace. In the end, it may lead to its dissolution; so accurate language statistics in Algeria are difficult to provide and often are limited to unreliable relative estimations.

According to Salem Chaker, Amazigh ranges from 20 to 25% of Algeria's population ... he sees these figures as "minimum estimates that we can consider guaranteed, and we can say that these rates can actually be high, so that they can reach 30% in Algeria and 50% in the Kingdom of Morocco".¹³

It is important to focus on the geographical dimension of the Amazigh spread instead of getting involved in counting their numbers and the consequent sterile debate over hypothetical figures, because the issue is not as much about who represents the majority or minority as it relates to national constants, Amazigh first of all is a language, a history, culture and identity in which all Algerians share without exception. Even if states can "provide accurate statistics on the language level, the level of identity remains unknown, especially since Tamazight is a cultural spirit, rather than an ethnic affiliation. It is difficult to determine the pure race, because all Maghrebins share the Amazigh, Arabic and Islamic spirit."¹⁴ According to researcher Ezzeddine Manasra.

In the four cardinal points of the country, the Amazighe speakers are scattered in Batna, Khanchla, Souk Ahras, North Biskra, Bordj Bou Areridj, Tipaza, Boumerdas , Algiers, Chlef, etc in the central part of the country. In

addition to small populations in the western part of the country, they are located in the province of Naâma and Boussamghoum, in the province of Beni Snouss and Beni Boussaid in Tlemcen, while in the south are located in Ghardaia, Ouargla, Oued Righ, Bechar and Adrar, to the far south states of Tamanrasset and Ilizi.

It is notable that Tamazigh are not spread in a single geographical space, as is the case for linguistic minorities in European countries for example, which confirms that the demarcation of the Tamazigh language does not concern the Kabyle region only as some wrongly claim, It is a benefit for all Algerians throughout the country .It refutes the allegations of some tendentious persons who view with suspicion any recognition of the Amazigh language as a threat to national unity and a encouragement of separatism.

C-The linguistic dimension of Amazighe between unity and diversity:

The Amazigh language with its dialectal variation own linguistic aptitude that are not different from those all other languages that Muhammad Al-Mardasi enumerate them as follows:

Life: Amazigh language still living and used in everyday life. It is the most important condition ever.

Independence: It is a distinct language that has laws of syntax, derivation, and grammar and so on.

History: That is, it has existed since the existence of the Amazigh people.

Codification: For the codification, it is not a problem as long as other conditions exist.¹⁵

In general, the Amazigh has a hierarchy of three plain-spoken levels, with the most prominent being:

- 1- The Berber language, which in turn branches to:
2. Regional dialects, which correspond directly to areas of mutual linguistic understanding, are usually identified by an internal denomination and are thus clearly marked by collective memory (Kabyle, Shalhia, Tamazight...).
- 3- Local dialects, which contain all the special uses of village or tribal units. They have sound, vocabulary, and sometimes grammatical peculiarities, but this never affects mutual understanding within the same dialectic area, but allows direct determination of the identity of the recipients¹⁶

In his book "The History of North Africa", Charles summarizes this "multiple" unity when he says that "no doubt this unity (Amazighe) has appeared in the field of language, perhaps not by using one language in all Berber homeland, but in most cases, it is believed that a convergent dialects, Conventionally called the Lybian, which is a branch of the Hamitic family, the

origin of the current Berber dialects, but this group, which was compromised by the languages of other civilizations, split and dispersed in various blocks.¹⁷

But Salem Shaker emphasizes the objective similarities between the different Amazigh dialects, especially with regard to the grammatical elements, and in this he says, "Despite the geographical dispersion, the absence of standardization and the lack of linguistic exchanges, the basic structural data remains the same everywhere: The degree of the unity of the Berber dialects (especially the grammatical ones) is very impressive in view of the considerable distances between them and the vicissitudes of history. The differences between them are almost always superficial and do not allow a clear distinction to be drawn between different dialects."¹⁸

For his part, Kamal Nait Zarrad is focusing on the aspects of its vocabulary and syntax nature and confirms that these dialects "essentially have the same morpho-syntax structure as well as a common vocabulary base." We can speak of "Berber language".¹⁹

4-Reasons for marginalizing Amazigh in Algeria after independence:

A) The political abuse of Amazighe by the French colonization:

Maxime Ait Kaki believe that The field of Amazigh studies, which until recently was the exclusive domain of French specialists, has inspired the official history of North Africa in a deceptively way the idea that the fact of Berber identity was the product of a large-scale French political project, coordinated and directed toward specific objectives.²⁰ However, this researcher ignores the fact that many researchers admitted the existence of this political project.

For example, Salem Chaker acknowledges that France has used the presence of Berber minorities systematically to deny any national identity in Algeria, and has done its utmost to characterize the country as a mosaic of incessant ethnicities that did not even mention religion in its entirety. Since the beginning of colonization, the Berber issue has been used politically. Colonial sciences have devoted a considerable part of its efforts to clarifying and demonstrating all that would distinguish between Berber and Arabs.²¹

In that regard, France has declared its full readiness to adopt a pro-Berber policy, but it has rarely applied it, and if it has the merit of establishing and developing the scientific study of their language, it has done little to expand its use and ensure its linguistic reform.²² This confirms the political exploitation of the linguistic issue in Algeria to serve its colonial project in the first place.

As a logical consequence of the above, the militant of the Algerian and Moroccan national movement considered these Amazigh studies as part of the policy of colonial division aimed at creating a confrontation between Arabs and Amazighe, and condemned them. At independence, the pressure in this field

reached a high degree, including among intellectuals ... so that it no longer existed, even for a moment, to maintain this scientific field in university frameworks as a scientific subject affect one of the objective components of sociocultural realities of the Maghreb.²³

B) Considering of multilingualism as threat to the national unity:

A large number of developing countries that have a multilingual population regard the principle of linguistic diversity as a threat to national unity and "nation-building. Support for ethnic languages is always seen as a promotion of separation. In most developing countries institutional support is limited to information, schools, administration, etc. In some dominant languages with national or international classification, leaving most local languages in the latter.

This approach is based on an ancient European philosophy, and in this regard we are refer to the great German philosopher, Fichte who said, "Those who speak one language form one integral entity whose nature has been tied strongly, even if invisible."²⁴

In the Maghreb, the trend toward the abolition of multilingualism - according to Salem Shaker - is only " a political incarnation of the old ideological choices of the Maghreb national movement" (and is coherent in this domain). Since the establishment of the Maghreb national movements, the national identity and states-nations (Etat-nations) have been defined as Arab-Islamic, and this directive has deep roots and is based on two affiliations: The mythological model of the harmonious Islamic nation united around Amir, a legitimate leader of the Muslim state, and the French model of the state-central homeland, linguistically and culturally unified.²⁵

In general, it can be said that the issue of cultural and linguistic diversity is at the same time a subject of bad thinking and a negative perspective because of its analogy with sectarianism, which threatens to abolish the demand for cultural and linguistic rights, which is supposed to threaten the unity of state-nations.²⁶

Perhaps those who support this position cite the validity of their position according to what some Amazigh language defenders confirm, like the late Mouloud Maari who declared that " Berbers must be able to upgrade their own language enjoying a state, culture and politics have a close relationship: If you own political power, you can institutionalize your language and culture, but if power is in the hands of others, you can still speak your language, but you will never be able to convert it into a state language."²⁷

5-The attitude of different Algerian constitutions toward Amazigh:

A) Definition of the Constitution:

The vast majority of contemporary constitutions describe the basic principles of the state, the structures and processes of government and the fundamental rights of citizens in a higher law that cannot be unilaterally changed by an ordinary legislative act. This higher law is usually referred to as a constitution.²⁸

The content and nature of a particular constitution, as well as how it relates to the rest of the legal and political order, varies considerably between countries, and there is no universal and uncontested definition of a constitution. Nevertheless, any broadly accepted working definition of a constitution would likely describe it as a set of fundamental legal-political rules that:

1. Are binding on everyone in the state, including ordinary law-making institutions;
2. Concern the structure and operation of the institutions of government, political principles and the rights of citizens; 3. are based on widespread public legitimacy;
4. Are harder to change than ordinary laws (e.g. a two-thirds majority vote or a referendum is needed); and
5. As a minimum, meet the internationally recognized criteria for a democratic system in terms of representation and human rights. ²⁹

A community's constitution should typically answer the most fundamental questions about the nature of its politics. Constitutions are composed of a political community's most basic laws and procedures and generally embody the core values to which a regime is committed.³⁰

A typical definition of constitutions sees them as "codes of norms which aspire to regulate the allocation of powers, functions, and duties among the various agencies and offices of government, and to define the relationships between these and the public."³¹

B) - The evolution of Amazigh status through various constitutional texts:

The features of a new linguistic and cultural policy in the Maghreb countries started to be characterized under a new context characterized by democratic openness due to the movement witnessed in the region. This policy is designed to generate cultural diversity in general and to help promote Amazighe in particular, where Maghreb countries are prepared to ensure conditions for the integration of Amazigh language and culture into public policies.³²

However, this positive language policy toward Amazighe in Algeria did not create the proper conditions to see light until several decades after its independence, as the official recognition of Amazighity from the 1990s

accelerated until it was recognized as a national and official language in March 2016. The constitution approach to the linguistic issue in Algeria can be traced as follows:

The drafting of a constitution for the country was one of the main tasks assigned to the Constituent National Assembly, which was elected immediately after independence, and ratified the 1963 draft constitution, which was approved by the people in a referendum on September 08, 1963, and was followed by several constitutional texts, most notably those of 1976, 1989 and 1996

Article 5 of the 1963 Constitution stipulates that "Arabic is the national and official language of the State." However, article 2 states that Algeria is an "integral part of the Arab Maghreb, the Arab world and Africa." Although the article 3 of the 1976 Constitution states that Arabic is the national and official language.

As for the 1989 Constitution, although he confirmed in its third article that "Arabic is the national and official language", he pointed out in his preamble that Algeria "knew in the most crucial moments that the Mediterranean has experienced, how to find in its sons, since the Numidian era The Islamic conquest, even liberation wars from colonialism, was a legacy of freedom, unity and progress, and the creation of prosperous democratic states, throughout the periods of glory and peace." This was the first time the Algerian Constitution referred to the pre-Islamic period of Algeria's Islamic conquests of the Maghreb, an implicit reference to Amazighe as a dimension of Algerian identity.

It did not last seven years ,the 1996 Constitution explicitly recognized for the first time the Amazighe as an essential component of the national identity, as it affirmed in its preamble that "On the first of November 1954, a decisive turning point in self-determination and a great A great coronation of fierce resistance against colonialism, it faced various attacks on its culture, values, and the main components of its identity, namely Islam, Arabism and Amazighism, which the State has always promoted and developed each of them, and its struggle is rooted in various fields in the past of its glorious nation. In its third article, it refer to the previous constitutions as "Arabic is the national and official language".

The 1996 Constitution was amended in 2002 and 2008, the first amendment in article 03 stipulated that "Arabic is the national and official language". However, the article 03 bis stipulates that "Tamazight is also a national language, and the State shall promote and develop it with all her variations used throughout the national territory.

The last constitutional amendment in March 2016 added many terms and paragraphs to the 1996 constitution and we have intentionally written it in broad

terms." In its preamble, for example, "On the first of November 1954, a decisive turning point in self-determination and a great A great coronation of fierce resistance against colonialism, it faced various attacks on its culture, values, and the main components of its identity, namely Islam, Arabism and Amazighism, which the State has always promoted and developed each of them, and its struggle is rooted in various fields in the past of its glorious nation.

Article 3: The Arabic language is the national and official language.

Arabic remains the official language of the state. A higher council for Arabic will be created under the under the president of the republic authority. This council will be mandated in particular to promote the prosperity of Arabic and to spread its use in the scientific and technological fields and to encourage its translation for the same purpose. Article 3 bis: Tamazight is also a national and official language, and the State shall strive to promote and develop it in all its linguistic variations across national territory.

An Algerian Amazigh language academy is being placed under the authority of the President of the Republic. This academy is based on the work of the experts and is mandated to provide the necessary conditions for the promotion of Tamazight in order to reflect its status as an official language later. The modalities for the application of this article are determined by organic law.

If we make a simple comparison between Algeria's revised Constitution in 2016 and those of long-standing "democratic" European States; for example, article 2 of the French Constitution, as amended on 25 June 1992 (stating that "The language of the French Republic is French "), and chapter 1 (75as amended on 23 July 2008), states that "regional languages are part of the national heritage" (it should be noted here that these languages are not included in the Constitution). ³³ This paragraph cannot be regarded as an explicit recognition of these languages, given its generality.

The Spanish Constitution of 1978 recognizes that the richness of linguistic diversity is a cultural heritage that must be respected and protected; the Constitution also states that other non-Castilian languages, "the national language", are also official languages in their societies... and other languages, Galician, Catalan and Basque, are also official languages in their societies.

The term "in their communities" hold us, the Constitution confers on these languages territorial status, which reinforces the tendency of each province to separate. Evidence of this is the current demand by the Catalan and the Basque of independence from Madrid, which is perhaps due to the ethnic nature of the conflict and the concentration of these linguistic minorities in specific regions, in contrast to that in Algeria.

Conclusion:

- 1- Officializing Tamazight does not fit a certain region in Algeria and it therefore promotes and protects the stability and identitarian security of the country.
- 2-Tamazight in the new amended constitution has a prominent place that is not available even in the constitutions of some countries that are eager to protect the linguistic minorities in the world.
- 3- Based on the linguistic, historical, demographic and geographical indications of Tamazight, it is clear that the recognition of it as an official language in the new constitutional amendments was made according to objective fact.
4. The colonial policies in Algeria before it independance played a significant role in refusing to recognize Amazighe afterwards.
5. The lack of ethnic background to the Amazighe in Algeria supports the stability and identitarian security in Algeria.
6. Constitutional recognition of Amazighe as an official language is not sufficient to promote it, and this can only be achieved if it is used in the day-to-day and professional dealings of its users.

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