

**RECOVERING OTHERED PRACTICES IN
LANGUAGE AND EDUCATION IN THE DUTCH
CARIBBEAN AND BEYOND**

**STATE TRADITIONS AND LANGUAGE REGIMES IN
ARUBA AND OTHER SMALL ISLAND STATES: SOME PRE-
LIMINARY THOUGHTS ON THE STUDY OF LANGUAGE
LEGISLATION AS DISCOURSE**

ERIC MILITS

UNIVERSITY OF ARUBA, UNIVERSITY OF ANTWERP AND GILBERT UNIVERSITY

Decolonization in small island states from a linguist's point of view is an understudied area. Most projects and publications focus on the political, historical and social consequences of decolonization processes – most often from a metropolitan perspective – for relations between the formerly colonized and the former colonizer, as well as on responsibility for and resolution of problems resulting from colonization. Voices from the formerly colonized are heard in these debates, but the international academic arena seems to be dominated by the discourse of research groups in the traditional seats of power, Europe and the US. In this article, I would like to propose a more in-depth study of language legislation, and legislation in general, as discourse that represents the uneasy postcolonial relations in the Kingdom of the Netherlands, on the basis of a case study of the Aruban Official Languages Ordinance (2003), the Primary Education Ordinance (1989) as well as the supranational Kingdom Act on Citizenship (2011).

The discrepancies between language policies and laws in postcolonial small island states and social practice in these communities can often only be explained through a deep understanding of the extent to which language policies these islands are co-determined by the state tradition and language regimes of the former colonizer (Sonntag & Cardinal, 2015). In the discussion on language policy in small island states, the argumentation used in favor of specific languages is likely to be rooted in the former colonizer's frameworks (DeGraff, 2016). This leads to language policies and practices that can only be explained on the basis of the colonial past, rather than on the basis of common and basic linguistic insights.

There are a few terminological and critical considerations to be taken into account as well when studying the questions of language, law and policy in small island states. Basic binary descriptors, like minority/majority languages, regional/national languages, or the concept of dominance of languages have to be used with caution when discussing the politics of language in small island states. Traditional Anglo-Saxon monolingual

approaches to the study of these *de facto* multilingual societies tend not to yield interesting results, because they neglect the fact that the majority language of these societies is not the colonial heritage language of governance, education and law, which is usually a language that is foreign to the vast majority of the population. It is often the case that language legislation in these postcolonial semi-autonomous states reflects attempts to consolidate the position of the majority languages, but in its formulation it actually reinforces the hegemony of the former colonizer's language.

In many cases, the island state will follow the state tradition of the former colonizer with respect to law, governance and education, adopting the former colonizer's constitutional, legal and governmental framework, including much of its educational system and educational language policy. Innovation in the different domains of language use in the public sector in these countries is likely to follow the developments of the former colonizer's systems. Quality control – either in government, the judiciary or the educational system – is modeled on that found in the metropole, and more often than not, the quality control agencies of the former colonizer are invited to impose their frameworks on the small island state's systems. In contrast, the economic and business sectors of society appear to follow a different and more pragmatic path, developing their own language practices in all domains, including the drafting of – sometimes problematic – contracts that are not written in the language of the law (the colonial heritage language), but instead in a language more accessible or acceptable to the island's population. As such, the development of language policy, planning and practice in the public sector appears to be moving in a very different direction from language policy, planning and practice in the private sector, resulting in an increasing disconnect between the educational, governmental and judicial systems on the one hand and societal practice on the other.

Aruba is a small island state in the Caribbean where four languages are dominant in different domains of language use. A majority of the Aruban born population speaks all four dominant languages, Papiamentu, Dutch, English and Spanish. All four languages can be considered to be dominant languages: Papiamentu is an official language and the home language of 68% of the population of the island; Dutch – spoken by six percent of the population – is the other official language and the dominant language of the Kingdom of the Netherlands to which Aruba belongs; English – spoken as a home language by 8 percent – is the dominant language of tourism, the predominant industry in Aruba; and Spanish – spoken as home language by 14 percent – is the language of nearby Venezuela and Colombia, and as such is the regionally dominant language (Mijis & Waterman, 2016).

Law, in a parliamentary democracy, can be viewed as the discourse in which the norms, values and fundamental basic principles of a society are laid down by the collective voice of that society, the democratically elected parliament. In Rousseau's approach, laws in the sovereign state represent the voice of the people and the expression of their

general will (Rousseau, 1762). As such this voice has to be taken seriously as a representation of what is formalized as the people's voice. Due to the nature of the law making process, laws are static in character and are always representations of a compromise with the past.

A discursive approach to law provides us with insights into democratically confirmed belief systems as to what is considered to be appropriate behavior and what is not, and, when we talk about language laws, about which language can be considered to be appropriate, and which is not. These laws are translated into policies that (try to) regulate practice in institutions and societies. It is interesting to study the possible tensions between those policies and the law, but in this article we limit ourselves to a study of the law as it is at this moment, and how it reflects belief systems. In doing so, we will demonstrate that the law on language in Aruba is a vehicle of (post-)colonial thinking as it exhibits a demonstrable inclination towards favoring Dutch over Papiamentu as a language that is more adequate for specific governmental, educational and legal purposes, where language choices do not actually need to be specified by law.

The main legislation that prescribes or describes language use in Aruba are the Official Languages Ordinance (2003) and the Primary Education Ordinance (1989). Language legislation in Aruba positions Papiamentu as a language that is at best tolerated and at worst excluded from use. The Official Languages Ordinance, article 2, states that Papiamentu and Dutch are the official languages of Aruba. In this article, contrary to alphabetical order, Papiamentu precedes Dutch in an apparent symbolic attempt to put emphasis on the role of Papiamentu in Aruban society. Article 3 of the same ordinance regulates the use of languages in interaction between citizens and government. It does give both parties the authority to communicate in one of the two official languages, but it does not provide a guarantee to the citizens that the government will use the language of the citizen. Both citizen and government are free to use the language of their choosing. The law makes provision for translation, but only at the expense of the citizen who requests it, and without any guarantee of quality.

Articles 4.1 and 4.2, which regulate languages used in an oath, promise or statement, does stipulate that Papiamentu and Dutch can be used alongside each other, but in this part of the ordinance, Papiamentu is presented as an accepted alternative for Dutch. The phrasing 'instead of the legally prescribed Dutch words, one is allowed to use the corresponding Papiamentu words' does not give both languages equal status, but instead positions Dutch as the norm and Papiamentu as an acceptable alternative.

Article 5 contains only five words, but these words are crucial: '*Wetgeving geschiedt in het Nederlands*' (The language of legislation is Dutch). In this article, the language of legislation is prescribed, and it is not the majority language, but the home language of only 6 percent of the population of the island. No provisions have been made in this law that stipulate how the government might provide translations of legislation in the people's language. Ignorance of the law excuses no one, but how are you supposed to know

the law if the law does not speak your language? Further stressing the exclusive use of Dutch in legal matters, article 6 states that the language of criminal proceedings is Dutch. Despite the fact that there are minimum requirements laid down in international law on the availability of court interpreters, this practice in which the judicial process is organized around the linguistic skills of the judicial system and not of the population is questionable. The fact that no formal training for Papiamentu—Dutch translators and interpreters is available further problematizes this situation.

Education in the multilingual state of Aruba poses its challenges. Educational success is low, drop out ratios are high and the failure rate of those that make it to higher education is high as well. This results in a low percentage of higher educated Aruban citizens in society and on the labor market. Multiple reports and publications over more than five decades attribute this low success rate mainly to the choice of the Dutch language as medium of instruction in primary education. The use of Dutch, or an artificial form of Dutch, given that most pupils and teachers are Papiamentu-speaking, serves to alienate pupils from the educational process and to create extra obstacles for academic success. Still, this practice is prescribed by law. The Ordinance for Primary Education treats Dutch as the norm: article 9 prescribes Dutch as the official language of education, except for the first two years of kindergarten. It is only a recent special ruling by the Minister of Education that has allowed Papiamentu to be used as the language of instruction. As such, this law stipulates that the language of the former colonizer is to be preferred over the language of the majority of the population.

The last example takes us beyond the borders of the country of Aruba up to the level of legislation of the Kingdom of the Netherlands that applies to four countries, Aruba, Curaçao, Sint Maarten and the Netherlands. It is interesting to note that during the discussions on this law in the Aruban national parliament, this legislation was seen as a symbolic recognition of the importance of the Papiamentu language. Article 8d of this law stipulates the linguistic requirements for the acquisition of state citizenship: if one wants to become a national of the Kingdom of the Netherlands, while resident and complying with all other requirements, one must submit proof of sufficient knowledge of the Dutch language. Yet, residents applying for the same citizenship in Aruba, Curaçao, Sint Maarten and the Netherlands Caribbean island municipalities of Bonaire, Sint Eustatius and Saba, must submit proof of knowledge of both the Dutch language *as well as* the prevailing language of that territory. Unfortunately, this condition limits the possibilities for these islands to integrate residents who want to become citizens, because they must pass two language tests instead of one. Moreover, one of these language tests poses particular problems for most potential candidates, since Dutch is not present in the media, in the linguistic landscape or on the labor market of these islands. The double language test that was hailed as a recognition of the islands' languages in fact has become an extra obstacle, potentially limiting the full social and legal integration of long term residents of these islands.

This brief analysis demonstrates that, despite the fact that former colonial ties have been replaced by a different set of relations designed ostensibly to take the Kingdom of the Netherlands into the 21st century, the laws concerning language on Aruba are a paradigmatic example of how the state tradition of the Netherlands continues in the legislation of the now officially autonomous islands of the Kingdom, in spite of solid evidence that the language policy that results from this legislation does not appear to lead to favorable results for the populations of the islands. The voice of the people of the nation of Aruba that should be represented in law appears to be overruled by voices that represent the former colonizer's truths and state traditions. The continuing predominance of the metropolitan state tradition which has always favored the Dutch language is demonstrated in the formulation of legislation in which the mother tongues of the overwhelming majority of the populations of the islands is at best presented as an acceptable alternative to Dutch, and at worst excluded from use in key areas where citizens' rights are at play: in education, the judiciary, law making, and even in the people's right to citizenship.

REFERENCES

- DeGraff, Michel (2016). What is education for? *Boston Review*, May 09. Available at <http://bostonreview.net/forum/what-education/michel-degraff-michel-degraff-responds-danielle-allen>
- Mijts, Eric & Karljin Waterman (2017). Wat is de positie van het Nederlands in de multilinguale samenleving? In Elisabeth Echfeld, Eric Mijts & Wim Rutgers (Eds.), *Taalbeleid in het Caribisch gebied: heden en nabije toekomst* (pp. 125-131). Curaçao: University of Curaçao.
- Rousseau, Jean Jacques (1762). Du contrat social, ou principes du droit politique. In *Collection complète des oeuvres*. Genève, 1780-1789, vol 1, no 4. Available at <https://www.rousseauonline.ch/pdf/rousseauonline-0004.pdf>
- Somtag, Selma K. & Linda Cardinal (2015). Introduction: state traditions and language regimes: conceptualizing language policy choices. In Linda Cardinal & Selma K. Somtag (Eds.), *State traditions and language regimes* (pp. 3-26). Montreal/Kingston: McGill-Queen's University Press.

Edited by
Nicholas Faraclas
Ronald Severing
Christa Weijer
Elisabeth Echteld
Wim Rutgers
Robert Dupey

Archaeologies of Erasures and Silences

Recovering othered languages, literatures and cultures in the Dutch Caribbean and beyond

