

Introduction

Together, Araba, Bizkaia, Gipuzkoa and Navarre constitute *Hegoalde*, the Southern Basque Country, in the Basque language, Euskara. Araba, Bizkaia and Gipuzkoa nowadays make up what is known as the Basque Autonomous Community (BAC) within the Spanish state. The former Kingdom of Navarre is by itself an autonomous community, the Foral Community of Navarre (CFN), which is also part of the Spanish state. Baxe Nafarroa, Lapurdi and Zuberoa, which we generically call *Iparalde* or Northern Basque Country, became part of a superior administrative unit within the French state in 1789. From a political perspective, they do not currently form an administratively differentiated territory within the French Republic, which is one of the most centralized states in Europe. Along with other historical territories, they are part of a French Republic department originally known as *Basses-Pyrénées*, one of the departments into which the French state was divided after its creation in 1789. This name was later changed to *Pyrénées-Atlantiques*. Consequently Euskal Herria is not a politically independent state but a stateless nation, similar to Catalonia, Scotland, Flanders, Wales, Galicia and the Tyrol. The set of the seven territories make up a nation, or in other words, a cultural community with differentiated people, with their own history, culture and language, and the Basque language, Euskara, is one of the most characteristic elements of Basque culture.

There are many factors which have influenced the social situation of the Basque language, among them, the political persecution it has suffered as well as the legal imposition of the use of French or Spanish, which its speakers have suffered for several centuries. The Spanish monarchy and French Republic were both set up on the basis of political and juridical standardization. Linguistic diversity was seen as a threat for this standardization process, leading to a linguistic policy of repression and marginalization of peoples' 'own' languages, including Euskara.

As far as the Spanish state is concerned, after the fall of the dictatorship of Alfonso XIII of Borbón and of Primo de Rivera (1923-1931), a period when the Basque language was prohibited and its use punished, the Second Republic was proclaimed (1931-1936) giving Basque the status or rank of official language for the first time since the creation of the Spanish state. Actually, by virtue of the Autonomy Statute approved in October 1936, an autonomous Basque region was created within the Spanish Republic. In addition, for the first time, the official sta-

tus of Euskara alongside Spanish was formally declared in this statute (Article 1.3) in three of the four Basque territories in the Spanish state, Araba, Bizkaia and Gipuzkoa, given that Navarre was excluded from the autonomy statute. The fast occupation of Araba by troops loyal to Generalísimo Francisco Franco when the Spanish Civil War broke out in July, 1936, made it practically impossible to effectively implement the autonomy statute's regulations concerning linguistic issues in this territory. In any case, Basque's official status lasted a very short time. When Franco's troops took all the territories controlled by the Basque Government this led to a dictatorship which lasted thirty-nine years from 1936 to the dictator's death on the 22nd of November, 1975.

Oppression was brutal during the years of the dictatorship in the Basque Country (1939-1975). Nearly 200,000 people were exiled, including 32,000 children under age sixteen, approximately 20,000 people were shot and thousands were imprisoned. Practices regularly involved torture, arbitrary arrests, expropriation and strict censorship was imposed and human rights were suppressed. Along with the repression and lack of democracy, the economic situation in the Basque Country during Franco's period dropped below 1935 levels. It did not pick up again until 1955. Even the most basic food, such as bread, was rationed until 1951. Hunger and repression made tens of thousands of Basques emigrate to the Americas, where many families had relations or friends, so that from 1940 to 1960 there was a constant migratory flow to the Western Hemisphere. Then came the labor strikes. The strikes in 1947 and 1951 in Bizkaia and Gipuzkoa were put down harshly: firings, prison sentences, and exile for the activists and people accused of having participated were common. During the 1960s, the strikes multiplied exponentially and it is estimated that there were almost one thousand labor actions between 1967 and 1972.

The Franco dictatorship represented the appearance of a scenario aiming to unify the state through standardizing the culture. One of its characteristics, along with systematically ignoring civil and human rights and the most elementary rules of democracy, was to attempt the removal of all cultural and political vestiges that differentiated the Basque Country from the Spanish state. The Fascist state laid down a linguistic policy to repress the use of Euskara and other minority languages, prohibiting and often violently punishing their use. It was therefore prohibited to use Basque in public or in private: it was prohibited to baptize children with Basque names, celebrate religious services (curiously at first this was only after eight o'clock in the morning), and all Basque-medium schools were closed. The Basque language was erased from the administration and education systems, and even some Basque spellings in geography and individual names were banned such as the Basque "k" (replaced with "c") or the "tx" (replaced with "ch") "due to their separatist connotations... ." It went so far as to order families and owners of tombs and cemetery pantheons with deceased family members' inscriptions in Euskara to remove these gravestones and replace them with others in Spanish or to simply erase the Euskara inscriptions. This occurred in 1949, twelve years after the end of the war in the Basque Country in 1936.

It was not only the Basque language which suffered the Fascist state's constrictive measures, but all national languages other than Spanish (such as Catalan and Gallego). Obviously, this assimilating linguistic policy had some very serious effects on the Basque language and other repressed minority languages. At the time, the only linguistic policy in favor of the Basque language was that of the communities in exile and this provided the initial field of work for the Basque autonomic powers when designing the linguistic planning process.

The death of the dictator put an end to the long years of oppression and political, economic and cultural regression in the Basque Country. In December, 1976, the law was approved for the state's political reform which initiated "the Transition" process towards democracy. In the first elections, held in June 1977, the Basque Nationalist Party (Partido Nacionalista Vasco, PNV) received the most votes in *Hegoalde* with 28%. Negotiations between the Basque Nationalist Party and the central Spanish state government relating to the new constitution were tense as the constitutional text draft did not mention the Basque people's historical rights or *fueros*, the right to self-determination, nor anything about the original official character of the Basque language in terms of equality regarding the rest of the languages in the state. The majority of the Basque population abstained from the referendum held to approve the constitutional draft, specifically 55.35% of the population; 30.86% of the population voted "no" to the Spanish constitution and only 10.51% voted "yes" to the constitutional text.

In the elections held in March, 1979, the PNV obtained the majority of the votes in *Hegoalde*, peninsular Basque Country. In October of the same year the new Autonomy Statute referendum was approved for the BAC, known as the Gernika Statute (Organic Law 3/1979, dated 18th December, for the Autonomous Statute of the Basque Country), which was backed by 90% of the population. As occurred in 1936, Navarre was not a part of the Basque statute and, consequently, it formed its own Autonomous Community, the Foral Community of Navarre (CFN), by virtue of the autonomy statute known as Organic Law 13/1982, dated the 10th of August, for Reintegration and Improvement of the Foral Regime in Navarre (LORAFNA).

Thanks to a linguistic policy aimed at reintegrating the Basque language into the education system and public administration, the situation of the Basque language has improved considerably over the last three decades (1976-2008), particularly in the BAC, as a result of a decided policy to promote and develop Euskara. During the academic year 2007-2008, 93.5% of parents in the BAC chose to register their children in the Basque-instructed courses model (68.8%) or in the half and half Basque and Spanish model (24.7%). In the Foral Community of Navarre (CFN), an occasionally regressive linguistic policy has not permitted such positive figures, however, definite parental commitment to bilingual models means that 30% have chosen to enroll their children in Basque instruction models and approximately another 20% in Spanish instruction, but with Basque as a subject course.

Although the number of inhabitants of the Basque territories has increased significantly, along with the addition of a television channel, radio and printed

press entirely in Basque, the number of people speaking Basque as their mother tongue has dropped. This is to say that there are additional speakers of Euskara but they have learnt Basque language at school, so it is not their first language and they are not native speakers. On the other hand, whilst Basque in the BAC is protected by the public authorities, the situation is radically different in the CFN, where unfortunately throughout the whole south of the territory it continues to be illegal to open bilingual state schools and where the government has received harsh criticism from the European Bureau for Lesser Used Languages and from the European Council within the European Union. On the other hand, accused of supporting terrorism the only Basque language newspaper, *Egunkaria*, was closed by the judicial authorities of Madrid in the Spring of 2003, generating all types of criticism within the state and from abroad (the trial has not yet commenced). Eight months later a new newspaper, *Berria* -written entirely in Basque- came to light funded by private capital.

As far as the French state is concerned, in *Iparralde*, or northern Basque Country, the Basque language is still not official and therefore it continues to be completely excluded from the educational policy and the state administration. Due to the French state's strongly centralist policy, the Basque language has registered a serious decline in the number of speakers. Contrary to what is happening in the south, the majority of Basque speakers are older, and consequently, Basque is gradually dying out. The first private *ikastola*, or Basque-language instruction school, has recently been set up and the BAC Basque Government has reached a cooperation agreement for joint finance with the French Government to recover Euskara in *Iparralde*. Although the nationalist political movement in *Iparralde* encompasses 5% of the population, within the framework of the decentralization process declared by the government, most political parties are demanding a separate Basque Department with its own identity within the administration of France.

The Basque language, Euskara, is one of the most representative elements of the unique nature of the Basque people, of their national personality, as expressed by the Euskal Herria - Basque Country concept (Euskal + Herria, or, the country of Euskara). Euskara is an identifying factor that singularizes and characterizes a community composed of the seven Basque historical territories: Bizkaia, Gipuzkoa, Araba, Nafarroa, Lapurdi, Behe Nafarroa and Zuberoa (the first four under Spanish sovereignty and the last three under French sovereignty). In the same way, the Basque language is an element of social integration for the citizens and territories which use it as their own language, above any political and administrative divisions.

With this work, our aim has been to provide the reader with the necessary instruments to enable them to gain an insight into the many different realities linked to the Basque language from a legal perspective. A national language which, due to this fact, has been affected by negative political and historical factors which have placed it in a position of minority or restricted scope within its own territory. The political persecution of the Basque language has been particularly intense in relatively recent times, leading to a serious process of minoriza-

tion. The characteristic language of Euskal Herria has a relatively small number of speakers in an increasingly more global context, and we cannot yet speak of the full social or functional normalization of the language. The objective of this work is to analyze recognition at legal and political levels of one of the characterizing elements of the unique nature of the Basque people: their language, by taking a more in-depth look into its legal status in the different territories in which it is used.

The main theme of this work has been the analysis of the recognition of Basque in the French and Spanish legal systems, as well as in international and European Union legislation. The Basque society is becoming increasingly more diverse and plural and much more global and interrelated, which implies new future challenges for the Basque language and for linguistic policy, which this work aims to clarify. At present, the recognition and guarantee of linguistic rights must also be understood from the perspective of the guarantee of the principles of human rights, as one of the mainstays of democracy, which requires the language to be given a suitable legal status.

Euskara coexists with two of the most powerful languages with the greatest circulation worldwide, Spanish to the south of the Pyrenees and French to the north. Linguistic regulation becomes essential in areas where there is contact with other languages; however, the focus can be very different, ranging from a framework of prohibition, through the simple lack of knowledge on the linguistic realities, to their support and promotion. A current analysis of the legal situation of the Basque language presents an outlook characterized by the heterogeneity and multiplicity of legal systems on the same language. In the case of the Basque language, there are several, very different legal frameworks in which the linguistic rights of Basque speakers develop, as analyzed in the different chapters of this work, ranging from its recognition as an official language alongside Spanish, to the fact that it is ignored at legal levels.

In the first chapter, Dr. Michel Bastarache (retired Justice of the Supreme Court of Canada) explains an experience of language coexistence of unquestionable interest as a reference point for linguistic policy and the management of linguistic pluralism in compound states (at the federal level). His work shows us the many different boundaries and outlines, both legal and political, presented by language coexistence and the recognition of linguistic rights. Obviously, it is difficult to find situations of contact of exact languages in different places with very different legal traditions. However, we must also underline the importance of finding references of language coexistence and linguistic policy that are exemplary from the democratic perspective, as is the case of Canada.

In the second chapter, Dr. Gloria Totoricagüena (Director, Basque Global Initiatives) carries out an analysis of the situation of Euskara in the Basque diaspora, the so-called eighth historical territory. The Basque diaspora communities are spread throughout approximately twenty-two countries and there are nearly two hundred different Basque associations. Totoricagüena demonstrates how Euskara has been a factor in maintaining identity throughout the centuries of

Basque migration, though without the benefit of any official policy. Recently, homeland institutions have fomented especially effective programs aimed at maintaining Euskara around the world and are now funding community and academic endeavours related to teaching, publishing, and using the Basque language. However, the continuation of the Basque language outside of the homeland depends on people using it in their communities and with their children.

The perspective of the recognition of linguistic rights in international legislation has been developed by Dr. Eva Pons (University of Barcelona). The traditional focus of International Law regarding languages of stateless communities has been produced via the recognition of the existence of linguistic minorities within states and the recognition of individual rights to their members, particularly via the principle of non-discrimination. The groups' legal protection channels via the recognition of individual rights to their members and of the principle of non-discrimination show shortcomings that have not been satisfactorily resolved, insofar as the actual basis of the protection of minorities as a group subjected to protection is very weak. Recently, in the European context, we have witnessed more intense legal developments at the request of the Council of Europe, which have received the regional or minority languages as an object of protection, by identifying certain minimum standards of protection at the European level which could be particularly interesting as regards the situation of Euskara in Iparralde and in Navarre.

For a society such as the Basque society, with clear European projection and commitment, the analysis of the European Union's linguistic legislation and of the effects of the Union's policy on the position of non-state languages acquires special importance. This has been analyzed in this work by Dr. Antoni Milian i Massana (Autonomous University of Barcelona). The European Union's construction process is characterized by the transfer of power by the Member States (and the Regions with legislative powers) in favor of the European Union institutions, which have been granted legislative, administrative and judicial powers. The European Union's impact on the situation of the languages is two-fold: On the one hand, the operability of integral plurilingualism applied in the European Union's Institutions has been conceived with an excluding nature as regards non-state languages (although it is advisable for these to be graded according to the recognition of linguistic rights), and on the other hand, the exercising of the community freedoms of circulation and movement also implies handicaps regarding non-state languages, such as the Basque language.

In the fifth chapter Dr. Iñaki Lasagabaster (University of the Basque Country) has covered the constitutional framework of languages. The recognition of linguistic pluralism in the *Magna Carta* and its development legislation presents a special level of complexity and, similarly, a political and legal importance of the first order, whereby the adoptable models are very diverse, depending, in turn, on diverse factors. The different focus of linguistic pluralism in the Constitution of the French Fifth Republic and the Spanish Constitution of 1978 is an example of that heterogeneity. In Spain, the Constitution authorizes the Statutes of Autonomy to regulate the regime of the joint double official status of the Spanish lan-

guage and the Autonomous Community's own language, although some asymmetries are established between the official linguistic statuses of Spanish and the other languages. Geographical asymmetries, insofar as the official status of Euskara is characterized by its territorial limitation, without affecting the central institutions of the Spanish state, whilst Spanish has full official status; and functional asymmetries are also set out, insofar as the official formal status of Euskara has not found sufficient development in areas dependent on the central powers of the state, such as the judicial power. In France, republican political uniformity also affects linguistic aspects, by shielding and preventing the exercising of basic linguistic rights of languages such as Basque, although, recently, there has been timid recognition of linguistic plurality in the French Republican Constitution, the effects of which are little more than merely symbolic.

In the sixth chapter, Dr. Juan Cobarrubias (Seton Hall University), who has extensive knowledge on the coordination of Basque linguistic policy, details the subject of normalization in its multiple aspects: linguistic, legal, political, etc. and its interrelations and connections in the Basque context. His expertise is the result of decades of combining academic and scholarly research with active design and creation of language planning policies for minority cultures, including consulting for the Basque Government and with the United Nations. His contribution reviews the long history of the trajectory of efforts to maintain the Basque language and the uphill political battles fought. He distinguishes and details linguistic normalization and political normalization for Euskara.

The legal regime of Euskara in the Basque Autonomous Community (BAC) is covered in the seventh chapter by Dr. Iñigo Urrutia (University of the Basque Country) and by Dr. Xabier Irujo (University of Nevada, Reno). In the territory of the Basque Autonomous Community, a system of two official languages is in force, which is applied to a situation of contact between languages characterized by the unequal position between them. Euskara has been recognized as an official language for twenty-five years now, and this is a good time to carry out an assessment from which to highlight important advances as well as underlying matters on which we can reflect, from the perspective of a Basque society of the future which is making progress towards greater social, political and linguistic integration.

The situation of Euskara in the Foral Community of Navarre has been studied by Dr. Xabier Irujo and Dr. Iñigo Urrutia in the eighth chapter. The legal framework of Euskara in Navarre is characterized by the application of a principle of linguistic zoning, which distinguishes three zones within the territory of the Foral Community of Navarre, in which the linguistic rights display very different profiles by reason of the place where they are to be exercised, and they are particularly restrictive in the so-called "non-Basque-speaking zone". The work is based on abundant documental information and highlights the regressive linguistic policy regarding the Euskara of recent times, which has even been reproached from European instances. In Navarre, there are demands for a change in direction of the linguistic policy, a change of course, with the aim of guaranteeing full recognition and the guarantee of linguistic rights to use and learn the "Lingua Navarrorum", Navarre's own language.

Euskara in Iparralde is experiencing a situation of total legal instability, due to the fact that the French Republic's political principals are insufficiently adapted to the guarantee and respect for linguistic diversity within its own territory. France is a politically unitary country and the linguistic rights of its citizens respond to this outline. The oneness of the French Republic has repercussions on the languages' legal regimes. In the ninth chapter, Dr. Francis Jauréguiberry (University of Pau) gives us an historical and current analysis of the situation of Euskara in Iparralde, by highlighting the advances made through social action and recent organizational initiatives. The reflection regarding the future of regional languages in France, their status and their relative position as regards the state language is still open. The search for certain common points is required, within which a place must be allocated for the right to learn regional languages and the rights to use these languages as basic rights. This matter has undeniable importance in the French political context, but it needs to be redirected in terms of democratization of culture, in order to channel the European dimension of protection of linguistic diversity.

Finally, as a closing work, Xabier Irujo and Iñigo Urrutia carry out an overall comparative analysis on the status of Euskara across all territories of Euskal Herria through a critical viewpoint, by sectorial fields, on the different regimes studied. There are many reflections that lead to this analysis, however, among these we can highlight the idea of the advisability of a global linguistic policy, which reaches all territories of Euskara and guarantees the recognition of the basic linguistic rights of all citizens of Euskal Herria. Starting from the respect and significance of the linguistic diversity of the Basque territories, it would be appropriate to outline the main guidelines of a general linguistic policy module that accepts the objective of advancing towards a plural society that is also more linguistically integrated, in which all individuals are also guaranteed the right to learn Euskal Herria's own language and the possibility of using it in all social, public and private environments, whereby it acts as a channel for the appropriate social integration and the integration of the coexistence model.

To end this introduction, we would like to show our gratitude to the collaborators in this work, all of whom are experts in their fields (Michel Bastarache, Eva Pons, Antoni Milian, Iñaki Lasagabaster, Juan Cobarrubias, Francis Jauréguiberry and Xabier Irujo), as well as for the trust and backing given to us by the different foundations and associations which enabled this research, the conference at Stanford University and the publication of this book. With special thanks for the support given by Eusko Ikaskuntza-The Society of Basque Studies (represented by Xabier Reteği, its President, and Josemari Velez de Mendizabal, General Manager, and expert publication production by Eva Nieto) in Donostia-San Sebastián, Gipuzkoa; the Cenarrusa Foundation for Basque Culture (Pete T. and Freda Coates Cenarrusa founders), Boise, Idaho; and Stanford University Department of Iberian and Latin American Cultures (Chair Dr. Joan Ramon Resina) and the Special Language Program at the Stanford Language Center (Coordinator Dr. Eva Prionas). In the spring semester of 2007, for the first time in its history Stanford University offered its first course in Basque Studies, taught by Dr. Totoricagüena. The efforts to bring Euskara and additional Basque studies courses to this campus will continue.

This book aims to shed light on the contemporary social and legal situation of the Basque language and on future challenges which will have to be faced in order to survive cultural globalization and political centralization. One people, the Basque people, whose language has survived glaciations which ravaged Europe tens of thousands of years ago and which put down its roots in prehistoric Europe, faces the future with hope, guided by the echo of their ancestors' songs: Because of them, we are. Because of us they will be.

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Stanford University
Palo Alto, California