

**A LEGAL HISTORY OF
THE BASQUE LANGUAGE
(1789-2009)**

**XABIER IRUJO AMETZAGA
INIGO URRUTIA LIBARONA**



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EUSKO IKASKUNTZA - SOCIEDAD DE ESTUDIOS VASCOS - SOCIÉTÉ D'ÉTUDES BASQUES

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Lingua Navarrorum. Foreword

Today, on December 3rd, we are celebrating the sixtieth anniversary of the first *Euskara Eguna* or the Day of the Basque Language, on the day devoted to Saint Francis Xabier, patron saint of the Basque language.

A handwritten signature in Basque script that reads "Francisco de Xabier". The signature is written in a cursive style. On either side of the signature are decorative symbols consisting of three vertical lines with horizontal bars at the top and bottom, resembling a stylized 'H' or a similar symbol.

Saint Francis Xabier's Autograph. Source: Alberto Irigoyen

The history of the Basque language over the last 220 years has been fraught with prohibitions and political persecution. The historical analysis of the language-related measures that affected the situation of the Basque language clearly reveals the close connection between language and power. Language, one unique language, has been considered the symbol of national unity, imposing itself over the collective will of different ethnic groups, societies and peoples different from the dominant culture. The state-building process was carried out through policies of linguistic uniformity and assimilation, whereby linguistic diversity –still nowadays- is considered as an obstacle to attain the desired political uniformity. This gives rise to repressive policies against languages, with the main purpose of obtaining linguistic and social homogeneity.

This book collects the history of a long series of prohibitions that have encumbered the Basque language over the past 220 years. The long consolidation process of the French (1789) and Spanish State (1839-1876) was brought about by imposing the official monolingualism and excluding all other languages spoken in both countries. Basque, Catalan or Galicia citizens had to wait until the death of General Francisco Franco in 1975, which brought to an end a dictatorship that lasted almost 40 years (1936-1975), in order for the laws of the Spanish state to acknowledge linguistic diversity. In France, French continues to be the only official language of the state, excluding Basque, Breton, Catalan, Corsican, Flemish, German, Italian, Occitan, and a large list of other linguistic varieties. None of them has any legal status. Diversity has been subjected to a policy of

eradication, by means of prohibitions and sanctions, as well as the infringement upon the most basic human rights.

At present we still find aspects concerning the recognition of individuals' and people's linguistic and cultural identity that require careful consideration. A full development of linguistic rights is still viewed with considerable suspicion by certain elites belonging to the dominant groups, insofar as the goal of the dominated is to dismantle the privileges held by the dominant groups. Language continues to be a symbol of the unity of the State, and diversity is seen as jeopardizing its integrity. The pluralist principle has not yet been considered with sufficient involvement by the State's public authorities.

Linguistic conflict must be seen as a consequence of the dissatisfaction different peoples feel because their cultural identity and development cannot be guaranteed, and because of lack of structures in the contemporary states' make-up to cope with diversity. European history has shown that the situation of linguistic minorities can turn unstable if a satisfactory solution guaranteeing their cultural development is not found.

Euskara or Basque is a language that has been spoken in Europe for thousands of years and that currently counts approximately one million speakers. Its contemporary situation is marked by a heterogeneous regulatory legislation derived from political and administrative divisions. The territory where Basque is spoken is divided into two states, three different administrations, three different names, and at least six administrative frameworks that vary from no legal recognition at all to the legal status of official language in certain territories, along with Castilian, which is the official language of the Spanish state. In actual fact, Basque is not a state-wide language and continues to be treated as a minority language, despite its co-official status in the Basque Autonomous Community or in Navarre. Basque is subject to a division into three administrative areas, since different linguistic rights are granted to those who wish to use it in Navarre. The Basque-speaking community has curtailed rights in Navarre, where it barely reaches the number of 500.000 speakers and where *Euskara* is often called *Vasque* to set Navarre apart from the other Basque-speaking territories, where *Euskara* is the commonly used term. Basque has no official recognition in the French state, where it is still officially called a *patois* (i.e. a substandard dialectal variety) or a jargon, with clear political and cultural implications.

Basque is clearly a European language, even if it has not been officially recognized as such by the European Union, as has been done for many other languages and dialects, such as Catalan, Galician, Occitan, Scottish Gaelic, Welsh. From this point of view, the history of Basque is not unique, many other different languages, varieties and their speakers have suffered the same kind of exclusion, which has taken the form of omissions, discrimination, as well as oppression by governments upholding the principles of the unity and homogeneity of the state. It is the history of second-class citizens.

Anyone would object to someone throwing stones against the Gothic stained-glass windows of one of our cathedrals, or mutilating a sculpture or slashing a painting kept in one of our museums, and yet there are still people who defend prohibitions against certain languages with the sole purpose of causing them to die out. Basque, called *Lingua Navarrorum* many centuries ago by one of the kings of Navarre, apart from being an instrument of communication, is an integral part of European linguistic diversity, since it is one of the very few living

vestiges from European prehistory, and certainly the most ancient surviving language on the continent. Basque is, moreover, the most characteristic element of the cultural and political personality of the Basque people, who have been able to preserve it despite a long history of more than two centuries of prohibition. It is a language spoken by approximately one million speakers constituting a linguistic community that has contributed various elements to world culture. However, unlike works of art, language is also a mark of identity, which explains the degree of repression suffered by its speakers throughout the centuries.

The Basque-speaking community on either side of the border has been subjected to hundreds of laws, regulations, rules, directives and orders during two centuries, all aimed at prohibiting or restricting the use of this language in its own land. There is nothing more tragic for a society, nor anything more revealing of the state's real political intentions than resorting to the forced imposition of one single culture and official language by means of rules, administrative practices and civil or penal sanctions. However, at the same time, nothing is more evident than the Basque people's will to survive and to establish themselves as a definite cultural entity than their overcoming the history of political repression against Euskara throughout their existence.

No state has the right to be built on the infringement of human rights. Almost one thousand years ago, the following motto was engraved on one of the bells at Santa María de Najera, the church where the kings of Navarre were laid to rest: *Pro libertate patria gens libera state*. 'Free people in a free country,' that is 'A free country can only be built if its people are also free', and only if its citizens are free can they accept to be part of the said country, certainly a lesson on the importance of democratic values.

LANGUAGES, DIALECTS, AND LINGUISTIC VARIETIES

Both the French and the Spanish state are composed by a rich mosaic of languages, dialects and linguistic varieties.

The two countries whose language policies are the subject of this book are multinational states, that is, they are made up of several nations, cultures and ethnic groups with their own language that have existed side by side for centuries. The nations that constitute the French state are: Occitany, Northern Catalonia, *Iparralde* (the Northern Basque Country), Brittany, Corsica and France itself, i.e. what strictly speaking can be considered *France* from a historical, cultural, and linguistic point of view. There are, moreover, areas with German influence, such as Alsace, annexed to the French Crown in 1639, and others with Flemish influence such as the *Department du nord*, where three linguistic varieties coexist: *Picard* and *Dunkerquois* (both varieties of the *Langue d'oïl* with a strong Flemish imprint) and Flemish, a dialect of Dutch.

The Northern Basque Country, which comprises the ancient Basque states of *Royaume de Navarre* (Behe Nafarroa in Basque), *Pays et Bailie de Labord* (Labourd in French, *Lapurdj* in Basque & *Lapurdum* in Latin), and *Pays et Vicomté de Sole*, (*Soule* in French & *Zuberoa* in Basque), is enclosed within the region of Aquitaine and, along with the Béarn area, it constitutes the Department of the

Atlantic Pyrenees. Northern Catalonia is enclosed by the Languedoc-Roussillon region and is part of the Department of the Eastern Pyrenees.

The Spanish state also comprises various nations, among which are *Hegoalde* (the Southern Basque Country), Southern Catalonia, and Galicia, each with its own language. The territory in which Castilian is spoken is culturally very rich, since it encloses very different regions such as Castile-Leon, Castile-La Mancha, Extremadura, Murcia and Andalusia, territories in which several varieties of the Castilian language are spoken. Within the Spanish state, the Southern Basque Country is divided up into two different autonomous communities, the Autonomous Community of the Basque Country, and the Historic Community of Navarre. The Catalan-speaking territories, or *Paisos Catalans*, are in turn divided in three separate administrative regions: the Autonomous Community of Catalonia, the Valencian Community, and the Autonomous Community of the Balearic Islands. Moreover, the Spanish state is even more linguistically diverse if one considers Asturian, and enclaves outside the main territory where the language in question is spoken, such as the Catalan-speaking fringe of the Aragon region, Galician enclaves in Leon, Portuguese speaking areas of Extremadura, not to mention the Arabic varieties spoken in the territories of Ceuta and Melilla, African regions under the sovereignty of the Spanish state.

Thus, the Basque Country and Catalonia are both nations split between two states, and even within the same state, the same linguistic community is split among several administrative regions with very different rules and regulations concerning language policy. Logically, this situation has had a considerable impact on the communities' national language, i.e. on Basque and Catalan respectively. In the Basque case, a linguistic community whose language is spoken by less than a million people is politically fragmented under the sovereignty of two states, which implies the enforcement of different linguistic frameworks and language policies. Basque is further split into seven separate administrative districts with different rights and duties regarding language policy. Basque is therefore subject to seven different linguistic regulations and spheres of use. In a similar way, Catalan is divided into no fewer than four different linguistic administrative areas, as well as being split by the border between two states.

A comparison of the map of European nations with a linguistic map of Europe will yield a practically complete correspondence between the two. Language is indeed a fundamental element for the establishment of a national collective identity, and precisely because of that, modern states were built excluding all languages other than the one chosen as embodiment of the state's political unity. Languages continue to be victims of exclusionist language policies that have discriminated against the speakers of other languages within the same state by means of making one sole language official. Such policies caused at times the extinction or near-extinction of the non-official languages. Thus, if we compare the map of the nations of Europe and that of the European states or of their official languages, we will notice that the linguistic diversity is drastically reduced. In other words, many of the languages currently spoken in Europe are excluded from the official map of European languages.



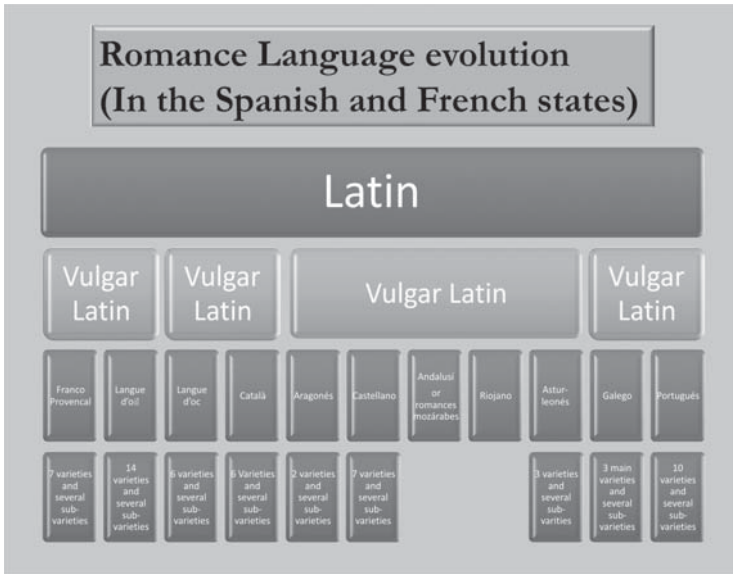
Map of European nations. The Basque Country is located in the Pyrenees, between Castile (Spain), Aragon and Occitania. Source: European Free Alliance, European Parliament.

In this book, we will be dealing precisely with this phenomenon, which is not the product of natural or linguistic causes, but rather the result of political decisions that have decreased the rich linguistic and cultural diversity of Europe. We will be concentrating on the legal history of the Basque language but in any case it should be noticed that the political persecution suffered by Basque has been essentially similar to that to which dialects and varieties of the official languages of either state have been subjected. Some of these varieties have died out or are currently on the verge of extinction, with all that this implies for European cultural diversity. In this chapter we will be analyzing the discrepancy between the linguistic and cultural reality on the one hand, and the political situation on the other, in both states. For this purpose, we will proceed to give a working definition of the terms 'language', 'dialect', 'linguistic variety', and 'idiolect'.



Political map of the European Union. A comparison between this map and that of European nations yields significant discrepancy between the cultural diversity and the political image of Europe, which is considerably simpler and more uniform. Source: European Free Alliance, European Parliament.

A *language* is a system of verbal communication, a complex system of signs, used for communication as well as to nourish intellectual growth. Beyond its practical ramifications, a language is the reflection of a people's culture, of a nation, of an ethnic group that has created, after centuries of cohabitation, a system of communication that is continuously shaped by its relation and interchange with neighboring languages. These systems of signs evolve in such a way that, say, a language like Latin can and did give rise to several languages, all very different one from the other, such as Italian, French, Catalan, Galician, Rumanian, or Spanish, which now belong to the same language family because of that origin.



Evolution of the Romance languages. Source: Xabier Irujo & Iñigo Urrutia.

A language family is a phylogenetic unit, i.e. a group of languages derived from a common ancestor, which are, therefore, historically and linguistically related. In practical terms, since reality is often more complex than theory, a language family is a group of languages derived from the same ancestor that had in turn branched out, generating different linguistic varieties from which then several languages developed. The common ancestor is thus called *protolanguage*, the varieties are called *dialects* or simply *linguistic varieties*. Summarizing, throughout a long period of time, a language spoken by a substantial group of people in distant places will diversify giving rise to linguistic varieties that in turn will develop into different languages. These languages derived from the same ancestor are characterized by a series of common features (resultant of their shared origin) and, at the same time, by a series of distinctive features that set them apart one from the other (due to their separate evolution) of a phonological, morphological, syntactic, and semantic nature.

A common ancestor, or *protolanguage*, gives rise to different linguistic varieties for a number of reasons. On the one hand, it is the speakers who initiate dialectal variation, with wider divergences according to distance and isolation of the different linguistic communities. On the other hand, languages in contact

influence one another, so that the evolution of a language is typically marked by languages originally spoken in the same territory (substrate). In a different situation, a new, dominant language exerts influence on the language originally spoken in the region (superstrate), or the linguistic community can suffer a language shift: even a politically dominant group can decide to abandon its language in favor of the language originally spoken in the region. The abandoned language, being spoken by a socially dominant group, could still leave a trace on the local language before dying out (again a superstrate situation): this is the case of the Visigoths in Gaul and the Iberian Peninsula, who abandoned their original Germanic language to adopt a variety of Latin when they settled in the territories of the ailing Western Roman Empire.

As a consequence, a dialect (which literally means 'manner of speaking') is really a language from a linguistic viewpoint. A dialect is a language that belongs with other languages within the same language family. One of them is endowed with the political title of *language*, whereas the remaining members of the language family are considered as *dialects*. The distinction between languages and dialects is therefore based on extra-linguistic criteria, since there is no difference between *languages* and *dialects* from a purely linguistic point of view.

Paraphrasing the Jewish linguist Max Weinreich, a language is a dialect armed with cannons¹. In this sense, it is perhaps more neutral to use the term linguistic variety, as many authors do, to avoid an extra-linguistic bias while discussing linguistic concepts. From this point of view, linguistic varieties are simply equally valued sisters within a language family, avoiding the artificial hierarchy between language and dialect, as well as the derived negative connotation that the term *dialect* acquires. Language varieties can share common features, which ascribe them to the same branches or groups, so that each language family comprises in turn one or several language groups.

Languages comprise regional (diatopic), social (diastratic), cultural, and even situational (diaphasic) varieties, also called registers. The dialects or linguistic varieties we will refer to here are those localized regional varieties, confined to a specific area and developed over the course of centuries. Let's not forget that languages evolve constantly, and that these dialects therefore also comprise 'sub-dialects', non standard regional and local varieties, developed as distinct 'sub-varieties' within each of the language varieties of a language family.

These different manners of speech are still considered languages from a linguistic viewpoint, whether they are recognized as such politically or not.

Fragmentation of Latin (the *protolanguage*) into different dialects or linguistic varieties (different 'Vulgar Latins') gave rise to different Romance or Neo-Latin languages, which belong to the same language family. This family branches out in turn into different groups. Within the Spanish and French states, one finds various groups or branches: Gallo-Romance, Catalan-Provençal, Sardinian, and Ibero-Romance, necessarily excluding the Eastern branches (such as Italic, and Rumanian) because of geographical location.

1. "A dialect is a language with an Army and a Navy". In, Drogin, Eric Y., *Science for lawyers*, American Bar Association, Chicago, 2008. P 230.



Languages and linguistic varieties in the French state. Source: Alberto Irigoyen.

The Gallo-Romance group comprises the following languages and varieties:

- The *Langue d'oïl* is comprised in turn of approximately 14 languages and many dialects. These are some of the varieties within the *Oïl* group, the following can be mentioned: Walloon, Picard, Norman, Gallo, Champenois, Poitevin, Saintongeais, Bourbonnais, Berrichon, Orléanais, Champenois, Bourguignon, Lorrain... Currently, the language known as *French*, because it is the official language of the French state, is simply one of the varieties of the *Langue d'oïl* group, i.e. the one spoken on the *Île de France*.
- *Franco-provençal* and its 7 varieties: Forézien, Douphinois, Lyonnais, Savoyard, Jurassien, Romand and Valdôtain (the variety spoken in the Aosta Valley), considered by some linguists to be part of the Italo-Romance group.

The Catalan-Provençal group comprises two languages and several varieties:

- *Langue d'oc* or Occitan and its six dialects and varieties. There is no universal agreement about the dialectal reality of Occitan, but many authors agree in singling out the following varieties: Gascon, Languedocian, Lemosin, Auvernhat, Vivaro-Alpine and Provençal. All the varieties have branched into regional and local sub-varieties, such as Bearnese, a very distinct variety of Gascon, in turn the westernmost dialect of Occitan, which originally suffered considerable influence from the Basque substrate.
- Catalan and its six varieties: Northern Catalan, North-Western Catalan, Central Catalan, Southern Catalan, Valencian and Balearic. Another variety of this language is spoken on the island of Sardinia. The Sardinian language, because of its island character and isolation, constitutes its own language group comprising Campidanese, Nuorese, and Logudorese.

The Ibero-Romance group comprises the linguistic varieties spoken in the Iberian Peninsula:

- Aragonese. Is a variety on the brink of extinction that obtains hardly any official recognition. It originally covered the whole Kingdom of Aragon and one of its variety was the Navarro-Aragonese dialect in which the *Fuero General de Navarra* (General Law of Navarre) was written in the XIII century. It is currently used in two of its ancient domains within the Kingdom of Pamplona, Sobrarbe and Ribagorza.

Article 7 of the Statute of Autonomy of Aragon (prefatory title concerning language and distinct speech varieties) establishes that languages and varieties typical of Aragon are one of the most significant aspects of the Aragonese historical and cultural heritage, and have an intrinsic social value based on reciprocal understanding, respect, and cohabitation within the community (art. 7.1). 7.2 states that a law issued by the Aragonese Parliament will establish the legal status, and the rights for speakers within such territories to use those varieties, as well as promoting their protection, encouraging their recovery, teaching, promotion and diffusion as part of the Aragonese linguistic heritage. In areas where the local language is predominant, the law will also favor the use of local languages in the exchanges between the local population and the Aragonese public administration. 7.3 also adds that after 220 years of linguistic discrimination, no one will be discriminated against because of the language s/he uses. Despite this statement of intents, no actual language policy measures have been implemented to date to protect and encourage the use of this language (such as its teaching or official use), nor to prevent its extinction.

- Astur-Leonese. Language group with several varieties both along the coastal strip stretching from East to West, as well as North to South.

There is in fact a Leonese variety spoken in the northern part of Extremadura, with no official protection and therefore, endangered.

A law dated March 23rd, 1998 (1/1998) about the use and promotion of Asturian or Bable, as the traditional language of Asturias is called, which will be protected, by promoting its use, diffusion, and teaching within the boundaries of the Principality of Asturias. The second article of the same law states, moreover, that the regulations to protect, respect and develop the use of Bable, will also be extended by a special proviso to the Galician-Asturian variety spoken in the westernmost region of the Autonomous Community of Asturias. The third article states what the purpose of the law is:

1. Protect the citizens' right to know and use Bable/Asturian and implement the means for them to do so.
 2. Encourage Bable/Asturian's recovery and development by establishing measures to promote its usage.
 3. Guarantee the teaching of Bable/Asturian within the capacity endowed to the Principality of Asturias, based on willing and gradual participation, and respecting Asturias's sociolinguistic reality.
 4. Ensure that Asturian is used freely and that citizens are not discriminated against for using the language.
- Castilian Spanish and its 7 varieties all show a gamut of sub-varieties and local speech varieties: Castilian-Leonese, Castilian-Manchego, Extremaduran, Aragonese², Riojan³, Murcian, Andalusian y Canarian. It is also important to underline that there are many more varieties of Castilian spoken in the Americas, Africa, and western Asia (Ladino). Currently, Castilian-Leonese is the official language of the state, and therefore it has been endowed with the extra-linguistic title of 'Spanish', neglecting all other linguistic varieties of this language, and of the other languages spoken in the Spanish state. No other variety of Castilian has any official character, except for Andalusian Spanish. Since a reform dating 2007, in fact, although Andalusian is not co-official, it is mentioned in article 10.3.4 of the Statute of Autonomy of Andalusia. Specifically, promoting, studying and supporting the prestige of the Andalusian variety are some of the basic goals of the Andalusian Autonomous Community. Moreover, according to article 210 on the recognition and use of Andalusian, the law establishes that the Andalusian public media must promote, acknowledge and use Andalusian and all its different local varieties.

2. This Aragonese must not be confused with the Romance language called Aragonese. From an evolutionary point of view, the Romance language called Aragonese derives from a variety of Vulgar Latin, whereas the Aragonese dialect we are referring to here has evolved from Castilian-Leonese with a strong influence of Aragonese Romance as a substrate.

3. What was mentioned above about Aragonese, the Romance language, should also apply to Riojan. This Riojan here is not the same Riojan language used to write the *Glosas Emilianenses*, a language derived from Vulgar Latin with a strong Basque substrate. Contemporary Riojan is a local variety of Castilian, which in turn was heavily influenced here by the Riojan language substrate.



Map of the languages and linguistic varieties in the Spanish state. Source: Alberto Irigoyen.

Lastly, there is a Galician-Portuguese group, comprising two languages, Galician and Portuguese. Galician comprises three main varieties, each one of which branches into a considerable number of local varieties and 'sub-dialects.'

Considering the complexity of this linguistic reality, referring to the languages of Spain and France as Spanish and French is clearly a mistake, albeit a common one, since these are the official titles, and as such correspond to a political function rather than a linguistic reality. Spanish is strictly speaking, a variety of Castilian, or more precisely a variety of Castilian-Leonese, which has been converted into the official language of the Spanish state. As such, knowledge of said language is compulsory and it is the vehicle through which general teaching and state-wide administration are carried out. French, on the other hand, is one of the varieties of the *Langue d'oïl*, and has now been turned into the French Republic's official language by excluding all other languages and dialects spoken in France. Both Castilian and the *Langue d'oïl* are two among the many linguistic realities existing in either state. They are also the languages spoken by the majority of the population in each state respectively.

Euskara, or Basque, has no relation to any Romance or Germanic language in the continent, i.e. it is not part of the Indo-European family of languages, nor is it part of any other language family. This language constitutes its own language family and is also the only pre-Indoeuropean language in Europe, which means that it is the only living vestige from European prehistory. Basque also comprises an extraordinary gamut of dialects, with 6 or 7 more widely spoken varieties, as well as many local ones.

The history of the Basque language has been marked by periods of

growth and expansion, as well as decrease and retrocession, just like other languages. As linguistic studies and archeological remains indicate, the origin of the Basque language goes back to prehistory. The arrival of Celtic peoples to the European continent starting from the end of the second millennium before the Common Era marks the first geographic contraction of the proto-Basque linguistic domain, which will decrease considerably again after the Roman conquest and expansion. The Middle Ages also mark a period of retrocession of Basque, if a remarkably slow one. It is in fact only by the mid 19th century that Euskara is brought to the verge of extinction through the adoption of discriminating language policies by the French and Spanish states.

In the new millennium, thanks to the measures to promote language use adopted by the Autonomous Communities' powers, which will be studied in detail in the following chapters, Basque has experienced a period of regeneration and expansion for the first time in 220 years. Some varieties have benefited more than others, such as those spoken in Bizkaia and Gipuzkoa, protected by an effective language policy that respects the rights of the speakers. Conversely, the eastern dialects are in clear retrocession, since the French state has been very reluctant in guaranteeing language rights beyond those concerning the official language. The same has to be said for the southern Upper Navarrese variety, a dialect that has merged with northern Upper Navarrese and Gipuzkoan and that according to various authors can be considered a sole Navarrese dialect. This dialectal loss is no doubt to be ascribed to a restrictive language policy, such as the one currently in place in the Historic Community of Navarre.

To conclude, we wish to underline the following:

- Euskara or Basque is a minority language and as such it should enjoy the rights endowed to minority languages by Public International Law. Among others, the International Covenant on Civil and Political Rights (art. 27) of 16 December 1966, the European Charter for Regional or Minority Languages ratified in Strasbourg on November 5th, 1992 by the states members of the European Council, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by consensus by the United Nation's General Assembly on 18 December 1992, UNESCO's Universal Declaration of Linguistic Rights (ratified by the World Conference on Linguistic Rights, which was held in Barcelona from 6 to 9 June 1996, or UNESCO's Convention of the Safeguard of the Immaterial Cultural Patrimony in October 2003.
- There is a clear discrepancy between the political order and cultural and linguistic reality. A simple comparison of the map of European languages and that of official European Union's languages reveals the quantitative and therefore qualitative leap between the political arrangement and linguistic reality. The same can be seen comparing a political and a language map of the Spanish and French states: no fewer than ten languages cohabit within the French and over fifty dialects and linguistic varieties, and yet only one among them is invested with being the official language. The dwindling usage of all remaining varieties has pushed some of them to the brink of extinction. The situation in the Spanish state is more positive, but not yet adequate: six languages, one of

which is official and three others are co-official within their respective Autonomous Communities, where usage of the regional language is a right but not a duty, unlike the status of Castilian, whose knowledge is a duty for all citizens of the Spanish state. Public powers within the Spanish state use Castilian exclusively to express themselves, as do tribunals with state-wide jurisdiction. There has been no representation of the different linguistic realities within the Spanish state among the constitutional powers of the country, not to mention that none of the sixty dialects and varieties also present in the Iberian territory enjoys any official status, and only two of them have any legal recognition. In other words, the linguistic map of France has more than fifty colors, whereas the political one is monochromatic. The linguistic map of Spain has more than sixty, whereas the political one shows only four different colors.

The political reality of a country should be based on safeguarding and promoting the development of these linguistic varieties by implementing protectionist measures that would allow them to preserve them and enrich mankind's cultural heritage.

- The concept of 'national language' should not be limited to define the political or legal concept of 'official language of the state'. Considering that no language is superior or inferior to another, all of them should be endowed with the same dignity and rights. The best way to guarantee equality among languages is by declaring them official. Any other reality, regardless of its justification, pretexts, or legal and social excuses is a violation of the speakers' rights. Thus, an immediate consequence of the previous statements and according to extant international agreements, there should not be a distinction causing some speakers to have linguistic rights and others not to have such rights. The vast majority of speakers within the Spanish and French states currently speak and live within a linguistic reality with no official status, because theirs is not (one of) the official language(s).
- A dialect or linguistic variety *is* in fact a language and as such it should enjoy the rights reserved to all speakers.
- Languages essentially disappear because their speakers are forced to study, live, and develop their job in a different language to their mother tongue, which suffers from political discrimination, as well as a strong social stigma.

Dialects are not uncultivated forms of the 'languages of culture' (whatever the meaning of such an expression may be). According to skewed opinions and social prejudice, dialects or substandard linguistic varieties are languages spoken by ignorant speakers. Unlike Basque, a non-Indo-European language, or Catalan or Galician, very distinct from Castilian in linguistic terms, linguistic varieties closer to the official language (be it Castilian or Langue d'oïl) suffer an added stigma of being considered 'deformed' versions of the official dialect. The linguistically misconceived ideas that Andalusian is just a 'bad version of Castilian' or that Aragonese is 'incorrect, vulgar, and deformed Spanish' are still very common, due to little education, cultural deficiencies or simple

ignorance. From this common misconception, pejorative terms such as *baturro* 'bumpkin' are derived, a term that according to the Royal Academy of the Spanish language means 'simpleton, rustic man of little intelligence'. These ideas have no scientific basis, quite the opposite is true, since these linguistic varieties should be considered just as other languages. In the case of Aragonese, this variety evolved from a variety of Vulgar Latin affected by a considerable Basque substrate.

- Just as Basque, many different Romance dialects have suffered from unfavorable regulations that have led these varieties on the road to extinction. In this book, we will concentrate on the laws that have affected Basque on either side of the Pyrenees. However, what is analyzed here could as easily be applied to any linguistic varieties in either state, to which we will be referring in different sections of the book, such as Gascon and its Bearnese variety, or Navarro-Aragonese.

The political order should not be built by consciously ignoring the diversity it is supposed to defend. Were it to be based on guaranteeing diversity, the political map would be significantly different from how it currently appears. In any case, managing diversity cannot mean doing away with it, on the contrary, it should mean recognition and defense of the right to use, learn local languages, and pass them on to future generations.

In our view, it is the construction of the Tower of Babel that is an aberration or an utopia, whereas its collapse guarantees diversity and promotes cultural enrichment. It has been often mentioned that as we construct a unitary Europe, these cultural and linguistic differences can only separate us (notice, however, that this has never been said of the official languages). Nonetheless, "United in Diversity" is the motto of the European Union: all citizens should live within the same political and economic structure, which guarantees all human rights, including the respect for the cultural reality of the continent, which is indeed complex and multifaceted.

1. The Basque Language in the *foral* States

By 'foral state' (Sp. *estado foral*⁴) we mean the seven Basque Republics that had their primitive Codes of Laws or *fueros* (*Señorío de Bizkaia, Provincia de Gipuzkoa, Hermandad de Araba, Reino de Navarra, Pays et Baillie de Labord, Royaume de Navarre & Pays et Vicomté de Sole*⁵). Because of its connection to the Kingdom of Navarre, we will also include the Viscounty of Béarn, to which we will refer on more than one occasion, since it is relevant to the topic at hand.

The Basque states relied on their own independent institutions until the French Revolution (1789) north of the Pyrenees, and at least until the end of the First Carlist War in the south (1839). Legal heterogeneity and political sovereignty are clearly demonstrated by the creation of several distinct legal orders by their corresponding legislative institutions (Parliaments, General Assemblies, Governments...). They also had at their disposal governing and administrative bodies (local Governments) and judicial courts, which were not part of the state-wide system, as well as their own legal codes concerning organization and function of the judicial system. Moreover, all Basque states had their own system of conscription and defense, and in the case of the Kingdom of Navarre, also their own mint and currency.

From a legal and administrative perspective the Basque states (the republics of Araba, Bizkaia, and Gipuzkoa, and the Kingdom of Navarre) were organized as confederate states of the Kingdom of Castile and of France, in the case of the *Pays et Baillie de Labord* (*Lapurdi* in Basque), and the *Pays et Vicomté de Sole* (*Zuberoa* in Basque) since after the Hundred Years' War, and the Navarrese Kingdom of *ultrapuertos* ('beyond the mountain passes', i.e. on the other side of the Pyrenees) since 1531. The extended period analyzed in this introductory chapter spans the end of the 9th century, starting from the creation of the Kingdom of Pamplona, until 1789 and 1841, which mark the creation of the French and Spanish states respectively.

In order to focus on the status of Basque and what type of language policy was applied to it, one must set out from a basic understanding that:

1. Language policy is a relatively recent phenomenon, which goes hand in hand with the establishment of the 'nation-state'. There was, strictly speaking, no language policy until 1789, and therefore there was no 'language of the state' or 'official language' until that date. In fact, it was quite natural to use different languages for different functions (legislative, judicial) and registers, as well as oral and written modalities, the latter being the almost exclusive domain of Latin. No language had any special status until the establishment of the states. Nonetheless, the Basque *foral* states regulated and even clearly imposed the usage and knowledge of certain languages (Romance and/or Basque) for certain administrative functions.
2. The systematic persecution, exclusion or neglect that Basque would be subject to starting from the establishment of the Spanish and French states was absolutely unknown of in previous centuries. The repression

4. *Foral*, from the Medieval Latin 'fors' or laws. The Basque states had their own legal codes and constitutions.

5. Seigniorship of Bizkaia, Province of Gipuzkoa, Brotherhood of Araba, Seigniorship of Lapurdi, Southern and Northern Kingdoms of Navarre and Viscounty of Zuberoa.

Basque suffered from the establishment of the First National Assembly onwards was so wide-reaching in its generality and adverse consequences that it cannot be compared to the specific but sporadic prohibitions that it had suffered before.

Notwithstanding the fact that no systematic regulations privileging the exclusive and universal use of one language over the others existed previous to the French revolution, it should be underlined that there was however a tendency to write almost exclusively in a Romance language (be it Navarrese, Riojan, Aragonese, Castilian or Occitan). The custom of using Romance languages to produce written texts can be ascribed to the historical tendency to use Latin in official documents. If (some form of) classical Latin is used in such documents, this naturally gives way to (some variety of) Vulgar Latin later and to the different Romance languages eventually.

In the same way, custom and language use caused the language for oral expression within the state's administrative functions to be mainly Basque, for instance in municipal councils (*Batzar* in Basque), national assemblies and parliament (*Biltzar* in Basque), local councils, meetings of brotherhoods and guilds, as well as tribunals). It should be underscored that, then and now, oral activity was predominant. Moreover, learning to read and write then was reserved to a small privileged minority of the population and only the most important legal documents were fixed in writing.

The fact that the Basque language was not commonly used in official documents should not imply that the use of Basque was proscribed or that there was a regulation imposing one language over another in the administration of the Basque states. Nor was there a difference in status among languages. Custom and usage, however, dictated that Basque dialects were predominantly used in oral transactions pertaining to the administration, whereas in written transactions some variety of Romance was predominantly used.

As mentioned above, different dialects and varieties of Romance and Basque were used for administrative purposes in different territories. The 1520 Legal Code⁶ of the *Pays et Vicomté de Sole* (or *Zuberoa*) was composed in the Gascon dialect of Occitan, that is, the dialect of Romance known and used in that republic. The same can be said for the 1611 Legal Code of Navarre and the regulations of *Pays et Bailie de Labord* (or *Lapurdi*), which did not prevent other Occitan or even *Langue d'oïl* varieties from being used in other, minor laws. The same applies for the Basque states south of the Pyrenees. The General Law of Navarre from the 13th century, one of the most ancient and enigmatic legal document in the history of Basque jurisprudence, is a beautiful example of Navarro-Aragonese Romance, which is hard to understand for Castilian speakers⁷. On the other hand, the Law of Gipuzkoa of 1696 was composed in Castilian. In other cases, the Codes of Laws were translated from one Romance variety into another, such as the Law of Estella. The first official text of the municipal ordinances about elections established by the Municipality of Eibar

6. The Basque legal Codes were named *Foruak* in Basque, *Fors* in *Langue d'oïl* or in Gascon and *Fueros* in Castilian.

7. As attested by the need for a translation into Castilian, carried out and published by Juan F. Utrilla y Utrilla in 1989. We are currently translating this wonderful legal text into English.

was composed in Basque between 1754 and 1758. It is therefore questionable to maintain that Castilian or French (in the *d'oil* variety) were the official languages of the Basque states. Reality, as is usually the case, was clearly much more complex.

The Viscounty of Lapurdi was first a confederate state to England before it adopted the King of France as *Lord of Labourd* after the Treaty of Aiherre signed in Belzunce Castle on March 18th, 1450, so that in the administration of the Basque states before the 15th century, English may also have been used.

1.1. TWO MEDIEVAL LAWS CONCERNING LANGUAGE USE

When Sancho III the Elder died in 1035, García Sánchez III of Nájera, his first born son, succeeded him to the throne of the Kingdom of Navarre. He endowed Ojacastró Valley with a Charter or Code of Laws in 1052⁸, which comprised the municipality of *Villa Sancta Georgio Ollia Castr*⁹ (now called Ojacastró), Ezcaray, Zorraquin and Valgañón.

The Navarrese king conceded this municipal charter in the attempt to establish towns in the territory bordering on Castile, which had been converted from county into kingdom by Sancho III the Elder of Navarre, but now saw itself facing Navarre in what was to be the first of many wars between the two kingdoms. The boundary between Navarre and Castile was established by a treaty on borders dated 1016 by Sancho III the Elder of Navarre and Sancho García, the second-last count of Castile. The boundary stones stretched in a parallel fashion to the watershed between the Ebro and Duero river valleys. The region of La Rioja was then enclosed within the territory of the Navarrese kingdom, whose southern boundary was Atapuerca, as well as a strip in the foothill of the mountainous Montes de Oca region, a boundary that no doubt took into account –among other reasons– also the language spoken by the populations of the respective territories.

Only two years after conceding a charter to the people of the Ojacastró Valley, García died on the battlefield facing the Castilian troops headed by his brother Fernando I. Almost a century afterwards Sancho the Wise, king of Navarre, began the campaign to conquer back La Rioja and Bureba in 1160, while Alfonso VIII the Noble was king of Castile. Irujo says that as he victoriously reached Atapuerca, 20 km from Burgos, Sancho who was then titled *Rex Navarre*, stuck his weapons in a tree and said: 'This marks the boundary of the Kingdom of Navarre'¹⁰. However, the arbitration award issued in London in 1179 by Henry II

8. Some authors maintain that the Charter of Cueva Cardiel issued by the same king also in 1052, which has been used to compare the content of both municipal charters was a hoax created in the 12th century. Cf. Fortún Pérez de Ciriza, Luis Javier, "Fueros locales de Navarra", *Jerónimo Zurita*, 78-79, Zaragoza, 2004. P. 126.

9. Since St. George was the patron saint of the municipality of Ojacastró, to whom the local church and yearly festivities were dedicated.

10. Irujo Olló, Manuel, *Instituciones jurídicas vascas*, Ekin, Buenos Aires, 1945. Pp. 38-39.

was to cede to Castile the lands forcibly taken from Navarre for good.

In actual fact, the language spoken by the high valleys of the La Rioja region would partly explain why the Navarrese kings wanted to carry out a 'reconquest' of this area for over a century. As a proof that Basque was indeed one of the dominant languages in the region is the decision of the mayor of the Ojacastró Valley municipality, who prevented the magistrate sent by the king of Castile to Burgos to take part in a trial because the Charter of Ojacastró stated that it was necessary to speak Euskara to participate in court proceedings judging a citizen of that municipality:

On an event concerning Don Morial, High Magistrate, and the Mayor of Ojacastró. It so occurred that the Mayor of Ojacastró had Don Morial, Magistrate of Castile, seized as he was presiding a court judging a man from Ojacastró, sued by someone from outside the Municipality, as it was in this man's right to defend himself in Basque. The Mayor wanted to know whether Don Morial was indeed informed of the existence of the Charter of Ojacastró and of this proviso in particular. Don Morial was later released and allowed to preside his court¹¹.

The Castilian justice system conceded to the inhabitants of the four towns in the Ojacastró valley the right to give testimony and be questioned in their mother tongue. It is also made clear by the sentence that it is stated in the Ojacastró Charter that in legal cases both within and outwith the valley, the citizens of Ojacastró had the right to use Euskara in their testimony since that was the language spoken in this area of La Rioja¹². It is not a prohibition, but rather a failed attempt by a Castilian judge who probably knew no Basque to establish Castilian as the language of the court.

This regulatory statement also shows the presence of an element found in basically all Basque Codes of Laws, i.e. the right of the citizens of a certain area, valley or republic to be judged by their own judges, courts and laws, and consequentially in their own language. This was the reason for the existence of the Hall of Bizkaia (*Sala de Bizkaia*) within the Royal Chancery at Valladolid in the Kingdom of Castile, whose jurisdiction comprised all matters concerning the subjects of the Seignior of Bizkaia that could not be judged by any other judge except those specifically from Bizkaia. As will be explained below, in the chapter devoted to the presence of the Basque language in the Basque Legal Codes, the Kingdom of Navarre required that the judges of the Navarrese courts spoke Euskara. The Code of Laws of Navarre was very clear in this respect, as the judge

11. In the original: *De una fazanya de Don Morial Merino Mayor, et del Alcalde de Oia-Castro. Esto es por fazanya que el Alcalde de Oia-Castro mandó prender D. Morial que era Merino de Castiella, porque juzgara que el ome de Oia-Castro si le demandase ome de fuera de la Villa o de la Villa, que el recudiese en Bascuence. Et de si sopo Don Morial en verdad, que tal fuero habian los de Oia-Castro, e mandol dexar e dexaronle luego, e que juzgase su fuero.* In, Merino Urrutia, José Bautista, *El vascuence en el Valle de Ojacastró (Rioja Alta)*, Sociedad Geográfica Nacional, Madrid, 1936. P. 6. See also, Merino Urrutia, José Bautista, *El vascuence en la Rioja y Burgos. Con un estudio analítico de la topografía del Valle de Ojacastró (Rioja Alta)*, Biblioteca Vascongada de los Amigos del País, Donostia/San Sebastián, 1962. P. 21. Taken from Marichalar, Amalio; Manrique, Cayetano, *Historia de la legislación y recitaciones del derecho civil de España*, Imprenta Nacional, Madrid, 1868. Vol. 2, p. 273.

12. Irujo Olo, Manuel, *Instituciones jurídicas vascas*, Ekin, Buenos Aires, 1945. P. 66.

had to be of the same nationality as the defendant¹³.

It is unlikely that this rule was part of the Ojacastró charter issued by García Sánchez III in 1052, but customary law nonetheless established without a doubt that the citizens of this valley, as well as all others within the Kingdom of Navarre, could give testimony in their language according to the formula stating that 'the citizens of Ojacastró had that set of laws', and it could not have been otherwise. The legal decision taken by the mayor according to customary law became from then on a 'fact' or *fazaña*, something akin to the modern concept of 'legal precedent'.

The decision by the Mayor of Ojacastró is part of a collection of thirty *fazañas* or judicial sentences, in a manuscript composed between the 13th and the 14th century in Burgos entitled *Este es el libro de los fueros de Castilla. Et son departidos en algunas villas segund su costumbre*, i.e. 'This is the book of the Castilian charters, and they are not followed in some towns, where they follow their own customs'. This collection of charters and legal sentences from the County of Castile is known as *Fuero General de Castilla la Vieja*, i.e. General Code of Laws of Castile and contains very different regulations in character and contents, as well as of different origin. One is from Santo Domingo de la Calzada, four from Logroño, one from Grañón, two from San Millán de la Cogolla, one from Cerezo, another from Canales de la Sierra and the one from Ojacastró¹⁴. The inclusion of the said requirement a century after the intervention by the Mayor of Ojacastró against the Castilian judge indicates that the charter and the regulation were probably still in force at the beginning of the 14th century.

Such judicial decisions based on customs as legal sources were developed in Castile starting from the 11th century, and from the mid 12th century, the sentences start to evolve into a legislative practice, giving rise to new laws. The Castilian monarchs tried to limit the powers of the judges and magistrates, so much so that Alfonso X the Wise established by law 198 of the *Estilo Legal Code*¹⁵ that only the legal decisions taken by the king of Castile and the Lord of Bizkaia could become laws.

On April 24th, 1312, Fernando IV of Castile issued the new Charter of Ojacastró, in which no mention is made about the right to testify in Basque. This does not mean that the regulation was no longer in place, since no mention whatsoever is made about languages in which trials could be carried out. It is however logical that after three centuries of Castilian domination, the use of Basque had decreased significantly, even if it was still spoken during the 14th century in parts of La Rioja, as stated by Merino Urrutia in his magnificent work *La lengua vasca en la Rioja y Burgos*, 'The Basque Language in La Rioja and Burgos'.

13. Book 2; Title I; Chapter I of the General Code of Laws of Navarre. *Es fuero de ynfanzo- nes fijosdalgo que ningun rey de Espayna non debe dar iuyzio fuera de Cort, ni en su Cort, á menos que no ayen alcalde et III de sus ricos ombres ó mas entroa VII, et que sean de la tierra en que fueren; si en Navarra, navarros, si en Castieylla, castellanos, si en Aragon, aragoneses, si en Catalloya, catalanes, si en Leon, leoneses, si en Portugal, portogaleses, si en Oltra puertos, segunt la tierra, et assi de los otros Renos; et su alcalde deve aber portero et mayordomo de la tierra o fuere; et assi deve ordenar sus tierras et sus pleytos.*

14. Merino Sánchez, Agustín, "Fueros y Ordenanzas municipales en el valle del alto Oja (Ojacastró y Ezcaray)", *Berceo*, 114-115, Logroño, 1988. P. 122.

15. Collection of 252 sentences and judicial customs in place during the realm of Alfonso X and following kings as sources of rules and regulations for legal proceedings.

The new charter, however, does make use of the legal precedent established in 1052 according to which no royal judge or magistrate had jurisdiction on the inhabitants of the valley:

And to give them further privileges it was established that no judge or magistrate could administer the law within the valley or its territory [...]. And I hereby order to all magistrates and judges administering justice on my behalf in my kingdoms, and to all mayors and judges to whom this document is shown, or a copy with the seal of a public scribe, to any of them that wish to go to the above mentioned Valley against this concession, that they should not be allowed, and they should be seized according to this law and await my decision, and do not let them show you any document that may say otherwise, and mention this document instead, since it is my will that this concession I give you be respected forever in all details, as stated herein¹⁶.

The charter also states that whoever disobeys such rules and regulations should 'be the object of the wrath of God and that of the King and should be thrown to perish in the depths of hell along with Judas the traitor'.

About a century after the events occurred at Ojacastró, within the westernmost part of the Kingdom of Aragon, Basque was still spoken. As the scholar Bixente Latiegi mentioned, the municipal archives at Huesca and the provincial one preserve several contracts signed by Basque stone cutters and blacksmiths with the Municipality of Huesca dated between the XIV and the XVII centuries. Studying these contracts it is possible to deduce that Basque coexisted with the Aragonese Romance, Hebrew and Arabic in that region. In this sense, the Municipal Ordinances of Huesca dated 1349 are particularly important. They were issued during the reign of Pedro IV 'the Ceremonious', king of Aragon and they were published by José María Lacarra in 1913 in the journal titled *Revista de Archivos, Bibliotecas y Museos*. It is a long municipal ordinance comprising various articles, one of which refers to the use of Basque at the local marketplace.

These Ordinances did in fact prohibit the use of Basque to the brokers 'carrying out transactions' at the marketplace or they would be fined a considerable amount, 30 *soles* or *sueldos*, one of the Aragonese currencies at the time. The function of these brokers was to guarantee and verify that the agreements to buy and sell goods were indeed legal. They themselves did not buy or sell anything, but rather controlled the transactions carried out by merchants and the public, and it is understandable that it would be disadvantageous for either buyer or seller that either of them could discuss terms with a mediator in a language

16. The original: *E por les facer mas bien e merced quitoles que non entre Merino ninguno a merinear, nin Adelantado en el dicho Valle nin en sus terminos [...]. E sobre esto mando a qualquier Adelantado o Merino o Justicia que andoviese por mi en los mis Reynos y a todos los Alcaldes e Jueces jurados a quien esta mi Carta fuesse mostrada o el tralado della signa de escrivano publico o a qualquier dellos que si alguno o algunos quisieren pasar a los del dicho Valle, contra merced que fago yo, en ninguna cosa que gelo non consentan, qe que les prendan por la dicha pena e les guarden para facer della lo que yo mandare, e lo non dexen de hacer por carta mia que les ninguno muestre que contra esto sea, maguer faga mencion desta; ca mi voluntad es que le sea guardado el bien e la merced que les yo fago e por siempre, por todo e en todo, assi como dicho es. In, Colección de privilegios, franquezas, exenciones y fueros concedidos a varios pueblos y corporaciones de la Corona de Castilla, copiados de orden de S. M. de los registros del Real Archivo de Simancas, Imprenta Real, Madrid, 1830. Vol. 5, pp. 298-299.*

unknown by the other. In other words, the buyer, the seller and the mediator must all speak the same language, which is why the 1349 articles prohibited the use of Arabic (*algaravia*), Hebrew (*abraych*), and Basque (*basquenc*) one the marketplace at Huesca, favoring the Aragonese Romance instead:

No broker should facilitate transactions between sellers and buyers in Arab, Hebrew or Basque; or should he pay a fine of 30 sols¹⁷.

The Ordinances prohibited the use of Basque as a language for broker mediation, thus implying that the Aragonese Romance was imposed for all transactions in the marketplace as official language. However, from this ordinance we cannot deduce that there was a general prohibition in place against the use of these languages in the market at Huesca, and much less a general prohibition against the use of Basque, which was attested by the presence of Basque speaking people in the Aragonese Pyrenees at least as late as the 17th century. What is being limited is its official and formal use to conclude agreements before the authorities. In fact, Latiegi mentions a document dated 1567, which has not been preserved, belonging to the Guild of Sellers and Buyers of Huesca, according to which the prohibition to conclude transactions in Basque is repeated¹⁸.

The documents found up to now confirm that Basque did not suffer serious prohibitions until much later. It is in fact the state-building process started in 1789 that will sanction more restrictive and wide-reaching measures against Basque, which will have serious repercussions on the development of this language also in its own territory.

1.2. THE BASQUE LANGUAGE AND THE ANCIENT LAWS

Jona andie, guaussa goussyeta beharda er remedio beharde versela ysser landa. Anbat es otoy y es nauzu eyn essassust gourray proposian ordine den. Non yssena bayta facheria egabe gen herassy badia sadassu noua assia. Aran hondavan gualde eydassu naydassuna. Estou oussyc eguinan soury hien er darstura eguy harm. Genicoa plasar vadu¹⁹.

17. In the original Romance: *Item nuyt corredor nonsia usado que faga mercaderia ninguna que compre nin venda entre ningunas personas, faulando en algaravia ni en abraych nin en basquenc: et qui lo fara pague por coto XXX sol.* See also, Trask, Robert L., *The History of Basque*, Routledge, New York, 1997. P. 40. See also Arco, Ricardo, "Ordenanzas inéditas dictadas por el Concejo de Huesca (1284 a 1456)", *Revista de Archivos, Bibliotecas y Museos*, 29, 1993. Pp. 112-126 & 427-452.

18. Latiegi, Bixente, "El euskera en la Huesca de los siglos XIV al XVII", *Boletín de la Real Sociedad Bascongada de Amigos del País*, 58, N° 1, 2002. Pp. 5-28.

19. Rabelais, François, *Pantagruel*, book II, Chapter IX, Juste, Lyon, 1542. A text that Julien Vinson translated to Modern Basque in 1905 as follows: *Jaun handia, gaitz guzietan behar da erre-medio; behar den bezela izan, lan da. Hambatez othoyez nauzu! Eguin ezazu gure proposian ordine den, non izanen baita, facheria gabe, jin erazi badiazadazu neure asea. Haren ondoan, galde egidazu nahi duzuna. Eztu hutsik eguinen zuri bien ere dastura egin harrek, Jincoac placer badu.* In, Vinson, Julien, "Rabelais et la langue basque", *Revue des études Rabelaisiennes: Publication trimestrielle consacrée à Rabelais et à son temps, Société des études Rabelaisiennes*, Paris, H. Champion, 1905. P. 278.

Gaitz guztietan behar da behar bezalako erremedioa... said Rabelais about 500 years ago, four years before Bernard Etxepare published his *Lingua Vasconum Primitiae* in 1545, which is considered the first book printed in Basque. At that time, the majority of the Basque population spoke Basque and depending on where they were born or on their occupation, they would also know Latin and several Romance languages such as Occitan (in their Gascon and Bearnese varieties) or even English²⁰ in the north and the Navarro-Aragonese, Riojan and Castilian Romances in the south of the country, where Hebrew and Arabic were also spoken, at least as late as the 11th century.

Despite this linguistic variety and the social predominance of Basque as the commonly used language, the administration of the Basque states was bilingual in practice. This was a common consequence of the century-old use of Latin for official document not only in this region, but also in other areas of Europe. From the establishment of the Kingdom of Pamplona in the 9th century and until the 13th, Latin was the main language used for administrative writing. Starting from the 13th century, the kingdoms whose judicial and administrative tradition had Latin roots start however to use their local Romance vernacular instead of Latin. Thus, in the Catalan regions, Catalan starts to be used for this purpose between the 13th and the 18th centuries, Castilian-Leonese in Castile, Aragonese in Aragon, or Bearnese in the Béarn region.

This phenomenon is found also in the Basque Country, where the Navarrese Crown naturally substitutes the use of Vulgar Latin with the Navarro-Aragonese variety of Romance for all written purposes. During the reign of Fernando II (1217-1252), the Crown of Castile substitutes Latin with Castilian for all official uses and starting with the annexation of Bizkaia, Gipuzkoa, and Araba to the confederation of kingdoms subject to the Castilian Crown, these also adopt Castilian as the language of written records and official documents. The reasons for the adoption of Romance are several:

1. The different Romance languages are all derived from the varieties of Vulgar Latin. This direct connection to Latin naturally bestows on them the status of languages apt for cultural and administrative purposes. Basque never acquired the character of administrative language, even if all oral administrative transactions and meetings from local to general assemblies were carried out in Basque.
2. In a country and a time in which the majority of the population was illiterate, laws were essentially customary, derived from customs and handed down from generation to generation in the vernacular language by means of oral transmission. It was therefore not necessary to write them down. The Codes of Laws were written in the language of the kings: Latin first and Castilian or Navarro-Aragonese Romance, Occitan or in *Langue d'oïl* later.

Thus the General Code of Laws of Navarre of the 13th century was to be written in Navarrese when the new dynasty, ignorant of the customs of their newly acquired country, substituted the original Pyrenean dynasty upon the death of

²⁰ Lapurdi and Baiona were subjected to the English Crown until the end of the Hundred Years' War.

Sancho VII the Strong. In Araba, the written laws dating from the XIV and XV centuries were written in Castilian; the Old Code of Laws of Bizkaia of 1452 and the New Code of Laws of Bizkaia of 1526 were also written in Castilian. As we will see in the following section, the Codes of Laws of the *Pays et Baillie de Labourd* (*Lapurdj*), of the Kingdom of Navarre, of the *Pays et Vicomté de Sole* (*Zuberoa*) and Viscounty of Béarn were written in Occitan (Gascon and Beranese varieties) or in *Langue d'oïl*.

The oral practice of the administration was carried out in the different dialectal varieties of each region. The documents that have been preserved show that the oral use of Basque for administrative practices persisted throughout several administrative levels, from municipal assemblies (*Batzar*) and national ones (*Biltzar*). Texts and documents are peppered with legal terms and concepts in Basque, including formulas to memorize important concepts and key terms such as tax types and brackets. There is a reference preserved from this period that in order to be able to carry out the functions of a high level post in Church administration a candidate must necessarily be bilingual. In 1376, when the patronage of the church of Salinas de Ibargoiti changed hands, the bishop Bernard de Foucault imposed that the rector of the said church had to be a speaker of Basque, specifically:

A secular priest, from our own diocese and a Basque, and he must be able to speak and understand the Basque language spoken by the men and women of said municipality²¹.

As pointed out by Jimeno Jurío, a similar practice concerned public scribes, who wrote official documents in Romance, but must also translate them into Basque to the interested parties, who, in general, could not read. Such practices are attested from ancient times. The same author, for instance, mentions notarial documents from the XV century from Arzo, Biguria, Iturgoien, and Salinas de Oro, where the notaries translated to the interested parties 'the contents expressed in Romance, by translating it into Basque'²². In Navarre, until the 18th century, the *Comisarios Receptores* (Revenue Officials) were divided into two shifts, the Romance and the Basque one, for those areas where, respectively, Romance or Basque were predominantly spoken. The Basque shift was therefore reserved for Basque-speaking officials. Once again it should be highlighted that access to written language was very limited in this period, and most administrative transactions were therefore carried out orally.

For this reason, knowledge of Basque was a requirement to carry out necessary functions within the administration of justice in the Basque states. According to article 4, of the first chapter of the Navarrese Code of Laws of 1611, titled *Fors et costumaz deu Royaume de Navarre deça Ports*:

21. The Latin original literally says: *Clericus secularis, de nostra diocesi oriundus et basconciatus, et qui lingua basconci, quam locuntur homines utriusque sexus ville predictae, et loqui sciat et intelligere*. Cf. Jimeno Jurio, José María, *Navarra. Historia del euskera*, Txalaparta, Tafalla, 1998. P. 58.

22. Jimeno Jurio, José María, *Navarra. Historia del euskera*, Txalaparta, Tafalla, 1998. P. 58.

In order to administer justice, the officials native from the Kingdom will be recruited and maintained, or from other territories subject to His Majesty, if they are found to be adroit and capable, and they must know the language of the country.

Article 1 of chapter 9 of the Code says that:

Anyone who is not a citizen or resident of this Kingdom, and that does not speak and understand the language of the affected parties cannot practice as notary, nor can he be officially invested as such²³.

The goal of this regulation was to guarantee the right of the Basque-speaking population to use their own language, the language of the country, in court procedures. It should be underlined that the regulation is concerned with gauging the linguistic abilities needed to fulfill the functions of justice officials, revenue magistrates, council secretaries, court or marketplace scribes, and others that needed to interact with the Basque-speaking population. The rules and regulation found in the *Réglements et déterminations des Etats de Navarre* also require that scribes and their assistants speak Euskara, since such documents were essentially translations of matters originally discussed in the language of the country:

The court clerks must be assisted by one or two Basque notaries who speak the language to carry out interviews²⁴.

Elsewhere we also find:

Information gathering, interviews and all other proceedings must be carried out by officials of the country who understand Basque²⁵.

Also in the New Code of Laws of Bizkaia of 1526 there is a similar proviso in Law II, Title IX concerning the 'way to gather information and evidence in criminal cases':

It should be his choice if he wishes to bring other witnesses personally in the presence of the judge, but not accompany them: in that case, the Judge himself needs to be present for the questioning of such witnesses, and if they happen to be Basque speakers who know no Castilian, he should examine them with another Examining Magistrate and an interpreter. In all other cases, however, the judge can entrust the information gathered as evidence to any scribe originally from Bizkaia, in good standing, who is not a relative or related by marriage to the accused, removed to the third degree.

23. In the original: *Augun que no sie de defens lo Royaume, ou resident, et que no sapy parler, et entendre lo lengoadge deus contrahents, no sea probedit de officij de notary, ni será reçebut eu l'exercicy dequet.*

24. In the original: *Les greffiers doivent tenir un ou deux notaires enquesteurs basques qui sachent la langue.* Blade, J. F., *Dissertation sur les chants héroïques des basques*, Revue d'Aquitaine. Journal historique de Guienne, Gascogne, Béarn, Navarre, etc, Année 7, Vol. 7, P. 13, 1863.

25. In the original: *Les informations, enquestes et toutes autres procédures seront faites par des officiers du pays entendant la langue basque.* Ibid.

The law reports the right to testify in Basque before Examining Magistrates with knowledge of Basque and interpreters.

In some cases, Basque public authorities would try to encourage learning Castilian as a means to guarantee their own administrative profession, restricting the possibility to hold public office based on linguistic proficiency. The Code of Laws of Gipuzkoa established that:

We hereby order and require that from now on, when electing council officials, that it be guaranteed that Municipal Mayors and Lord Mayors of the Guild... be able to read and write, or each one of them who is found guilty will be fined 5000 maravedies, were they to accept such office not being able to read and write.

It is also well known that in the year 1613, the General Assembly of the Seigniorship of Bizkaia, presided by the *Corregidor*, the governing magistrate nominated by the King of Castile, did not accept several people in good standing as representatives of various municipalities before the Assembly because they knew no Castilian. The following reference to the Meeting dated March 10th, 1624 is also found:

The General Assembly of the Seigniorship of Bizkaia was summoned for March 19th... but on the day the Assembly met, the representative of Arrieta, Ispaster, Sondica, Lejona, Berango, Lemoniz, Lanquiniz, Basigo, Gamiz, Castillo and Elejabeitia and Ubidea did not have enough knowledge of Castilian to read and write it, as was decreed, and the Corregidor ordered that they not be admitted to the Assembly, and that these municipalities then appoint able people, and that they should send a representative within two days.

Studying the Proceedings of the General Assembly shows that after a short period in which this type of regulation is mentioned, no sanctions or expulsions are later mentioned for these reasons. The Proceedings often mention, however, the presence of assemblymen who do not understand Castilian sufficiently well, and matters are then explained again in Basque before proceeding to vote on them. At times it could be surmised that presenting a Basque version of transactions was indeed the usual way of conducting business at the Assembly. This clearly indicates that, first of all, lack of proficiency in Castilian was not a factor that would exclude representatives from the Assembly, and secondly that the Basque language, far from being banned, was in fact always present at the meetings.

Until the end of the 18th century, the state does not intervene in the regulation of public instruction. During the 15th and 16th century, education depended essentially from the Church and teaching was primarily motivated by religious goals. Christian doctrine had traditionally been taught in Basque. Starting with the ecumenical Council of Trent (1563) the Church decidedly encouraged the use of the vernacular languages ('vulgar languages') for religious purposes:

In order for the faithful to come to church and receive the sacraments with greater reverence and devotion, the Sacred Council orders to all bishops that they explain, on a level appropriate to their audience, the efficacy and use of the sacraments, not only when they themselves administer them, but also that they make sure that all the priests also observe this rule [...], carrying out their explanation even in the vulgar tongue, if necessary [...]; the bishops will also

make sure that catechism is faithfully translated into the vulgar tongue, and that all parish priests explain it to the people²⁶.

Along these lines, the first schoolbook published in Euskara was written by the protestant pastor Joannes Leizarraga in 1571, with the title *ABC edo Christinoeu Institutionea*, who was supported by the Navarrese monarchy, headed by Queen Joana Albret. She was also in favor of encouraging the use of Bearnese as the official language of the administration of this country, upon request of the then Assembly of the Viscounty. This work aimed at teaching basic literacy to the Basque people, who as Leizarraga himself said:

Berce natione guciéc, ceinec bere lengoagetan beçala, heuscaldunac ere berean duencat, centan iracurtzen ikas ahal decan [...] necesario estimatu ukan dut, ABC haur bere instructionerequin heuscaraz ere iar ledin.

Starting from the XVII century, the Basque territories are at the center of an episcopal policy implemented by synodal assemblies that require the use of Basque in catechism and preaching. From then on, the Church's educational activity favors the use of Basque as a vehicular language to transmit knowledge. Thus, the Synodal Assembly of Logroño in 1601 prescribed to the bishops that:

They should have booklets printed every year containing the Christian doctrine in Romance and Basque according to the use of the said provinces so that the priests have said booklets at their disposal in the language of the province, as we have started to do in our bishopric²⁷.

The order is repeated at the Synod of Calahorra:

Prelates must have the Christian doctrine printed every year in the language appropriate to the different Provinces [...]. And since it is necessary that each Province have at its disposal the Christian doctrine printed in its mother tongue [lit. father tongue]; and since there is a difference from our bishopric to the Basque country in the Basque language spoken in the Seigniorly of Bizkaia, Province of Gipuzkoa and Aaraba, we establish and order that the Lord Bishops that succeed us have booklets printed with the Christian doctrine in Romance and Basque, according to the use of said provinces, so that the priests may have a booklet in the language specific to their province, since we have started to do so during our tenure; those booklets that are printed in Basque should also have the doctrine in Romance²⁸.

The Synod of Logroño in 1620 reports an order to the parish rectors:

Make sure that school teachers teach their pupils the Christian doctrine and good manners; and that the Christian doctrine in the Basque country be taught

26. Urrutia Libarona, Iñigo, *Derechos lingüísticos y euskera en el sistema educativo*, Lete Argitaletxea, Iruñea, 2005. P. 51.

27. In the original: *Hiciesen imprimir cada año cartillas de la doctrina cristiana en romance y en bascuence según el uso de las dichas provincias para que los curas tengan cartillas en la lengua propia de la provincia, pues nos así lo hemos comenzado en nuestro obispado*. Ibid.

28. *Libro I, Título I, Constitución sinodal del año 1620*.

in Basque, and not in Latin or Romance, since they do not understand it and it is therefore useless to do so²⁹.

In the 16th century the teaching of the Catholic doctrine was carried out in Basque in the Basque-speaking areas. Using Euskara in school for religious teachings, both orally or supported by written texts was to be a constant element of the history of teaching in the Basque Country. Antonio Venegas Figueroa, bishop of Pamplona, greatly encouraged instructing Basque speakers in their native language by translating the Christian doctrines into Basque, thereby following the precepts set out at the Council of Trent to encourage the use of vernacular to teach the Christian doctrines so as to better care for the souls of the faithful. In 1609 the bishopric of Pamplona organized the first literary contest in Basque on religious topics, to celebrate the solemn festivities of Corpus Christi, since, according to that bishop, *no es razón que la lengua matriz del Reino quede desfavorecida* ('it is important not to disfavor the mother tongue of the Kingdom').

In general terms we should say that in the 800 year period preceding the French Revolution and the creation of the Spanish and French states, the Basque states, once they had abandoned Latin, mostly used different Romance languages as a means of written expression and Basque and its various dialects as a means of oral expression for administrative purposes. It is important to underline that both public scribes, notaries and judges has to be bilingual in Romance and Basque by law, and that during this long period there are hardly any legal cases sparked by linguistic problems, unlike the following period, as we shall see. The fundamental reason was possibly a harmonious cohabitation of this linguistic diversity, without any language imposing itself over the others, at least on a social level.

Starting from 1789, the process establishing the French and Spanish states would produce a very strong pressure on the Basque language and all others part of that original diversity, so as to build a national identity that was, until then, nonexistent. The construction of the modern state would be carried out by means of a process of forced assimilation and annexation over and above the concept of nation.

1.3. LINGUISTIC LEGISLATION OF THE FRENCH MONARCHS (1454-1789)

As we have already pointed out, it is not until 1789 that the legal concept of 'official language' or 'national language' is first created. Thus, rules and regulations from before the establishment of the French state had hardly any consequence on the three Basque States north of the Pyrenees (in Basque, collectively, *Iparralde*), i.e. the *Pays et Bailie de Labord (Lapurdi)*, the Kingdom of Navarre, and the *Pays et Vicomté de Sole (Zuberoa)*. The Viscounty of Béarn would also be included within the orbit of the Basque states, since this sovereign state

29. In the original: *Hagan que los maestros de las escuelas ensenen a sus discipulos la doctrina cristiana y buenas costumbres; y que la doctrina cristiana en la tierra vascongada sea en vascuense, y no en latin ni en romance, porque no lo entienden ni es de provecho*. Urrutia Libarona, Iñigo, *Derechos lingüísticos y euskera en el sistema educativo*, Lete Argitaletxea, Iruñea, 2005. P.52.

was born as part of the Duchy of Euskal Herria and, starting from 1436, was for various centuries annexed to the Kingdom of Navarre. In the 16th century, however, Basque had been substituted in this area by the Bearnese dialect of Gascon.

Nonetheless, there are certain antecedents in this direction, ordinances with limited influence and no direct repercussion on the Basque states that were adopted by different French kings, whose ultimate goal was to eradicate Latin (the predominant language in the ecclesiastical sphere) from the administration of the state.

One of the first regulations is the *Ordonnance*, issued on April 15th, 1454 by Charles VII in the *château* of *Montils-lès-Tours*, according to which (art. 125) oral practices that functioned as laws had to be committed to writing. The purpose of this measure was threefold, on the one hand encode and centralize legal courses, and on the other *abolir les mauvaises coutumes au nom du bien commun du pays et du royaume*³⁰, 'abolish the pernicious practices for the good of the country and of the kingdom'. Ultimately, this ordinance sets the precedent for a series of measures enforced by the king and aimed at establishing Romance as the language of the administration. Even if the ordinance did not specify the dialectal variety, it should be understood from the context that it had to be the *Langue d'oïl*. The *Ordonnance sur le fait de la justice du pays de Languedoc* issued by Charles VIII in Moulins on December 28th, 1490 required that all testimony during oral trial proceedings be carried out in vernacular or Romance. Literally, article 101 ordered that from then on, all testimony and evidence presented, heard and examined at trial within the jurisdiction of the Languedoc, both during the requests to be heard and during the gathering of information as the case was examined, as well as in the final arguments had to be written in French or in the native language³¹.

In a period in which Latin was only spoken by a restricted intellectual elite, mostly composed of clergymen, the fact that the use of Latin was obligatory or at least customary gave Rome a significant political advantage against the interests of the Crown. On the other hand, it is obvious that in a trial, the interested parties must be able to understand court proceedings and express themselves in the language of the court.

The same logic within the context of a war against Latin explains why Luis XII adopted the *Ordonnance pour l'exécution des conciles de Bâle et de Constance et de la pragmatique sanction sur les collations de bénéfices, les mandats apostoliques, et règlement pour l'administration de la justice* in Lyon in 1510. Along the directives established by the ordinance of Moutil in 1490, the new regulations enrich the reform of judicial systems by establishing that, during the course of trials, Latin will not be used, but rather the vernacular

30. Méchoulan, Henry; Cornette, Joël, *L'Etat classique: regards sur la pensée politique de la France dans le second XVIIIe siècle. Textes*, Vrin, Paris, 1996. P 23.

31. In the original French text: *Est ordonné que les dits et depositions des tesmoins qui seront ouys et examinez d'ores en avant esdites cours et en tout le pays de Languedoc, soit par forme d'enquête ou information et prinse sommaire, où aucuns seront mis et redigez par escrit en langage françois ou maternel. Cf. Cohen, Paul, "Linguistic Policy on the Periphery. Lois XIII, Béarn, and the Making of French as an Official Language in Early Modern France", In, Joseph, Brian D., Johanna DeStefano, Johanna (Eds.), *When Languages Collide: Perspectives on Language Conflict, Language Competition, and Language Coexistence*, Ohio State University Press, 2003. P 186.*

or the language of the country, *en vulgaire et langage du pais*, with no further explanation or regulation for its use³². Article 47 of the ordinance dated 1510 specifically established that, in order for witnesses to present their testimony, and so as the criminals would understand the penal proceedings implemented against them, all trials, examination of evidence for the cases and investigation would be carried out *in the vernacular of that region*, adding that if this was not carried out, the case would have to be dismissed as invalid³³.

The reference to the *languages of the country* should be widely understood to mean not just the two main French dialects (*Langue d'oïl* and *Langue d'oc*), but all other varieties spoken within the confines of the Crown, including therefore also other languages. We must remind the reader that in that period, only a very small minority of the population could read and write, and very few Basques could express themselves fluently in Gascon, a dialect of Occitan. The great majority of the subjects in the Basque states had Basque as their mother tongue, just as the Bretons spoke Breton, the Catalans in Roussillon spoke Catalan, and the Bearnese spoke Bearnese, another variety of Occitan, as their native language respectively. In fact, native speakers of *Langue d'oïl* French were a minority within the confederation of kingdoms subject to the French Crown.

On March 28th, 1533, François I issued a new ordinance sanctioning the use of vernacular to write all contracts and agreements between interested parties³⁴. After the annexation of Provence to the French Crown in 1481, the same king issued an ordinance on October 10th, 1535 in Is-sur-Tille, the *Ordonnance portant reglement de la justice en Provence*, which extended the validity of the 1510 ordinance to Provence, specifying in this case that the language had to be that spoken by both defendant and plaintiff, *en françoys ou a tout le moins en vulgaire dudict pays*³⁵. Such measures had an effect even outside the purview of the French Crown. On May 13th, 1536 the Council of the City of Geneva adopted a resolution according to which court proceedings had to be carried out in vernacular, that is, in the French dialect spoken in the region, i.e. *Savoyard*³⁶. Three years later on February 18th, 1539, the same council established the use of vernacular in notarial documents³⁷. On November 12th, 1542 the Council

32. Barrillon, Jean; Vaissière, Pierre, *Journal de Jean Barrillon, secrétaire du chancelier Duprat, 1515-1521*, Renouard, H. Laurens, succ., 1899. P 52.

33. The original text states: '*Ordonnons, afin que les temoins entendent leurs depositions, et les criminels les procès faits contre eux, que doresnavant tous les procès criminels et lesdites enquestes, en quelque matiere que ce soit, seront faites en vulgaire et langage du pais où seront faits lesdits procès criminels criminels et enquestes, autrement ne seront d'aucun effet ou valeur*'.

34. In the original: *Passer et escrire tous et chacuns les contratz en langue vulgaire des contractans*. In, *Ordonnances des rois de France de la troisième race, par M. de Villeaumont...*, Imprimerie Nationale, Paris, 1941. Vol. 7, Pp. 1-3.

35. Cohen, Paul, "Linguistic Policy on the Periphery. Lois XIII, Béarn, and the Making of French as an Official Language in Early Modern France", in, Joseph, Brian D., Johanna DeStefano, Johanna (Eds.), *When Languages Collide: Perspectives on Language Conflict, Language Competition, and Language Coexistence*, Ohio State University Press, 2003. P 186.

36. *Doegent proceder en lange vulgare*.

37. *Que tous les notayres estant sus laz terr de messrs escripvent tous actes en langue vulgayre*.

established again that trials had to be carried out in the vernacular of the region and not in Latin³⁸.

In the same vein as the ordinances that he had previously issued, between August 10th and 15th, 1539, King François I adopted a series of regulations (*Ordonnance générale sur le fait de la justice, police et finances*) in his *château* at Villers-Cotterêts (about 70 km north-west of Paris), thereby creating the legal code divided in 192 articles known as Ordinance of Villers-Cotterêts³⁹. The ordinance was approved by the Parliament in Paris on September 6th, 1539. Among many other rules aiming at creating the first purely secular administration of the kingdom, the ordinance established a rule whereby it is required of all parish priests that they maintain a record of births, weddings, and deaths of their parishioners and other notarial documents (arts. 50 and 51⁴⁰) and established also that all previously mentioned legal and notarial documents be written in French, prohibiting as a consequence that such documents be written in Latin, as had been customary up to then, since Latin was the language of culture during the Middle Ages as well as the official language of the Catholic Church.

Articles 110 and 111 established that vital statistics records should be committed to writing in a clear manner, so as to avoid ambiguities or uncertainties that would give rise to multiple interpretations of a single text, especially when including excerpts or words in Latin. As a consequence, these articles sanctioned that 'all sentences and other legal proceedings issued by our superior courts [...], records, interviews, contracts, proxies, compensations, wills and other official documents [...] issued from that moment on should be written in the native French language and in no other', as stated in the original:

Et pour ce que telles choses sont souventes fois advenues sur l'intelligence des mots latins contenuz esd. arrestz, nous voulons que doresnavant tout arrestz, ensemble toutes autres procedures, soient de noz courtz souveraines ou autres subalternes et inférieurs, soient des registres, enquestes, contractz, commissions, sentences, testaments et autres quelzconques actes et exploitcz de justice ou qui en deppenden, soient prononcez, enregistrez et delivrez aux parties en langage maternel françoys et non autrement⁴¹.

In a historical context of religious conflict between Catholics and protestant Huguenots, François I aimed at undermining the power of the Catholic Church within the territories of the Crown. The ordinance dated 1539 was clearly an attack on Latin, the official language of the Church, used by the *gens de droit* of the legal professions. Through this law, the king aimed at increasing his power over the Catholic Church, by establishing for instance that ecclesiastical courts limit their jurisdiction to religious cases and relinquish all civil ones. In other words, it was not for the love of the language, or to establish an official language that the

38. *Que les procès se tiennent en langage commung du pais et non pas en latin.*

39. Sampson, Rodney; Ayres-Bennett, Wendy; Rickard, Peter, *Interpreting the history of French: a Festschrift for Peter Rickard on the occasion of his eightieth birthday*, Rodopi, Amsterdam, 2002. P.313.

40. French original, art. 51. *Aussi sera faict registre en forme de preuve des baptêmes, qui contiendront le temps de l'heure de la nativite, et par l'extraict dud. registre se pourra prouver le temps de majorité ou minorité et fera plaine foy a ceste fin.*

41. Article 111 of the *Ordonnance générale en matière de police et de justice* of 1539.

king imposed these regulations, but rather because of political calculation. The fact that the ordinance was not aimed against any other language indicates that it should be broadly construed, thus understanding *langage maternel françoys* as any of the dialectal variants of this form of Romance.

In January 1563, Charles IX adopted in Roussillon the *Edict et Ordonnance du Roy pour le bien et reiglement de la justice et police de son Royaume*, according to which all royal edicts were to be written in the French Romance *et non en latin*⁴². This is the last of a series of linguistic regulations aimed at eradicating Latin from the administration of the state since a century before the first *Ordonnance de Montils-lès-Tours* had been issued. These regulations, which were political in origin and purpose, also had a social and cultural effect. In 1550 about 80% of the books printed in the territories subject to the French Crown were written in Latin. As early as 30 years later this proportion had decreased to 50%. By the mid 17th century the percentage of books written in Latin is minimal. This was not a purely French phenomenon, however, the encouragement of the Council of Trent to teach the Christian doctrine in the vernacular had a clear influence in the progressive abandonment of Latin, a language that was all but unknown by the majority of the population by the mid 16th century.

In the purely political arena, the linguistic regulations imposed by the Ordinances of 1539 did not have an immediate effect, they simply accelerated a tendency begun by the French kings in the middle of the 15th century to reduce the role of Latin in favor of French. Thus, since the Ordinance of Villers-Cotterêts prescribed the use of the *langage maternel francoys*, all regulations that were issued after the annexation of territories conquered by the Bourbon dynasty establish the exclusive use of the French *Langue d'oïl* as the general rule starting from the middle of the 17th century. In some cases, such as in Strasbourg, the *Langue d'oïl* became the means of communication that allowed access to the highest offices in the administration of the kingdom; in other words, by means of linguistic discrimination, the Crown was able to control access to certain public posts, turning the language into a political tool for social advancement or discrimination. The obligatoriness to know this Romance language became also a mark of religious exclusion, since the francophone population was predominantly Catholic, whereas the majority of the speakers of German or of other Romance varieties was Protestant. The states of *Pays et Bailie de Labord (Lapurdi)*, kingdom of Navarre, and *Pays et Vicomt  de Sole (Zuberoa)* had known no intrusion in their linguistic affairs, since the custom was to use Romance as a written means and Basque as an oral means of official communication. The Kingdom of Navarre had abandoned the use of Latin as the language of official documents centuries before, favoring the use of the Navarro-Aragonese Romance, the language of the General Code of Laws of Navarre, as well as of the majority of official documents of the kingdom. The Country of Lapurdi and Zuberoa adopted and always used Basque in administrative transactions carried out orally, just as the Vicomt  de B arn used Gascon to write the legal codes and other official documents, as well as orally. The Basque city-states of Baiona, Maule or Atarratze –among others– that were not part of the federations or assemblies of the *Pays et Bailie*

42. *Tous Arrests, & autres proc dures seront en toutes cours prononcez et delivrez aux parties en langage Franais*. See, Jeanclos, Yves, *La l gislation p nale de la France du XVIe au XIXe si cle: textes principaux*, Presses universitaires de France, Paris, 1996. P 15.

de Labord and the *Pays et Vicomté de Sole* used Basque in oral discussions and Bearnese, or Gascon (at times even French) in written documents.

Since Basque was not related to any of the Romance varieties, it seemed absurd to impose French in any of its dialectal varieties as the oral means of expression in public administrative acts in the 16th century. On the other hand, the administrative independence of the Basque states impeded, practically until the French Revolution, any royal intervention in local assemblies or municipal councils. Royal intervention was relegated to the Parliaments, the *Cortes* in Navarre, the *Biltzar* in Lapurdi or the *Silviet* in Zuberoa (until its suppression after the *matxinada* of 1661). These assemblies and meetings were to be carried out in a language that the French king or his officials could understand. Apart from the restrictions imposed by this reality, there were no other prohibitions against Basque or the need to use Romance, in detriment of other languages, until the Revolution.

The reality was different in the case of the Vicomté de Béarn, where Bearnese, a variety of Occitan, was in use. Since Occitan was being progressively displaced by the *Langue d'oïl* in other parts of the kingdom, here the imposition of one Romance dialect over the other could be witnessed. These actions would also affect the use of Basque within the Navarrese Kingdom. The Basque states did not turn the use of Basque in their assemblies into a symbol of their administrative independence, because this language was not being substituted with the *Langue d'oïl*. On the contrary, the Vicomté de Béarn was very keen in maintaining Occitan as its administrative and official language, both for written and oral functions. A third factor influenced this complex political context, and that was the strongly Protestant position of the Viscounty in the religious wars raging across Europe.

Catalina, viscountess of Béarn and queen of Navarre, died in exile in 1517, expelled from her country by the troops of Fernando of Aragon. Her son Enrique, born in Sangüesa, proclaimed himself King of Navarre against the usurper with the help of François I from France. Enrique tried to conquer back the kingdom, but that attempt ended badly at the Battle of Noain, on June 30th, 1521⁴³. In any case, this system of alliances led to the wedding of Enrique and Marguerite, daughter of François I, in 1527. The fact that she was a Catholic left him in a rather delicate political position in Béarn, a focus of Protestantism⁴⁴. In 1530, the Emperor Charles I definitely renounced to all claims to the sixth Navarrese *merindad*, or jurisdiction, which would from then on be known as the Northern Kingdom of Navarre or *Royaume de Navarre deçaports* and Enrique, thus, became Enrique II, king of Navarre and viscount of Béarn⁴⁵.

In 1533, as the General Assembly, the legislative body of the Vicomté de Béarn was in session in Sauveterre, the king sent the Catholic bishop of Rodez

43. Boissonnade, Pierre, *La conquista de Navarra*, Ekin, Buenos Aires, 1941. About the Battle of Noain see also, Boissonnade, Pierre, *La batalla de Noáin (30 de junio de 1521). Pérdida de la Independencia de Navarra*, Mintzoa, Iruñea, 1992.

44. Walker Freer, Martha, *The Life of Marguerite D'Angoulême, Queen of Navarre, Duchesse D'Alençon and de Berry, Sister of Francis I, King of France: From Numerous Unpublished Sources, Including Ms. Documents in the Bibliothèque Imperiale, and the Archives Du Royaume de France, and Also the Private Correspondence of...*, Burrows, London, 1895.

45. Pardoe, Julia, *The Court and Reign of Francis the First, King of France*, Richard Bentley, London, 1849. P.413.

to substitute him with full powers, as established by an official letter written in *Langue d'oïl*. This was to be the cause of one of the first political incidents based on linguistic grounds that we know of today. Since the king was absent and had sent a Catholic bishop to substitute him, the Assembly, the majority of whose representatives was Protestant, denied any value to the said document and requested that it be written or translated into Occitan for it to be accepted:

Since said letters were written in French, it was decided that they had to be translated into Bearnese and it was demanded that the Lord Bishop of Rodez should allow them to be translated into Bearnese and copied in the present volume in Bearnese, and they so require from the Lord Bishop of Rodez that all letters, titles and similar documents, as well as others should be written in the language of the country... because the above-mentioned representatives of this Country are not accustomed to writing letters and official documents in French, and it should be clearly stated that from now on, the said lords should issue all letters in the language of the Country, which was promised by the Lord Bishop of Rodez⁴⁶.

And, of course, Enrique II accepted and the letter was translated. Moreover, when the Navarrese King supervised the reform of the kingdom's legal codes, he ordered that the Navarrese Code of Laws be translated from the Navarro-Aragonese Romance into Gascon, which gave rise to the version of the *Fors et Costumas deu Royaume de Navarre Deçaports* of 1645.

In 1552 the sovereigns of Navarre, Joana III Albret and Antonio Bourbon –king *jure uxoris*– ordered, as viscounts of Béarn, that the Code of Laws of Béarn be revised, reorganized, and written in *intelligible language*, i.e. in Occitan. And four years later, in 1556, the Assembly of the Vicomté required from the monarchs that Bearnese be adopted as the language of the administration, to which the Queen immediately agreed⁴⁷. This is perhaps one of the first legislative initiatives in the world whereby a parliament adopts a specific language, Occitan in its Bearnese dialect in this case, as the official language of the state. This type of language policy differs considerably from that imposed by the French Crown for the following reasons:

1. The motivation of the legislative assembly in Béarn bears no connection with the struggle for power between the Crown and the Catholic Church

46. In the original: [A] *causa que lasdtes lettres eran scriptes en languadge frances ste concludit que aqueces fossan Redigides en bearnes et supplicat aud sr de Rodez permetossa qui fosan convertid en bearnes et inscrides en lo present livre en bearnes et que volos interceder vers lad sr que quant de hores en abant los tremetos lettres patentes et semblantz actes ni autres que las tremetas en languadge deu pays... lod snr no san acostumat tremeter lettres ni expeditions en languadge frances en lo present pays que volos interceder que de hores en abant lods nr los expedis tots lettres en languadge deu pays lo que et lo tot lod sr de Rodes lo acorda et prome lo far.* In, Cohen, Paul, "Linguistic Policy on the Periphery. Lois XIII, Béarn, and the Making of French as an Official Language in Early

Modern France", In, Joseph, Brian D., Johanna DeStefano, Johanna (Eds.), *When Languages Collide: Perspectives on Language Conflict, Language Competition, and Language Coexistence*, Ohio State University Press, 2003. P 173.

47. Cohen, Paul, "Linguistic Policy on the Periphery. Lois XIII, Béarn, and the Making of French as an Official Language in Early Modern France", In, Joseph, Brian D., Johanna DeStefano, Johanna (Eds.), *When Languages Collide: Perspectives on Language Conflict, Language Competition, and Language Coexistence*, Ohio State University Press, 2003. Pp. 173-174.

- about the use of Latin in the secular administration of public matters.
2. The adoption of this regulation is essentially political, since it protects the Viscounty of Béarn from the political influence of the French monarchy in Bearnese matters. In this sense, the initiative is to be interpreted as having a political purpose, that is making Bearnese an *official language of the state*.
 3. Along the same lines, just as the *Ordonnances* of the French monarchs, the Bearnese legislative initiative also has the practical goal of allowing Bearnese citizens access to justice in their own language. It should also be pointed out that this measure entails no discrimination, since Bearnese was the only dialectal variety spoken within the confines of the Bearnese state.
 4. At the same time, it implies that there was a social and cultural momentum attempting to detain the increasing influence of the *Langue d'oïl* over Occitan.

The Basque monarchs did not show any opposition to this request, quite the opposite. Queen Joana Albret would be very active in her task to spread the Protestant faith in the vernacular language of her territories. She in fact commissioned to pastor Joanes Leizarraga the translation of the New Testament in his native language, i.e. Basque. Leizarraga completed the work entitled *Jesus Christ Gure launaren Testamentu Berria* printed by Pierre Hautin in La Rochelle in 1571⁴⁸. We pointed out in the chapter on the use of Basque in the Basque *foral* states that the courts of the Kingdom of Navarre required judges to know Basque, *que sapien lo lendgoaje deu pays*⁴⁹.

The political situation was complex enough when an event occurred that made it even more unstable: Enrique III of Navarre converted to Catholicism (*Paris vaut bien une messe*) and became Henri IV of France. It is important to underline that according to the *Unión aequae Principaliter* formula, i.e. union among equals, apart from the unification within the same person represented by the king, the Basque, Bearnese and French administrations remained completely autonomous, which meant that policies adopted within each one of the federal states would be different⁵⁰. As far as France is concerned, just as recorded in the *Code du Roy Henry III, augmenté des Edits du Roy Henri III* dated 1605, Enrique continued the policy of the other French kings of imposing French over Latin requiring that all *Actes de justice doivent estre conceuz en paroles françaises*⁵¹. Along these lines, he also decreed *Que tous arrests, & autres actes de justice, seront faicts en langue vulgaire*. Article 111 of the *Conférence des ordonnances royales* of 1603 also records the royal decision that cases would be examined

48. Liçarrague, Jean de [Ioannes Leizarraga] (Trans.), *Jesus Christ Gure launaren Testamentu Berria*, London, Trinitarian Bible Society, 1908.

49. Art. 4, Chap. 1 & Art. 1 Chap. 9. of the *Fors et costumas deu Royaume de Navarre deça Ports*. In, Urrutia Libarona, Iñigo, *Derechos lingüísticos y euskera en el sistema educativo*, Lete Argitaletxea, Iruñea, 2005. P 47.

50. Kagan, Richard L.; Parker, Geoffrey; Elliott, John H., *Spain, Europe and the Atlantic: Essays in Honour of John H. Elliott*, Cambridge University Press, Cambridge, 2003. Pp. 128-129.

51. *Code du Roy Henry III, Roi de France et de Pologne, augmenté des Édits du Roy Henri III, avec les commentaires de L. Charondas le Caron*, Paris, 1605.

in *langage maternel & Français, & non autrement*⁵². These references to the Romance language must be understood within the context of the imposition of the vernacular over Latin and not as a policy imposing the *Langue d'oïl* over the *Langue d'oc* or the others spoken within the state, such as Euskara, Catalan, and Breton. These languages were in fact not affected during the reign of Enrique III of Navarre.

The direction taken by his son, Louis II of Navarre and XIII of France, *de glorieuse mémoire*, was to be very different. He succeeded to the throne after his father's murder in 1610 and organized the first attempt at unifying the confederate states centered around the king. Obeying this purpose and in total disregard for the cultural and political situation of the confederate states, the king attempted a forcible annexation of these states to the French Crown, which would go directly against the will of the affected states. As a consequence, this attempt at unification, which will culminate with the creation of the French state during the French Revolution, is not to be conceived of as an effort to centralize the administration of the country, but it is rather to be interpreted as an attempt at assimilating politically and culturally (and therefore also linguistically) all those territories where the *Langue d'oïl* was not spoken. Moreover, some of those territories, such as Roussillon, Brittany, or the Basque states of Lapurdi, Navarre, and Zuberoa could not even be considered culturally part of the French nation.

After the Huguenot insurrection in 1614, Louis, as Viscount of Béarn and King of Navarre, decreed during the States-General of the French kingdom in Paris that the freedom to practice Catholicism be reinstated in the Vicomté. At the same time he sanctioned the union of the Vicomté de Béarn and the Kingdom of Navarre to the French Crown in 1615 and later, on December 31st, 1616, *la unión inseparable de la basse Navarre & le principauté de Bearn à la Couronne de France*⁵³. Accustomed as he was to his absolute power as the King of France, he believed that he could unilaterally impose his personal will on the General Assemblies of Navarre and Béarn. He was soon proved wrong. The General Assembly of Béarn rose in protest at the Assembly in La Rochelle. In February 1617, through the legal representatives of the Assembly, among which was Jean Paul de Lescun, formerly a member of the *Conseil Souverain* of the Viscounty, the Bearnese let the king know that he had no authority to unify both states without parliamentary consent, since that was a violation of the "very nature and foundations of the charters and rights of the country, which the Bearnese respected and revered more than their life"⁵⁴. Such a decision was above the king's powers and needed to be analyzed and agreed to by each respective parliament, and therefore, it never had any effect. As we pointed out before, Navarre and Béarn were sovereign states thanks to the *Unión aequae Principaliter* principle, governed by their own laws and customs (Code of Laws

52. *Conférence des ordonnances royales*, P. Guénois, Paris, 1603.

53. *Mercurie François, Histoire de nostre temps*, Vol. 6, fol. 347.

54. In the original, *Sa Majesté ne peut unir le dit pays souverain au royaume de France, sans le consentement desdits Etats, sinon en brisant le premier caractère et fondement des fors et libertés qui leur sont plus chères que leurs propres vies*. In, Dupuy, André, *Histoire chronologique de la civilisation occitane. De 1600 à 1839: tentative d'assimilation de l'Occitanie à la France*, Slatkine, Genève, 1998. Vol. 2, P. 300. Cf. also Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, H. Champion, Paris, 1923. P. 31.

or *Fors*), and included within the French Crown –confederates, but not united to or subsumed under- the French state.

After this first turn of events, Louis tried again issuing the edict known as *Edit de la Main-levée & remplacement des biens des ecclésiastiques* signed on June 25th, 1617 and ratified in September of the same year⁵⁵. This decree restored Catholic worship in the Vicomté and lands, tithes, and church earnings confiscated in 1569 would be returned to the king, to be later handed back to the Church. The States-General in their meeting of November 10th, 1617 rejected the royal decree by 57 (Protestant) votes against 14 (Catholic) votes, so that the decree never came into force, since it had not been ratified by the Assembly⁵⁶. The king protested energetically and in 1618 sent a *Commissaire*, Monsieur Renard, but could still not obtain a ratification of the decree⁵⁷.

Considering the administrative failure, Louis imposed his will by force, marching onto the Béarn in 1620 at the head of a sizeable army and entered Pau on October 15th, 1620. Despite discussing details about the ceremony surrounding the entrance of the king in Pau as Viscount of Béarn on the 14th, the authorities denied him an official reception. From there, the royal troops saw themselves forced to march against Navarrenx and establish a royal garrison in the main square in order to quash Bearnese resistance between the 17 and 18 October. Once he returned to Pau, the king as Viscount of Béarn summoned the States-General. On October 19th, Louis presided the opening session of the States-General of Béarn, and solemnly reaffirmed his mandate as Viscount, forced the Assembly to sanction 47 articles including the directives from the *Edit de Main-levée*, returned the property of the *Grande Eglise de Pau* to the Catholic authorities and made the Catholic bishop of Lescaur president of the Assembly⁵⁸.

Thus, only in this way could the king approve the so-called Decree of the Union dated Tuesday, October 20th, 1620 after attending mass at Saint Martin's in Pau. Its complete title was *Edict de Reünion & incorporation de la Couronne de Navarre, Pays Souverain de Béarn, d'Andorre & Donezan, à la Couronne de France*⁵⁹,

On October 20th, 1620, the Council composed by the assembled chambers viewed the letters written by His Majesty and dated from the 19th of this month, signed by His Majesty and countersigned by De Lomenie, with the green wax

55. Allier, Jacques, *Divers aspects de la Réforme aux XVIe et XVIIe siècles: études et documents*, Société de l'histoire du protestantisme français, La Société, Paris, 1975. Pp. 329 & 386.

56. Dubarat, Victor; Cadier, Alfred, *Le protestantisme en Béarn et au pays basque, ou Observations critiques sur l'Histoire de l'église réformée d'Osse de M. le pasteur A. Cadier*, S. Dufau impr., 1895. P. 401.

57. Dubarat, Pierre; Haristoy, Pierre, *Études historiques et religieuses du diocèse de Bayonne: comprenant les anciens diocèses de Bayonne, Lescaur, Oloron, et la partie Basque....*, Impr. Vignancour, Pau, 1895. P. 329.

58. Martin, Georges, *Histoire et généalogie de la maison de La Rochefoucauld*, G. Martin, La Ricamerie, 1975. P. 111.

59. It is also known as *Édit de Louis XIII, de glorieuse mémoire, du mois d'octobre 1620 par lequel il a uny le Royaume de Navarre et la souveraineté de Béarn à la couronne de France, avec réserve expresse de leurs fors droits franchises et immunités qui seront inviolablement gardés et observés*. Cf. Foursans-Bourdette, Marie Pierrette, *Économie et finances en Béarn au XVIIIe siècle*, Bière, Bordeaux, 1963. P. 279.

seal representing the Union of the Crown of Navarre, the Sovereign Country of Béarn, of Andorra and Donezan, to the Crown of France on the one hand, and the Union of the Officers of Justice and the Chancery of S. Palay to the Ordinary Council at Pau, on the other. It has been arranged that the above-mentioned autographed letters be taken and made public, and recorded, so that their contents be implemented, preserved and observed according to their form and tenor, and also that with His Majesty's kind permission, and following the decrees established by the royal administration, the Advocat General and the Procurateur General will be in charge of the Civil and the Criminal Courts⁶⁰.

Thus, after a five-day stay in Pau, the king returned to Paris, where on November 7th, "He was received by the Queen Mother, who had come from Fountaibleau, by the Queen, and by everyone among a thousand blessings, praise, and applause"⁶¹.

Despite the clear mention that the legal Code of Laws of both states would be maintained, *avec réserve expresse de leurs fors droits franchises et immunités qui seront inviolablement gardés et observés*, which in practice meant that it had not been a union, the royal initiative implied at least a manifest violation of the legal codes currently in force, i.e. those of the Vicomté and the kingdom of Navarre, whose States-General had not even been summoned. For this reason, Lescun, the leader of the opposition to the king's edict, was executed in Pau, on May 19th, 1622.

By means of the Decree of the Union, the king created a new High Court of Justice, named after June 1624 *Parlement de Navarre*, assembled in Pau through the fusion of the *Chancellerie de Saint Palays* and the *Conseil ordinaire de Pau*. The new court of justice comprising three presidents and 22 councilmen was the Court of Appeals for all cases from either states. The law also required that all cases after May 10, 1621 be examined in '*Langue d'oïl*, and we require, moreover, that all orders, resolutions, and proceedings issued by the said judicial organ of our Parliament be written and issued in the French language'⁶².

Ten days after the promulgation of these laws, the Kingdom of Navarre protested through its representative before the king, listing five fundamental reasons:

60. In the original: *Le 20 d'Octobre 1620, par le Conseil les chambres assemblees, furent veues les lettres patentes de sa M. du 19 du present mois, signees de sa M & contresignees par De Lomenie, avec le seel de cire verte, portantes la Reünion de la Couronne de Navarre, Pays Souverain de Béarn, d'Andorre & Donezan, à la Couronne de France, d'un part; Union des Officiers de la Justice & Chancellerie de S. Palay au Conseil ordinaire de Pau, d'autre; Attribution du Pays de Soule audit parlement de Pau, d'autre; Erection de deux Offices de Conseillers de faveur, deux Procureurs generaux de Pau, d'autre; A esté arreglé que les dictes Lettres patentes serant leves, publiees, & enregistrees, pour estre le contenu en icelles excuté, gardé & observé selon sa forme & teneur, & neantmoins que sous le bon plaisir de sa Majesté, fuyant les Conclusions des gens du Roy, les Advocat & Procureur Generaux de la basse Navarre, seront la fonction de leurs chargeés Chambres civile & Criminelle. In, *Mercurie François, Histoire de nostre temps*, Vol. 6, fol. 354.*

61. *Il fut receu de la Royne mere qui y estoit venuë de Fontainebleau, de la Royne regnante, & de tout le monde avec mille benedictions, louanges & applaudissements.* In, *ibid*.

62. In the French original, *Voulons, en outre, ajoutait-il, et ordonnons que les ordonnances, arrêts et procédures de notre dite cour de Parlement, soient faits et expédiés en langage français.* In, Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, Edouard Champion, Paris, 1933. P 33.

1. Navarrese citizens were, from then on, obliged to go as far as Pau to give testimony in official cases, very far from their homes and their country.
2. Navarrese citizens were forced to give testimony in French, a language they did not know.
3. The majority of the judges of the new court would be Protestant and not Catholic.
4. These requirements would be the cause of further antipathy and hatred between the Navarrese and the Bearnese.
5. The representatives from Navarre complained that the text made explicit that Navarre would be joining Béarn and not that Béarn would be joined to Navarre⁶³.

The answers given to the Navarrese representatives are so inconsequential and absurd that we will refrain from discussing them in detail⁶⁴.

As far as the second point, i.e. the language, the Chancery of the Navarrese Kingdom argued that the Navarrese Code of Laws required that all judges know Basque and regulated the use of this language for investigations and interrogations. The Royal Council answered from Paris that there was no longer any need for that, since 'in what appertain to the resistance of the Basques in using French for legal proceedings, the Basque language is so difficult that Navarre, Lapurdi, and Zuberoa have to resort to using a foreign language to write their contracts and judicial documents'⁶⁵. Adding, moreover, that the *Langue d'oïl* had a better "aroma",

On se plaint encoré de ce que les bas Navarrois estans Basques Font obliger par l'Edit, de plaider au Parlement en langue François; Comme si le Roy leur faisoit tort de n'avoir ordonné que les procedures dudir Parlement se seroient en langue Basque. Sur ceste plainte il faut remarquer que la langue Basque ne se peut escrire qu'avec tres grande difficulté, & defaict, il n'y a point de langue dont on voye moins de liures que de celle là. Mesmes la difficulté de l'escire est telle, que tous les pays de ceste langue, qui sont trois: Assavoir celuy de Soulle, celuy de Labourt, & celuy de la basse Navarre, ont esté contraincts d'emprunter une langue estrangere pour escrire leurs contracts & leurs actes de lustice. Ceux des pays de Soulle, & de Labourt se servent de la langede François. Et quant à ceux de la basse Navarre, ce n'est pas de la langue Basque qu'ils usent en leurs escritures, ains tous leurs contracts, procedures, plaidoiers & mesmes les Arrests de la iustice se sont en langue Bearnoise, sauf qu'en quelques Parroisses & lurisdiccions subalternes plus proches de la frontiere, on escrit en langue Espagnole, mais iamais en langue Basque. Or l'Edit ne leur ofte pas, ains leur laisse l'usage de la mesme langue Bearnoise dans leur pays & ez Cours & lurisdiccions inferieures, & partant nul changement & nul subject de plainte de ce costé là. Que si le Roy a voulu que les bas Navarrois plaiddassent en François

63. *Mercure François, Histoire de nostre temps*, Vol. 6, fol. 355.

64. Thus for instance, about whether it was reasonable that the Navarrese go to Pau, with the costs that this journey would require, the court responded by saying that if at any point the two regions of Navarre were to reunite, then the Northern Navarrese would have to go to Pamplona, which was twice as far as Pau ...

65. *Quant à la répugnance des Basques à plaider en français, leur langue est si difficile que la Basse-Navarre, la Soule et le Labourt emploient une langue étrangère pour rédiger leurs contrats et leurs actes de justice*. Cf. Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, Edouard Champion, Paris, 1933. P 33.

audit Parlement, aussi les Bernois qui au paravant plaidoient en leur langue, sont obliguez par le mesme Edict d'user de la Françoisé, & si ne s'en plaignent pas, puis que c'est la langue de leur Roy. Aussi pour marque d'une Souveraine Majesté, les Romains ne permettoient pas qu'on parlast à eux en autre langue qu'en la leur, laquelle par ce moyen s'est provignée par toute la terre. Et plust à Dieu que le Roy nous eust plustost accoustuméz à parler François. Les supplications qu'aujourd'huy nous presentons à son aurette, seroient d'un stile moins rude, & possible de meilleure odeur⁶⁶.

Arnaud de Bordenave, a lawyer who embodied common sense, in a famous speech delivered on September 3rd, 1625 and known as *l'oraison funèbre du Béarnais comme langue officielle*⁶⁷, aptly stated that Béarn before the Decree of the Union did not know any other language but its own, and that it was precisely in that language that all royal decrees of the Viscounty had been established and complied with, and it was in that language that justice had been administered, for which reasons abolishing Bearnese sounded particularly heinous⁶⁸.

When all legal resources to change the king's mind had been exhausted, Navarrese and Bearnese subjects had to resort to other methods. In October 1621 they were required to record the Decree in the official proceedings of the States-General of the Vicomté, but the procedures were considerably prolonged in time. The king requested the registration of the Decree again a year later, and the States-General accepted the judicial union with the French Crown *vi coactus* on June 10, 1622, but they rejected the political union, which never came in force, nor had any practical consequences.

King Louis's actions had many negative consequences, but over and above being a breach of the law, an illegal action, the 1620 Decree was little more than a show of force. It did, however, attain its first goal, which was the restoration of Catholicism in Joana Albret's former territory, and return to the Church part of the possessions that it had been stripped off. Far from what its title implies, though, the royal decree did not annex or unite the Viscounty of Béarn or the Kingdom of Navarre to the French Crown. The sovereigns continued until 1790 to be invested of the titles of kings of Navarre, of France and Viscounts of Béarn separately. The kingdom of Navarre continued keeping its own fiscal and revenue systems separate from France, and its executive and legislative powers

66. *Mercure François, Histoire de nostre temps*, Vol. 6, fols. 360-362.

67. Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, Edouard Champion, Paris, 1933. P 33.

68. *La souveraineté de Béarn, dit-il, était d'était d'une lèvre ou d'un langage et d'une même parole, lorsqu'il a plu au Roy ériger et établir à Pau la Cour de Parlement,.... par l'union du conseil souverain de Pau en Béarn et de la chancellerie de Saint-Palais en Basse-Navarre. Car avant ces unions, le Béarn ne connaissait autre langue que celle du pays. C'étoit en cette langue que tous les actes étoient conçus dans ces compagnies souveraines, et c'étoit en cette langue que l'on rendait et demandoit la justice. L'usage au reste, qui en estoit si universel, l'avoit tellement polie et cultivée qu'après la langue purement française, il n'y a pas aucun d'entre tous les autres idiomes du Royaume qui lui fut comparable en la propriété de ses termes très significatifs, en la brièveté de la phrase, en la bonté de l'accent, et en plusieurs autres agréments qui peuvent donner de l'estime à un langage. Nous l'estimions donc fort religieusement; nous y étions même si fort attachés par affection, que la seule pensée de l'abolir ou changer en estoit odieuse.* In, Lanusse, Maxime, *De l'influence du dialecte gascon sur la langue française: de la fin du XVe siècle à la seconde moitié du XVIIe*; thèse présentée à la faculté des lettres de Paris, F. Allier, Grenoble, 1893. P 128.

independently of France. Henri II had established and organized the House of Navarre (Maison de Navarre), governed by Navarrese officials and institutions similar to the *Cámara de Comptos* in the Kingdom of Navarre south of the Pyrenees.

As far as the administration of justice is concerned, new regulations were not as far-reaching as they could have been. Essentially, the new regulations were limited to fusing the *Chancillería* (Chancery) of Navarre with the *Consejo* (Council) of Pau, thus creating a unified institution for the administration of high court justice and appeals in both states.

This notwithstanding, the mere location of the said *Parlement de Navarre* in Pau forced Navarrese litigants to undertake a long and expensive journey to attend to their claims. Moreover, the small number of Basque-speaking interpreters in the capital of Béarn was a further drawback. These factors, added to the negative feelings created by the arguably illegal imposition of the *Parlement*, led to the establishment of the *Senechaussée* (district court) *de Saint-Palais* in charge of dealing with all cases involving an appeal of civil and criminal sentences issued by the *Cortes Generales* of the valleys⁶⁹. This court was in operation until the Revolution.

The *Edit d'Union* decree dated 1620 had the dubious honor of being the first law whereby the French Crown imposed a dialect of French over another (the Bearnese variety of the *Langue d'oc*) or over a national language (Euskara). This notwithstanding, the decree only imposed the use of the *Langue d'oïl* in lawsuits connected to the above-mentioned supreme court and not to all other courts of first instance, which were the courts where most lawsuits would be seen. The subjects of either kingdom obviously continued to use their respective languages, Euskara and Bearnese, at all other procedural levels of justice and administration in general in both states. As a consequence, the use of both Bearnese and Basque permeated all administrative levels of these states. Deliberations at the *assemblées ossaloises* carried out in Bielle continue exclusively in Bearnese, with some isolated exceptions, until the Revolution. Moreover, despite the decree that, on paper, officially ordered all lawsuits to be submitted at the court of justice in Pau in *Langue d'oïl* starting from 1621, court documents continued to be composed in Bearnese or Gascon until the French Revolution.

From then on, however, the policy of imposing the *Langue d'oïl* would be unrelenting, especially in recently conquered territories. Upon a petition by Cardinal Richelieu, King Louis issued the title that established the *Académie française* on February 22nd, 1635. By recording the aforementioned title at the parliament in Paris on July 10th, 1637, the establishment of the French Academy was thus made official. The main function of the Academy is laid out in article 24 of its statute, i.e. *travailler avec tout le soin et tout la diligence possible à donner des règles certaines à notre langue, et à la rendre pure, éloquente et capable de traiter les arts et les sciences*⁷⁰. This endowed *de facto* the *d'oïl* dialect with

69. Lacarra, José María, *Historia del reino de Navarra en la Edad Media*, Caja de Ahorros de Navarra, Iruñea/Pamplona, 1976. Pp 553 ff.

70. Schinz, Albert; M. King, Helen, *Seventeenth Century French Readings*, Henry Holt and Co., New York, 1915. P 74.

a certain predominance over the other Romance and non-Romance languages spoken within the territory of the French Crown.

Louis XIII's son, Louis III of Navarre and XIV of France, *le Grand Roy Soleil*, whose reign spanned the period between 1661 and 1715, continued his father's politics. The Treaty of the Pyrenees of 1659, regulating the annexation of the Roussillon region, guaranteed the use of Catalan:

L'usage de la langue que bon leur semblera, soit française soit espagnolle, soit flamande ou autres, sans que pour ce sujet ils puissent être inquiétez et recherchez⁷¹.

As the years went by, however, the king would impose the *Langue d'oïl* as an element of political unification. In fact, Louis XIV promoted the teaching of French for the first time by a royal decree signed in February of 1700 as a means to promote love and unity among people belonging to different nations under the same Crown,

Il n'y a rien qui entretienne l'union et l'amour entre les peuples de différents nations que la conformité du langage... Sa Majesté a résolu d'employer ce moyen pour unir les Français qui habitent dans cette province avec les habitants originaires du pays... où les enfants de l'un et l'autre sexe puissent être instruits à la connaissance des lettres de l'alphabet, des syllabes, dictions et oraisons tant en langue française qu'en celle du pays et même en écriture des dites deux langues afin qu'insensiblement elles soient rendues communes et réciproques⁷².

In actual fact, starting with the *Edit d'Union* decree dated 1620, a series of regulations would slowly but surely impose the *langue d'oïl* dialect in all legal documents as a means to guarantee the political and administrative unity of the kingdom. In Flanders, because of the order issued on May 26th, 1663 and the decree of December 1684, this variety of the French Romance was imposed over Flemish to be used in all notarial and administrative documents. In Lorraine, the titles dated July 1661, confirmed by the decree dated September 27th, 1748⁷³, all notaries public were forced to record titles in *Langue d'oïl*, so as to stimulate *l'uniformité de l'idiome nécessaire entre les sujets d'une même souveraineté*⁷⁴. In Alsace, the same imposition was sanctioned by a law passed on January 30, 1685.

The Sovereign Council of Roussillon would accelerate the process of 'frenchification' by proposing the establishment of bilingual schools to the district

71. Urrutia Libarona, Iñigo, *Derechos lingüísticos y euskera en el sistema educativo*, Lete Argitaletxea, Iruñea, 2005. P 43.

72. Cohen, Paul, "Linguistic Policy on the Periphery. Lois XIII, Béarn, and the Making of French as an Official Language in Early Modern France". In, Joseph, Brian D., Johanna DeStefano, Johanna (Eds.), *When Languages Collide: Perspectives on Language Conflict, Language Competition, and Language Coexistence*, Ohio State University Press, 2003. P 192.

73. Laumesfeld, Daniel; Rispaill, Marielle, *La Lorraine française: culture mosaïque et dissidence linguistique*, Editions L'Harmattan, Montreal, 1996. P 189.

74. Louyot, Maurice, *Recherches historiques sur le notariat en Lorraine et Barrois*, M. Vagner, Nancy, 1906. P 141.

governor and the General Comptroller. During Louis XIV's reign, some schools were established in Perpignan in 1672. Their purpose was that children would learn French, according to these principles:

His Majesty has ordered that several small schools be established in the town of Perpignan, where children of both sexes can be initiated in acquiring knowledge of the alphabet, syllables, set phrases and sentences both in French as in the language of the region. Writing in both languages will also be taught, so that both languages be commonly understood and shared by all French and Catalan speakers⁷⁵.

However, these measures as well as others would have little effect within the Basque territories. The Navarrese Code of Laws of 1611, or *Fors et costumaz deu Royaume de Navarre deça Ports*, continued to be published in Gascon in 1645, then by Desbaratz in 1681 and by Jérôme Dupoux in Pau in 1732. In 1673 the parliament of the kingdom had established that *le for sera imprimé en béarnais et en françois à même volume*⁷⁶. By order of the Kingdom of Navarre, the *Lou stil de la Chancelleria de Navarre* is also printed in Gascon. This series of laws could be regarded as a Navarrese trial procedure code dated 1607 and comprised of 32 titles and 248 articles. The Kingdom of Navarre printed some of its legal codes in French, such as the *Aranzel du Royaume de Navarre* (manuscripts of 1632 and 1732), the *Procès verbal de la réformation générale des forêts du royaume de Navarre, deça les monts* (G. Dagné et Desbarats, 1755), the *Franc-aleu du royaume de Navarre* (1784) and, most importantly, the *Tableau de sa Constitution* (Polverel, 1789) because they addressed the French authorities. The last one was in fact addressed to the National Assembly in Paris, in a last resort attempt to defend the laws and customs of Navarre. The *Ordonnances politiques des pays de Mixte et d'Ostabat*, a confederate territory of the Navarrese Crown were written in *Langue d'oïl* on March 24th, 1598. The main tendency, however, will be consistent up to the Revolution: written texts in Gascon and oral procedures in Euskara. This can be clearly gleaned from the *Réglements et déterminations des Etats de Navarre*, which impose -as mentioned above- that scribes and whoever works for them know Euskara.

The *Pays et Baillie de Labord* (Zuberoa) and the *Pays et Baillie de Labord* (*Lapurdi*), as well as Baiona, which remained isolated from the royal imposition of another language, did print some editions of their Codes of Laws in *Langue d'oïl*. For instance Zuberoa's Code of Laws, *Coutumes générales du pays et vicomté de Sole*, were printed for the first time on October 21st, 1520 and reprinted in Gascon in Bordeaux in 1576, in Pau in 1690 (J. Dupoux), in Bordeaux in 1751, 1603 and again in 1760 (G. Dagné et Desbarats)⁷⁷. Despite these precedents, the 1661 edition of the Code of Laws of Zuberoa edited by J. Mongiron Millanges is bilingual. The 450 articles of the Code of Laws of Baiona were printed in *Langue d'oïl* in 1514 as *Coutumes générales de la ville et cité de Bayonne et juridiction d'icelle*. The Code of Laws of Baiona would be reprinted in several

75. Ibid.

76. Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, H. Champion, Paris, 1923. P 37.

77. Brunet, Gustave, *Notices et extraits de quelques ouvrages écrits en patois du midi de la France: Variétés bibliographiques*, Paris, Leleux, 1840. Pp. 64-66.

editions, such as the one dated 1681 in the same town and known as *Relation des privilèges, droits et règlements de la ville de Bayonne* (Fauvet, 1681), as well as *Coutumes générales de la ville et cité de Bayonne* printed in Bordeaux in 1760. Also *Les Coutumes générales gardées et observées au païs et bailliage de Labourd et ressort d'icelui*, whose 20 titles spanning 222 articles passed on May 10th, 1514, were to be reprinted in Bordeaux in 1704 and 1760.

As far as the Viscounty of Béarn is concerned, the different editions of the Codes of Laws were printed in Bearnese throughout the period spanning the 16th to the 18th century. The edition of *Los Fors et Costumas de Bearn* was printed in Pau in Bearnese (Jean de Vingles et H. Poyvre, 1552). A later edition was printed in Lescar (Louis Rabier, 1602); on February 11th, 1622, Parliament gave permission to publish a new version, which was then printed in 1625 (Saride, 1625). In 1633 the *Compilation d'auguns privileges et reglaments deu Bearn* is printed in Lascar (Laplace, 1633) and later in Orthez (Rouyer, 1676). The *Styl de la yustici deu païs de Bearn* is also printed in Orthez (J. Rouyer, 1663). In 1673, the States General had established that Jean Desbarats's edition of the Code of Laws (also known as Desbaratz or Desbarratz) published in Pau –and reprinted again in 1682– would be in Bearnese and French, *en la première page le béarnais, et en l'autre opposée à icelui en françois*. In 1715, it was published again in Bearnese by parliamentary decision (Isaac Desbarats, 1715). It would be printed again in Pau in 1723 by Jérôme Dupoux in 1723, and again in 1781 by Vignancourt under the title of *Compilation d'auguns priviledges et règlements deu Païs de Bearn*⁷⁸. Once these centenarian laws had been abolished by the enforcement of the new revolutionary regulations in 1789, Mazure and Hatoulet printed a new edition of the *Fors de Bearn* in 1845. Not only the general Codes of Laws were published, but in 1694, J. Dupoux printed the Code of Laws of the Aspe Valley in Pau or *Lous Priviletges, franquesses et libertats dounats et autreiats aux vesins, manans et habitants de la montagne et val d'Aspe*. Also published were *Les Coutumes de Baréges... compilées par Noguez* in 1760 and *Procès verbal des coutumes des vallées de Baréges* (Lavedan), as well as the *Règlement concernant les forêts du païs de Bigorre par le sieur de Froidour* (Pech, 1685), all of which were published in Toulouse.

Auguste Brun is no doubt right in stating that the representatives of the Viscounty of Bearn were particularly zealous in maintaining Bearnese as the language of the state until the Revolution, *pour en nourrir l'esprit et la mémoire des générations qui se succèdent*⁷⁹. Along the same lines, the collection in 17 volumes of chronicles written in different Romance dialects (but essentially in *Langue d'oc*) is another example of the common use of different languages within the territory of the Crown. It was published by J. A. Bouchon between 1824 and 1825 and entitled *Collection des chroniques nationales françaises, écrites en langue vulgaire, du XIII^e au XVI^e siècle, avec notes et éclaircissements*⁸⁰.

78. This is a compilation of the country's laws from the 1633 edition in Lescar, the 1676 edition printed in Orthez and the 1716 edition from Pau.

79. Brun, Auguste, *L'introduction de la langue française en Béarn et en Roussillon*, H. Champion, Paris, 1923. P 36.

80. Bouchon, J. A., *Collection des chroniques nationales françaises, écrites en langue vulgaire, du XIII^e au XVI^e siècle, avec notes et éclaircissements*, 17 vol., Toul et Paris, 1824-1825.

Although Pierre Edmé Gautier de Sibert in his bulky work entitled *Historie du gouvernement de France, depuis Clovis jusqu'à la mort de Louis XIV* defines the Ordinance of Villers-Cotterêts dated 1539 as *une des principales loix du Royaume*⁸¹, contemporary historians of French law such as Jean Domat, author of *Les loix civiles dans leur ordre naturel, le droit public et le legum delectus*⁸² (Luxembourg, 1689)⁸³ or Claude Pocquet de Livonnière, who wrote the *Règles du droit français* (1730)⁸⁴, do not even mention this ordinance or any other concerning language policy from the 16th to the 18th century⁸⁵.

Starting from the mid 18th century, however, the distance between the capital and the *campagne* becomes increasingly greater and, even if it was with no political intention whatsoever, the Enlightenment adopts the *Langue d'oïl* in its writings and imposes it as the Language of Reason, as opposed to the barbarian *campagnard* usage. Montesquieu stated that *Quand on aura dit ce que c'est qu'une loi de la nature, on n'en saura pas mieux ce que c'est qu'une loi de l'État*. And along these lines, the idea that was in origin socially or culturally motivated but the *Langue d'oc* is nothing but some kind of 'bad French' and that, conversely, the *Langue d'oïl* is the real *langue de la raison, langue de la civilisation, la langue universelle*, developed stronger roots and acquired a political character. As a consequence, even Denis Diderot and Jean le Rond d'Alembert included in their *Encyclopédie*, written between 1751 and 1765, an article devoted to the *patois*, a disparaging term referring to the several Romance dialects and languages spoken in the territory of the French Crown, in which they say:

These patois are corrupt languages spoken in almost all provinces: each has its own patois, so that we find a patois Bourguignon, patois Normand, patois de la Champagne, patois Gascon, patois of Provence, and so on. [In these areas] they don't speak the same language spoken in the capital⁸⁶.

The word *patois* should not be translated as *dialect* for various reasons. First of all it does not only refer to Romance dialects (such as different *Langue d'Oc* varieties), but also to languages such as Basque, Catalan, Breton, or Corsican, which are obviously not subvarieties of any French Romance. On the other hand, the use of the word *patois* could not be further from the scientific

81. Gautier de Sibert, Pierre Edmé, *Variations de la monarchie française, dans son gouvernement politique, civil & militaire: avec l'examen des causes que les ont produit, ou, Histoire du gouvernement de France, depuis Clovis jusqu'à la mort de Louis XIV: divisée en neuf époques*, Saillant, 1765. Vol. 4, P 69.

82. Domat, Jean, *Les loix civiles dans leur ordre naturel, le droit public et le legum delectus*, Luxemburg, 1689. This book was reprinted various times, among others in 1735, 1767 and 1777.

83. Paychère, François, *La découverte du sens en droit*, Association française de philosophie du droit. Colloque annuel Paris, Franz Steiner Verlag, Paris, 1992. P 54.

84. Pocquet de Livonnière, Claude, *Règles du droit français*, Du fonds de J.B. Coignard pere, 1744. This book was reprinted many times 1730, 1732, 1737 and in 1756 by P.G. Le Mercier.

85. Paychère, François, *La découverte du sens en droit*, Association française de philosophie du droit. Colloque annuel Paris, Franz Steiner Verlag, Paris, 1992. P 54.

86. In the original, *Langage corrompu tel qu'il se parle presque dans toutes les provinces: chacune a son patois; ainsi nous avons le patois bourguignon, le patois normand, le patois champenois, le patois gascon, le patois provençal, etc. On ne parle la langue que dans la capitale*.

usage of the word 'dialect', since it conveys a notoriously negative meaning, which already in the 18th century had various synonyms such as *jargon*.

The idea of language as culture is then easily substituted by the idea of language as a political concept, so that the following juxtapositions obtain: *langue/patois, règle/dérèglement, raison/passion, progrès/arriération, civilisation/barbarie, foi/fanatisme, universel/local...* and hence also political binomia such as *royaume/province, nation/région*⁸⁷.

The political concept that the Vicomté de Béarn or the Kingdom of Navarre were nothing more than *provinces campanards*, or that Paris was a capital city, were already present in the minds of thinkers that considered France as a nation or even more as one state already before the French Revolution. This was in fact not the case before 1789. It was this kind of logic, coupled with the idea of the *d'oïl* dialect being the language of culture and reason (*Ce qui n'est pas clair n'est pas français*) current among 18th century authors and politicians, which gave rise to the concept of the *official language*, i.e. the language of the State. This logic of a de facto unitary state, despite the obvious cultural, linguistic and legal differences brought to the ultimately illegal suppression of laws and institutions that were still in force –and had been for centuries- in Navarre, Béarn, Lapurdi, and Zuberoa, and other confederate states. All of these confederates of the French Crown, individually considered, were not only nations, but also states with their own history, language and customary practices.

Among those authors that thought along these lines, Antoine de Rivarol should be mentioned, as the true precursor of the *rappports* by Bertrand Barère and Henri B. Grégoire, who, in his speech entitled *Sur l'universalité de la langue française* in 1783, places the *Langue d'oïl* over and above all other European languages because of its *genius*, or inner spirit, which endows it with more clarity, exactness, capacity of expression and rationality, which make it ideal to express the concepts of human reason,

French has inherited the paradigms from all European peoples and has imposed its taste for moderate opinion, and its books make up mankind's own library. Just as the Greek before us, we have an altar devoted to the Three Graces in the temple of glory that our rivals have long forgotten. As a hypothetical suggestion we could say that if the world as we know it suddenly ceased to exist to make way for a new one, it would be enough to bequeath an excellent book in French to humanity to endow our successors with a happier future. Where contents are equal, it behooves bare reason to make room for ornamented reason... French syntax is incorruptible, hence its incomparable clarity, the unshakable grounds on which our language stands. Whatever is not clear, is not French; whatever is not clear is English, Italian, Greek or Latin. In order to learn languages by inversion it suffices to know their vocabulary and the [linguistic] rules to use the words; in order to learn French, word order must be kept intact. It could be said that it is elementary geometry, a simple line, whereas curves and their infinite varieties have been the essence of Greek and Latin. Our principle is to guide the thought process; other languages rush ahead along with reason and they both get lost in a labyrinth of feelings and the vagaries of harmony... French, sober

87. Danielle Lévy-Mongelli, *De la excellence de la langue et de la civilisation françaises au siècle des lumières, ou, observations sur la genèse d'un consensus linguistique et de l'idée de langue nationale à partir des différentes formes du discours sur la langue française au XVIII^e siècle*. In, *Heteroglossia*, Quaderni dell'Istituto di Lingue Straniere, Bulletin de l'Association d'étude sur l'humanisme, la réforme et la renaissance, Année 1986, Volume 22, Numéro 1. Pp. 102-104.

and timid, would be the least worthy of languages if a great number of good authors had not pushed it to the forefront by expressing its natural genius... Why do we find that, among modern languages, only our own strictly adheres to the word order placing the verb between subject and object? Can it be that because of the nature of its language, the French nation requires absolute clarity?... French, an intrinsically clear language has had to uncover all its elegance and its strength in its direct word order; order and clarity have dominated prose especially, and prose has allowed French to dominate [over all other languages]. This development is in the natural course of things: nothing can be compared with French prose... The philosophers have adopted it because it functions as a beacon for the sciences it describes, since it fits both didactic sobriety and the exuberance required by the history of nature equally well... The pronunciation of French reveals its character: more varied than the languages spoken in the Midi, but less boisterous; it is softer than that of the Northern languages, since it does not articulate all its letters. The sound of the silent 'e' is comparable to the last vibration of resonant bodies and endows the language with the light harmony unique to French⁸⁸.

This linguistic nationalism, which is by extension also political, is the doctrine on which the major players of the Revolution will operate in the field of language policy starting from 1793.

1.4. LINGUISTIC LEGISLATION OF THE CASTILIAN MONARCHS (1583-1812)

In 1583, Felipe II passed a decree that implemented Castilian as the obligatory language for instruction. It was an isolated rule, which could not be enforced as law in the Basque states. On the other hand, it must be considered that schooling at the end of the 16th century was closely related to religion; training for administrative and religious office was reserved to an elite, and was probably still marked by the substitution of Latin by Castilian within the written registers. Along general lines, the linguistic regulations implemented by the Habsburg dynasty in Spain (1520-1700) were not restrictive of the use of languages used as official in territories that were part of the kingdom, but that enjoyed significant autonomy, such as the Principality of Catalonia, Valencia or Balearic Islands. In these territories, until the 18th century, Catalan was to be used for all administrative purposes including justice.

With the establishment of the Bourbon dynasty on the Castilian throne in 1700, language diversity, or more precisely, the fact that part of the population could not speak or understand Castilian is felt as an obstacle for the desired political and institutional unification of the country. One of the first examples of a coercive linguistic policy is found in the Nueva Planta Decrees of 1716. Having reached his goal and obtained the Castilian throne, Felipe V promoted a centralizing tendency in accordance with the Bourbon model in France. Through the decree, the king suppressed all liberties, customary usage, and previous laws in the territories of Aragón, and established a new administrative organization (*Nueva Planta*) based on the Captaincies Generals (*Capitanías Generales*) and

88. Rivarol, Antoine, *Sur l'universalité de la langue française*, Paris, 1784. In, Lescuré, M. de, *Œuvres choisies de A. Rivarol*, Librairie des Bibliophiles, Paris, 1880.

the Royal Audiencias – i.e. the judicial and administrative structure of Castile. Article 4 of the Decree establishes the language that should be used in court, prescribing that *all trials examined by the Royal Audience will be carried out in the Castilian language*. By means of this regulation, use of Castilian was sanctioned as the obligatory and only language to be used for administrative and judicial purposes in the former territories of the Aragonese Crown.

Until the middle of the 18th century, the law had been regulating language use within the administrative and judicial spheres, but starting from the second half of that century, we encounter the first regulations concerning language use in schools. Under Carlos III a wide-reaching centralization process was carried out, harmonizing the monetary system and regulating aspects of education that had escaped the state's attention until then. During this time one finds the first attempts at placing education under the control of the state, rather than the church as it had been until then. In the last years of existence of the *ancien régime*, the Real Cédula dated June 23rd, 1768 and signed by Carlos III in Aranjuez aimed at achieving monetary unit and at making judicial fees uniform, also required that:

Lastly I sanction that primary education, Latin and rhetoric be carried out in Castilian, even where it is not generally spoken, and the Audiencias and Courts will insure that this is carried out. We also advise parishes, universities and secondary schools to observe this rule, actively helping in expanding the use of the Nation's common language, for the Nation's harmony and mutual cooperation⁸⁹.

This regulation requires the exclusive use of Castilian in the schools of the whole kingdom, displacing the use of the other languages in education⁹⁰. Both in primary and secondary schools, Spanish is established as the only language to be used. Castilian now spreads all levels of education excluding university.

The school system now becomes the object of a language policy aimed at assimilating all regions of Spain under linguistic uniformity. The goal of the *Real Cédula* of 1768 clearly transpires from the report that the Royal and Supreme Council of Castile wrote about it:

It is also necessary that primary and secondary education be carried out in the Spanish language, because that is the only way in which this language can be made common, in order to bring about a deeper union of all provinces of the kingdom, since it is an

89. Chapter VII of the R.C. dated June 23rd, 1768, concerning fees and dues for transactions in superior, ordinary, and special courts of the Kingdom (Capítulo VII de la Real Cédula de 23 de junio de 1768, relativa a los Aranceles y Tasación de Derechos de los Tribunales superiores, ordinarios y privilegiados del Reino). Cf. Novísima Recopilación de las Leyes de España. Título I, Libro VIII, Tomo IV.

90. Even if the Real Cédula of Aranjuez was essentially aimed at the territories of the Crown of Aragón (I. [...] I hereby establish the equality of fees in reales made of billon in the whole of the Aragonese Crown [...]). II. [...] as far as the Kingdoms belonging to the Crown of Aragón [...]). III. [...] it has to be obeyed in those under the Committee representing the Aragonese Crown [...]). V. [...] practice observed in the Audience of Mallorca [...]). VI. In the Audience of Catalonia I wish it to cease [...]). point n. VII, related a uniform educational system, was stated in general terms, and therefore it would apply throughout the kingdom, even in Basque-speaking territories.

essential point towards which all governments must strive, so that any provincial spirit be defeated in favor of the worthy spirit of one's own Country and Nation⁹¹.

Linguistic uniformity is shown as an essential component of the political community onto which the Hispanic monarchy wants to be established by wiping out all legal, organizational, and linguistic differences of the territories found within the Crown. From this point of view the symbolic value of the *Real Cédula* and its political significance should be pointed out⁹². It is the first regulation that prohibits learning and using one's own regional languages in the schools of the whole kingdom. Its goal is the linguistic assimilation of society through schooling.

The interest focused on linguistic homogeneity of all public records, be it governmental, administrative or judicial, now shifts making Castilian the common language by means of the education of children and youth. Favoring Castilian was now carried out not only at the expense of Latin, dominant in the academic field, but also of all other regional languages that had been used up to then in religious education. This regulation subjugates the educational system to the royal jurisdiction, stripping Basque municipalities of their age-long legal competence over education. The titles needed to teach, subjects to be taught, the language used in education... they all start to be regulated by central powers. This notwithstanding, the process of centralization of education will be a slow one, and won't be completed until well into the 19th century. The administration of the state did not have the means or the capacity to carry out an effective control on its organization. Therefore, the regulation affected the regional Basque competence in education only partially. The *Real Cédula* did not bring about a complete new regulation of the primary school system, and its effect on the Basque territory was therefore reduced. Education was still not an instrument controlled by royal authority. Its importance resides in its symbolic and political value rather than in its practical implementation.

One of the most important spheres in which the vitality of the language can be easily demonstrated is commerce. In Basque-speaking territories, commercial transactions were obviously carried out in Basque. The authorities had been content with regulating the economic aspect of those transactions, not the linguistic one. In the last quarter of the 18th century, under Carlos III, a new restrictive regulation was to be approved, which imposed that traders use Castilian exclusively, and prohibited the use of all others, subject to punishment. The *Real Cédula* of 1772 mandated the following:

I have realized the need to issue this Cédula, and hereby order that all traders and both wholesale and retail merchants in all my Kingdoms and Dominions, be they citizens or foreigners, must keep their books in the Castilian language, according to those regulations described in the aforementioned law n. 10, title 18, book 5 of the new Collection;

Whosoever does not comply with said regulations, will suffer the

91. Text collected by Ferrer i Girones, F., *La persecució política de la llengua catalana*, Edicions 62, Barcelona, 1986. P 40. M. Siguan states that the ultimate reason for this "was, of course... that linguistic unity and the use of Castilian had become a symbol of national unification", in M. Siguan, *España plurilingüe*, Alianza, Madrid, 1992. P 29.

92. Cf. I. Urrutia, *Derechos lingüísticos y euskara en el sistema educativo*, Lete, Iruña, 2005. P 57ff.

punishment established in the Cédula, which will be applied without possibility of appeal;

For the enforcement of this decree I mandate that all representatives of the General Commission of Trade the Special Councils, Consulates, Governors of Market Places, Captains, Commanders Generals, and to all Courts, Judges and Justices in my Kingdoms and Dominions be aware and control that this Law be observed, so that commerce be kept safe and honest in my Kingdoms, as this is my will.

Madrid, December 24th, 1772.

Signed by Me, the King

The centralizing process extended also to the commercial sphere, and manifested itself through the control of ledgers, which now had to be written in Castilian. From then on, it would be impossible for merchants to record commercial transactions in the official books in Basque.

There are no general records indicating in what language schooling was carried out in Basque territories⁹³. Nor is it possible to know for certain what percentage of the population could read and write. For these reasons it is difficult to gauge the effectiveness of these regulations on the exclusive use of Castilian in education enforced by the Royal Administration and how they affected municipal schools.

The Royal Decree dated December 12th, 1780 regulated the subjects that were to be taught in primary schools, requiring that

In all schools of the Kingdom children should be taught their native language by means of the grammar written and published by the Real Academia de la Lengua (the Royal Academy of the Spanish Language)... Spelling should also be taught to children in schools following the tenets set out by the Royal Academy⁹⁴.

This regulation does not modify the previous ones established by the *Real Cédula* dated June 23rd, 1768, where the use of Castilian was made compulsory in schools. What is important is the methodology by which these regulations are implemented. Thus, it must be mentioned that from 1780 onwards, there are more records mentioning punishments meted out for the use of Basque among pupils: such as references to the infamous 'school ring' in records signed by teachers and Basque municipalities.

As required by the regulations established in the Basque ancient laws or *Fueros*, the municipalities signed contracts with primary school teachers as mutual agreements on the modalities of their service. Perusal of some contracts following the Royal Decree of 1780 revealed that there was indeed a stipulation concerning the degrading system of the 'school ring'. Schools kept a ring that those pupils who spoke Basque had to wear. The ring was handed over from one pupil to the next, and the last one to wear it would be punished, since he had not

93. About this topic, see the study by P. Dávila Balsera, *La política educativa y la enseñanza pública en el País Vasco (1860-1930)*, Ibaeta Pedagogía, Donostia/San Sebastián, 1995. Pp. 182-183.

94. Chapter 2 of the Royal Provision dated December 12th, 1780 (Cap. II de la Real Provisión de 12 de diciembre de 1780). Cf. *Novísima Recopilación de las Leyes de España*. Título I, Libro VIII, Tomo IV.

been able to betray another pupil for speaking Basque – the only way to be able to pass the ring on. The agreement signed between the municipality of Elgoibar and the teacher in 1787 mandates the following:

Speaking any other language but Castilian shall be prohibited in and around the school; the ring should be used and circulated among pupils according to the breaches of the regulations they should incur; the last one to wear said ring in school shall be flogged or slapped accordingly, but not harshly⁹⁵.

The agreement signed between the municipality of Aia and the teacher on November 27th, 1784 also prescribes a punishment to chastise the use of Basque in school:

[The teacher] shall explicitly require that they never speak Basque among themselves, but only Castilian. And in order to enforce this order, the common punishment, the ring, will be used, checking who had the ring every Saturday, scolding, warning, and punishing the pupil who wore it last⁹⁶.

In reference to the 'school ring', Wilhelm von Humboldt wrote in his *Diary of a Journey* in 1801:

Persecution of Basque in schools: the teacher gives a pupil the ring at the beginning of the week. This pupil is called 'the king' and he pays attention to whomever speaks a word in Basque within or outside the school, and gives that pupil the ring. This one does the same until he gets to give the ring to another student and so on. At the end of the week the teacher asks where the ring is and keeps track of all pupils that have received the ring during the week. These must then raise and cross their arms and pull up the back of their shirts to be punished. Thus do they sin against nature. But the pupils (and this was referred to me by don Pablo Astarloa about his childhood, so long has this absurd punishment been enforced!) manage to avoid this prohibition. If one of them wants to say something to the other, he says it to the tree, or to the stars, and the other answers in the same way, but they won't say it one to the other directly. The best part is that they really have no choice, since they often don't know the Castilian equivalent for what they need to say⁹⁷.

95. Collected by Lasa, J.I., *Sobre la enseñanza primaria en el País Vasco*, Auñamendi, Donostia/San Sebastián, 1968. Pp. 29-31. On the application of the 'school ring' in Basque schools, see J. Garate, «El anillo escolar en la proscripción del euskara», *Revista Internacional de Estudios Vascos*, nº 26, 1975. Pp. 137-151; I. Fernández, *Oroimenaren hitza. Ikastolen historia 1960-1975*, UEU/Bizkaiko Foru Aldundia, Bilbao, 1994. Pp. 15-16; J. M. Jimeno Jurío, *Navarra. Historia del euskera*, cit. Pp. 187-188. About the Basque Country north of the Pyrenees, cf. E. Salaberry, «L'alienation basque-Gure Herria 1967. P 266. The Commission on Public Education of the District of Bizkaia prohibited the use of the ring in 1902 (see the text in *Euskalduna* dated November 23rd, 1902, nº 222). At the Conference of the Society of Basque Studies/ Eusko Ikaskuntza held in Oñati in 1918, reference is made to this system still being enforced (final statement nº 20 of the Commission on Public Education, in *Sociedad de Estudios Vascos/Eusko Ikaskuntza, Primer Congreso de Estudios Vascos, Oñate 1918*, Bilbaína de Artes Gráficas, Bilbao, 1919. Pp. 60-61).

96. Collected by J. I. Lasa *Sobre la enseñanza primaria...*, op. cit. Pp. 29-31.

97. G. Von Humboldt, "Los vascos o apuntes sobre un viaje por el país vasco en primavera del año 1801", *Revista Internacional de Estudios Vascos*, nº 15, 1924. P 656; it can be accessed at <http://www.euskomeia.org/PDFAnIt/riev/13614658.pdf>

The ring is used to repress the use of the Basque language. However, after careful perusal of this type of agreement between the municipality and the primary school teacher, it can be observed that in some cases it is compulsory to teach both Castilian and Basque. This is the case between the teacher and the Municipality of Ordizia, where it is stated that the teacher must 'teach the pupils to speak well in both Castilian and Basque'⁹⁸. This is also the case of the agreements of Aia, previously mentioned for their reference to the school ring, where it is also ordered that:

Considering that the vernacular language in this Country is Basque, and that most children will grow up and work in their local farmhouses, the teacher will train them to read both Castilian and Basque; although the scales should be tipped towards teaching and even forcing them to read and express themselves more in Castilian, especially for those pupils that can be foreseen as continuing on in secondary education... but all others will be instructed to read with heart and understanding, mainly books on piety and religious doctrine in Basque, so that they may be useful not only to them but also to other family members who only speak Basque⁹⁹.

The use of coercive methods in schools towards the end of the 18th century was perhaps a reality connected with 'pedagogical' methods common during that time¹⁰⁰. What is relevant here about those agreements is the fact that there is no mention of punishments for any other situation that could require it, which underscores the ideological implications of the ring to repress the use of Basque.

If the use of Basque implies punishment, this creates attitudes of rejection towards the Basque language, as well as the dismissal of the original linguistic condition the pupils find themselves in. The monolingual tendencies of the second part of the century go hand in hand with other restrictive regulations, without however affecting certain areas of Basque use, namely the religious sphere. The teaching of religion is carried out in Basque, and this is at this time, still the main aim of education. Teaching pupils to read and write is done considering this main goal. The legal capacity coming from the ancient laws or *Fueros* that Basque municipalities had to employ a teacher would have enabled them to require that the primary school teacher knew Basque and would use it to teach the Christian doctrine.

In the last quarter of the 18th century, the policies aimed at linguistic uniformity had an impact on the school system. Not only was Castilian required to be the main language in schools, but books could no longer be printed in

98. In the Agreement Contract between the Teacher and the Municipality of Ordizia on January 7th, 1789, it is specified that the teacher must teach the pupils to speak both languages, Castilian and Basque, well and further on "the teacher must perfect the pupils' knowledge in their native Basque language". Text collected by J. Arpal, B. Asua and P. Dávila, *Educación y sociedad en el País Vasco*, Txertoa, Donostia/San Sebastián, 1982. P 101.

99. J. I. Lasa, *Sobre la enseñanza primaria...*, op. cit. P 30.

100. It should be remembered that corporal punishment was abolished only well into the 19th century. The Regulation for Public Education of 1821 prohibited corporal punishment in schools by stating the following: art. 21 "all flogging and other types of punishment infringing on the pupils' modesty, decency and privacy are hereby abolished. Slapping, ear-pulling, caning, flogging, and all sorts of blows using one's hands are prohibited".

Basque. The Council of Castile prohibited the publication of Agustín Kardaberaz's work on St. Ignatius of Loyola, by a decree dated November 1st, 1766, which stated that:

By the order of Count of Aranda, President of Castile, this Council must issue no licenses without his direct approval to print books in any other language but Castilian: the original work on the Life of St. Ignatius of Loyola written in Basque is hereby tabled: let the printing presses be informed of this decision.

Moreover, the Royal Council of Navarre denied the request to print a book by the same Jesuit A. Kardaberaz because of the 'political measure whereby it was not advisable to print books in any other language but Castilian, which could be understood by the whole nation'¹⁰¹. The Count of Aranda ordered the Navarrese Council to deny all licenses from then on, to table the original text and all documents pertaining to it, and to notify all printing presses of the embargo and of the 'severe punishment for whomsoever disobeys the prohibition'¹⁰². The desire to prohibit the publication of books in any language but Castilian also extends to Catalonia. The Royal Decree (*Real Cédula*) dated June 23rd, 1718, endowed the University of Cervera with 'the exclusive privilege in perpetuity of a printing press to print all books and documents necessary for general teaching', although the Council of Castile, through a Deliberation dated March 20th, 1773, explicitly denied the authorization to print books in Catalan: '[...] we hereby order that this University continue to enjoy the exclusive privilege to print those books covered by the document that was issued previous on the matter and it should be added: this refers to books only in Castilian and Latin, but not in Catalan'.

In this context of boosting the spread of Castilian in the school system as well as limiting the use of Basque, the Navarrese Parliament issued Law number 41 between 1780 and 1781, which prescribed obligatory schooling between the ages of 5 and 12. Law 41 of the 1780-1 Parliament also regulated the titles that would allow teachers to practice their profession, such as the title issued by the Royal Council of Navarre. This law would extend the general regulations of the Royal Decree dated December 22nd, 1780 to Navarre¹⁰³, and they also established compulsory attendance at school, control of a superintendent over teachers and pupils, and the establishment of girls' schools in those municipalities with more than 150 inhabitants¹⁰⁴. The control over the titles required to practice as a teacher would, in time, create considerable restrictions on the choice of candidates by the municipality, especially regarding teachers who spoke Basque.

At the end of the 18th century, the Church lost control over public events, folk festivals and celebrations, and theater, which it had controlled up to then. Control over this kind of popular events was to shift to the monarchy. This meant

101. Cf. J. M. Jimeno Jurío, *Navarra. Historia del euskara...* op. cit. P 156.

102. *Ibid.*

103. Cf. I. Urrutia, *Derechos lingüísticos y euskara...* P 65.

104. On the schooling at the time this law was approved, cf. J. M. Jimeno Jurío, *Navarra. Historia del euskera*, op. cit. Pp. 180 & 185, where obligatory schooling is connected with the mandatory use of Castilian; see also M. P. Serna Miguel, *La instrucción pública en Navarra de 1830 a 1833*, Gráficas Iruña, Iruña, 1990. P 154.

further regulation of places where events took place, as well as over the works performed, which now underwent censorship, and actors had to adhere strictly to the text. In this context, a Provision to set up theaters and comical theater companies outside the Royal Court was issued on March 11th, 1801, which required that:

In no theater in Spain can theatrical pieces be represented, sung, or danced in any other language but Castilian.

The representation of theatrical pieces in Euskara was officially prohibited, as were those in Catalan and Galician. This notwithstanding, it is difficult to gauge the effect that these legal regulations had in real life, if indeed they had any at all.

2. Sociology of the Language Policy

- 2.1. A Sea of Prejudice: The Ideological Foundation for Repressive and Degrading Policy toward the Basque Language
(Juan Madariaga)
- 2.2. A Political Theory of Languages
- 2.3. The Royal Society of Friends of the Basque Country and the Basque Language

2.1. A SEA OF PREJUDICE: THE IDEOLOGICAL FOUNDATION FOR A REPRESSIVE AND DEGRADING POLICY TOWARD THE BASQUE LANGUAGE

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The liberal-bourgeois revolutions establish a theoretical basis for a centralizing, unifying and yet exclusionary policy and initiate its systematic implementation by renouncing cultural plurality. Nevertheless, it also has notable recent and remote precursors. Of course, ever since nation-states have been formed as such, one of the fundamental ways in which they have been constructed is through the selection and application of a single language for administrative purposes, consigning all other languages to the oral spheres of family and *auzo* or neighborhood: this was obtained, for example, in France, through the Ordinance of Villers-Cotterêt, established by Francis I in 1529; in Spain, by the Decree of 1583 by Phillip II requiring that formal instruction be conducted in the Castilian language; or the Act of 1536, which excluded the use of Welsh in both England and Wales.

Apart from that, the theoretical bases of liberalism, which stem from Rationalism and the Enlightenment and, in our case, centralist policy, represent for the Spanish and French Bourbons one of their identifying marks. Thus, even from early times, one can detect a tendency towards linguistic unification, which can be seen through the policies prohibiting the publication of books in any other language except Castilian, or through limiting education in the so-called “vernacular languages”. In the difficult year of 1766, shrouded in the mist of social revolts and on the eve of the expulsion of the Jesuits from the Spanish Kingdom, the President of the Council of Castile, the Count of Aranda, prohibited the publication of a book on the life of Saint Ignatius of Loyola, written in Basque by Agustín Cardaberaz, because it was prohibited to give “licences issued by the Council to print books in any other language but Castilian.” There are documented cases of the “punishment of the ring,” a penalty imposed on children who were found speaking Basque at school, as early as the 1720’s: 1722 (Eraul), 1730 (Beasain). Nevertheless, the practice became a generalized form of punishment after Carlos III published a Royal Edict on June 23, 1768 (article VII) in which it was declared that Primary Education, the Study of Latin and Rhetoric were all to be imparted exclusively in Castilian, applying “strict observance and diligence in spreading the general language of the nation.” Thus, reports from small towns regarding the condemnation of the use of Basque via the “punishment of the ring” multiplied: Bera (1777), Aia (1784), Elgoibar (1787), Ustarrotz (1807)...

In any case, the model of linguistic policy, which was derived from liberalism and was the heir to enlightened centralist tendencies, is forged during the French Revolution and is later mimetically adopted by the Spanish liberals. During the first moments of the Revolution, between 1790 and 1792, some of the basic revolutionary texts were translated into Basque in order to increase the knowledge of the poor people of the Basque Country, supposedly dominated by fanaticism. This was based on the premise that the language of

revolution and culture was French and that Basque lacked a literary tradition and the necessary capacity to express complex thought. Nevertheless, other criteria began to prevail. Two texts, that summarize the dominant opinions regarding linguistic policy, were decisive in the establishment of the linguistic ideas of the Revolution: the 'Report of the Public Safety Committee', regarding languages and presented by Bertrand Barère (the person directly responsible for the Policy of Terror carried out by Robespierre). The second book was the *Abbé Grégoire's Report* regarding the necessity to destroy the "patois" and to make the use of the French language universal. Both texts were published in 1794.

In general terms, the argument of these texts is as follows: France initiated the revolutionary process, it placed itself at the head of all nations in regards to political and social progress, however, with regards to linguistic matters, it was at the tail end of all nations for permitting a very important part of its population to speak dialects (patois), if even considered such, all lacking complete expressive capacity, syntactic rigor and even worse, sources of fanatical penetration and reaction, mechanisms of domination of the Old Regime. Of all the languages spoken in France, only Italian and German were considered actual languages, but these were spoken in such degenerated versions that they ended up being considered on the same plane as the other dialects. The translations that had been started years before were counterproductive due to the fact that the "dialectal" language itself was an obstacle for the propagation of the Enlightenment. Those "dialectal" versions, and the use of the language itself should therefore be abandoned. Ignorance of the French language constituted an act of treason against the Revolution and the fatherland. The conclusion was a radical one: "the unity of language is necessary to remove all prejudices, explain all of the truths, all of the talents, all of the virtues, merge all of the citizens into one national mass, simplify the mechanism and facilitate the workings of the political machine, [...] the unity of language is an integral part of the revolution.

To the new, liberal State, only a single language could bring together all of its citizens. The rest of the languages were nothing more than "peasant languages", "ancillary languages" and as such needed to be brushed under the rug by history and by the deliberate actions of the new institutions. Consequently, on July 20, 1794, the French National Convention, after hearing these reports on language, announced a law (2 Thermidor II) that, in essence, prohibited the use of vernacular languages within the Administration: "no public act will be written (or registered) in any other language than the French, in any part that is territory of the Republic." Equally, in the Decree of November 17, 1794, it was established that "Education would be conducted in French." In fact, the crusade to introduce the French language in the Basque Country and to eradicate the Basque language was essentially centered on the educational system. Texts that spoke of the necessity to open schools in the Basque territory in order to accomplish this task multiplied between 1794 and 1850. The Educational Prefects, as much as the Inspectors, reiterated the necessity of complete conversion of the Basque schools to French; and as such, it was decreed, for example by the Prefect of the Lower Pyrenees in 1846: "Our schools, particularly in the Basque Country, have as their objective to substitute the Basque language for the French language."

To the south of the Pyrenees, just as in north, a parallel reading meant in practice that any language other than the Spanish language was excluded from all public arenas. For example, in the "Instructions for the repair of

theatres and theatrical companies outside of the Court” presented in 1801, it was prohibited to present plays in languages other than Castilian. This same prohibition was reinforced by the Royal Order of January 15, 1867, presented by the liberal government of Isabella II. Of course, this same Castilian linguistic monopoly could be found with even greater severity in education. Ever since liberalism’s first step in Spain, this principle has been clearly understood; as such, the Committee for Public Education, established by the Cádiz Cortes and led by Melchor Gaspar de Jovellanos, decreed in 1813: “It should be unified the doctrine of our schools, and singular the methods of their education, and therefore, it follows that there should be one the language by which it is taught and this language should be Castilian.” The law, known as the “Moyano Law of Public Education” of 1857 envisioned that the “obligatory and only text” for the teaching of grammar would be that of the Spanish Academy. En 1862, The Notarial Proceedings Law stipulated that the only language in which documents were to be redacted was the Spanish language.

From an ideological point of view, in the 19th century, as much as in the French administrated Basque territories as in the Spanish, two tendencies were emphasized: on one hand, there was the most social segregation in regards to the use of language, the official languages (French and Castilian) reserved for the dominant classes and the “common Basque language” relegated to the common or lower classes. This situation, which already had a long tradition, intensified at this moment to such an extent that the Basque speakers came to understand very clearly that if they wished to abandon the lower rungs of the social hierarchy and progress to a higher rung, they had to abandon their language and adopt the dominate one.

On the other hand, the incorrect idea regarding the inability of minority languages, in this case Basque, to express higher order and scientific thoughts, characteristic of modern life, was also reinforced. The intimate and exclusive tie seen between the Basque language and traditional agrarian society, for which Basque was well adapted, became commonplace, as well as Basque’s inability to develop in the urban centers. Furthermore, as this agrarian civilization was in a state of complete decay and doomed to extinction, it followed that the Basque language would necessarily disappear with its collapse. A scholar such as Julien Vinson, who dedicated most of his research to the language, the folklore and the bibliography of the Basque County, contributed to the spread of these ideas of inferiority and inadequacy: “it can be affirmed that etymologically Basque words are incapable of expressing abstract ideas. Aside from some Gascon, French, Spanish, Latin and other loanwords, one finds no vestiges of an advanced civilization.”

Even an intellectual anarchist as Elisée Reclus, defender of minority cultures and fierce critic of imperialism, linked the Basque language to the traditional rural world and found no place for it in a modern, urbanized society. Progress would have to come in the form of a steamroller passing over the ancestral Basque culture, causing the disappearance of its peculiar customs and language. In his article: “Les Basques. Un peuple qui s’en va” (*Revue de deux mondes*, LXVIII, February 1, 1867), among other ideas maintained that: “Administrative and political centralization, industry, commerce, social advancement, everything, even progression of education, joined together against them in order to suffocate their noble language. [...] In this century of prodigious

activity, in which 'life's battle' condemns all of those that remain behind to ruin, the Basques too will learn to march to a progressively faster beat, but it will be at the price of their nationality and their own language." Yet again, the structural inadequacy of a minority language to adapt to the complexity of modern civilization was assumed, which would inevitably condemn it to death.

On the other hand, since the sixteenth century the language had been one of the identifying elements of the distinct Basque territories that had allowed their peculiar provincial institutions as *foral* states to be legitimized in a mythical way. Of course, it was exactly this that caused a large number of Spanish authors to attack Basque, reducing it to a mere jargon and depriving it of any dignity. During the reign of Charles IV and Ferdinand VII an anti-provincial offensive of significant scope was set in motion both on a political and a cultural level. To achieve its goals, they counted on the collaboration of a group of intellectuals that were able to prove two important thesis: first, that the Codes of Laws had not originally been agreements between the territories and the Monarchs, but rather, concessions of the Monarchs to the territories and therefore, they could abolish them at will; in these efforts both the canon José Antonio Llorente, who between 1806 and 1808 published his *Noticias históricas de las tres Provincias Vascongadas* ('Historical Notes on the Three Basque Provinces'), and Tomás González, who in 1829-30 brought to light his *Colección de cédulas, cartas-patentes, provisions...* ('Collection of Codes of Laws, Grants, Privileges...'). The second thesis explained that the Basque language, far from being cultivated, rich and expressive, was only a dialectal and mixed language, incapable of abstract expression and therefore useless for administration and self-government. In other words, the Basques utilized their language to justify unacceptable privileges. With regards to this disparaging work, several authors published their ideas: Joaquín Traggia in his article, "Navarra" in the *Diccionario Geográfico-Histórico de España por la Real Academia de la Historia* (1802), Francisco Martínez Marina in his *Ensayo crítico sobre el origen y progreso de las lenguas, señaladamente del romance castellano* (1805) and José Antonio Conde in his *Censura crítica de la pretendida antigüedad del vascuence* (1806). As a representative example of these authors' opinions regarding Euskara it is enough to mention these pearls of wisdom, among others, from José Antonio Conde: "Being as it is [Basque] a provincial dialect, which in no time period or country has been significant, and until now has remained rustic and savage like the languages of nomad villages and without culture [...] the Basque language, for as much as the apologists exaggerate in their praise, it is a rudimentary language, lacking in elegance, muddled in its composition, of unpleasant sounds and monotonous endings: is a miserable and poor language, it is like the leader of wretchedness, full of patches, mixed with poorly pronounced and even more defectively applied foreign voices, without expression nor grace: its verbs complicated with clauses and auxiliaries, that make its phrases insufferable, that never was, is or will be worth reading." One does not need to be very shrewd to realize that all of these discrediting opinions were based on the prejudice against the supposed savagery of minority languages and were based on strict criteria for political gain, given that none of these Spanish authors had even the most remote familiarity with the Basque language.

The institutional spearhead of this double campaign was the Royal Academy of History, of which many of the cited authors were members and in the

heart of which several of the publications alluded to here were developed. Of course, this propaganda contributed to legitimize the suppression of the Basque Codes of Laws, after two civil wars, and to erode even further, if possible, the already very reduced prestige of the Basque language.

Even in 1847, when Navarre had already lost its Code of Laws in 1841 and the Basque region had been imposed the Law of 1839, Juan Antonio de Iztueta in his work *Guipuzcoaco Provinciaren Condaira* (History of Gipuzkoa) stressed the intimate union between both elements, language and charters, and predicted a common future for the two: "If the Basque dies, the Code of Laws will not live; however, if the Basque language lives, the Code of Laws will be resuscitated." That the language could have the potential to cause political disintegration and that this was what the public authorities of the time believed, is undeniable. Suspicion and mistrust his even in seemingly non-political affairs, and revealed a basic lack of trust: a separate language could make the Basques "less Spanish" and even openly segregationist. Traditionally, the Basque dioceses had not been in agreement with the territorial divisions; with the Spanish Concordat with the Holy See of 1851, they planned to adapt the secular to the ecclesiastic jurisdictions. As such, in 1862, the diocese of Vitoria was created, which covered the territories of Araba, Bizkaia and Gipuzkoa. This, however, did nothing more than create a strong opposition. The considerations that the abbot elect of Collegiate Church of Santo Domingo de la Calzada, Justo Barbagero, put forth in a memorandum that made it as far as the Minister of Justice in August, 1861 is very interesting; it said, "Having the Basque regions a Bishop who speaks their language, a priest and parochial vicars who speak their language, pastoral music, sermons, and books in their language, they [the Basques] will secure themselves more and more in the language. They will try to extend it out to the limits of the three provinces, winning over lost territory, and making it a national language; and if to this they add a general appreciation for their customs, traditions, laws, that in a particular mode would authorize and sanction these things, it will have contributed to the formation of a very different nationality within Spain, and a base of political separation for those that later would have wanted to appeal for the standard of multiple nationalities."

The bitter political debate that was produced in the context of the abolition of the Code of Laws dealt with, among other aspects, this issue of language, relating it as much to the Code of Laws itself as to Basque culture in general. From February 1876, with the military defeat of the *Carlistas*, parliamentary debates and regular publications often focused on this issue of language. The ideas that were developed in Parliament, as well as in the press, revolved around old ideas that now were imposed with military force. In summary, the judicial-executive unification that implied the abolition of the Code of Laws carried with it linguistic unification, that is to say, the disappearance of Euskara and with it, all of the "Basque Civilization". In its essence, this civilization is presented as being in opposition to progress, to advancement and modern expression. These three concepts were reserved exclusively for Castilian. In 1876, under this light, the abolition of the Code of Laws was celebrated in the Madrilean newspaper, *El Imparcial* ('The Impartial'): "To take away their Codes of Laws is not enough, now we have to eliminate their language." For his part, Ángel Carvajal Fernández de Córdoba, the Marquis of Sandoval, intervened in the Chamber of Deputies

(session of March 2, 1876) in the following form: "it is necessary that all of our peoples speak the same language; in the end, it is necessary to break through the obstacle that can never be broken, that of the Basque civilization that opposes all types of progress and all of the advancements of modern thought."

However, as was insinuated above, even the defenders themselves of the Basque language share the idea of connecting the recently abolished political institutions with the survival of the language. Not only that, but they also connected it with the supposed traditional values and characteristics of the Basque people. Basque *Foralistas*, unionists and proto-nationalists shared some ideas regarding the language and its salvation, which related directly to that central idea. As such, Arturo Campion, published an article entitled "On the conservation of the Basque language," in *La Paz* (October 25, 1876). In this article he maintained that the object was "to show the strong connections that exist between the conservation of the languages and the political existence of the Basque people." He also emphasized that "the language is their nationality." Along the same lines, the same Campion, the great defender of the Basque language, shared the dominant linguistic ideology, accepting the incapacity of the Basque language for modern communication and the elaboration of scientific thought. Thus, in another article titled "El Euskara," also published in *La Paz* (April 9, 13, and 24, 1877, numbers 252, 256 and 265), after giving a heartbreaking diagnosis of the language situation in Navarre, he proposed some measures designed to save it. In addition to the creation of a Society to encourage its cultivation, increase the number of publications and create academic posts for the teaching of Basque grammar. He proposed to break the monopoly that Castilian held regarding educational matters in order to give Basque a share; however, most surprising is a concrete proposal that he formulates in the following manner: "It would be enough to teach history and religion in Basque and the remaining subjects in Castilian." That is to say, that the main subjects that embody the tradition and spirituality of the Basque people would be taught in the Basque language, a language that was acknowledged to be implicitly incapable of tackling scientific subjects that should continue to be taught in Castilian. This plan to link moral values of race with the future of the language was rooted very deeply in the *foralista* and proto-nationalist sectors. To these ends, Juan Iturralde y Suit published an article entitled "La lengua vascongada. A mi querido amigo Arturo Campion" ('Basque. To my Dear Friend Arturo Campion') in *La Paz* (May 16, 1877, number 282) in which he stated, "Observation teaches us that the existence of its language is linked to the moral existence of the Basque people: where Basque has disappeared, the traditional character of the people visibly deteriorates; peaceful customs turn violent; their religious spirit dies or is corrupted; respect for authority is lost, the noble love for their traditional freedom, this practical, Christian freedom that distinguished our people and that no one was ever able to rip from their proud chests, degenerates, and finally, wears the stamp of the most pitiful decay." In this way, it is not strange that an important part of the practical actions set forth to revitalize the Basque language during the last part of the nineteenth century and the beginning of the twentieth century would develop precisely in the religious field: popular missions, the Stations of the Cross, public praying of the Rosary, sermons during religious visits, functions in honor of the Sacred Heart of Jesus, etc. Moreover, it is not strange that some of the few publications in Basque that were printed during

these years were promoted as well by religious orders, such as *Zeruko Argia*, a journal that was founded in 1919 by the Capuchin monks of Iruñea/Pamplona. The idea, already insinuated in the eighteenth century by Agustín Cardaberaz, of language as a bastion against the penetration of divisive and destabilizing ideas and as a mainstay of Christian values, is now more developed, if such a thing is possible and is shared by some of the Bishops of the Basque diocese, such as José Oliver Hurtado and José López de Mendoza.

Not straying far from these ideas, the founder of the first Basque nationalism, Sabino Arana Goiri, who tied the essence of Basque nationalism to the purity of race and moral Christian values, conceded a secondary, although important, value to language: "If it were morally possible [to cross] an entirely, or at least partially Basque-speaking Bizkaia based on the old laws, but peopled by non-Basques, its outcome would be the most hateful thing in the world, the most despicable aberration of a people, the most unjust political evolution and the greatest lie of history [...] Great damage is done to a Basque country that has one hundred immigrants that don't speak Basque: Worse is a Basque country with only one immigrant that knows the language."

This was the situation from the middle of the nineteenth century until well into the twentieth century; the only political circles in which the vernacular languages were defended were among the traditionalists, the regionalists, the Basque nationalists and to a lesser degree, by the *Carlistas* ('Carlists'). All of these groups considered minority languages as bastions against excessively rapid progress and revolution. Meanwhile, both progressive and conservative liberals, republicans, socialists and even anarchists remained faithful to the linguistic ideology of the French Revolution: they considered that "the national language constitutes the only vehicle of culture and progress. Knowledge of it is the only guarantee of individual civil rights."

The process of industrialization began in Spain in the last third of the nineteenth century. In the political and intellectual reunions, they reinforced the previously presented idea that some languages were intrinsically more capable of scientific expression, cultivated thought and technological development than others. Naturally, the latter were condemned to fail to adapt in the context of modern, urban life and therefore, they were condemned to perdition. By sheer chance, the "capable" languages happened to be the official languages of the diverse nation-states (French, English, Spanish, German), and the "incapable" languages were those that did not possess any official status, like Basque or Breton. From his very first references to the Basque language, it was clear that this was going to be Miguel de Unamuno's central concept of thought. In the *Revista de Vizcaya* (February 15, 1886) Unamuno said, "*When speaking of Euskara it is said: Basque will disappear! And, what are we to do? Scholarly efforts will not help; if one's days are counted, what good does it do to call a doctor? Do not accuse me of being a pessimist; I say what I believe and I say it clearly. The Basque language will become extinct because it cannot withstand the collision, because it is desperately fighting for its existence against a stronger language; stronger due to its external conditions and stronger due to its internal organization.*"

For years Unamuno continued to publicly defend these basic ideas regarding the intrinsic inability of Basque to adapt to modern life and its consequent death sentence. During the Floral Games of 1901, celebrated in Bilbao, Unamuno had the nerve to insist on certifying the death of the language,

"in the age-old Euskara, modern thought does not fit; a Basque-speaking Bilbao [an exemplar of modernity], is a contradiction in terms [...] Our soul is larger now than its mortal coil: Basque is a very tight fit for us; and as its fabric and weave do not stretch, we will break it. There is also a law of economy, and it is that it costs us less force to learn Castilian than to transform Basque, which is an only too complicated instrument, very far from simplicity and lacking of means found in analytical languages." As can be assumed, these manifestations, displayed precisely at one of the few forums of culture and extolment allotted to the Basque language at that time, provoked a very angry reaction in the Basque cultural circles. However, the idea was made widely public by one of the most prestigious intellectuals of Spanish cultural life, known also in Europe. Whenever possible, Unamuno continued extolling the idea of the Basque language's inadaptability and its immanent death, "...In my native land, it was easier to have two civil wars during the past century than to adapt the Basque language to modern life" ("El inglés y el alemán", *La Nación*, Buenos Aires, Oct. 14, 1914).

In reality, Unamuno, whose socialist militancy brought him to write repeatedly in *La Lucha de Clases*, was only the spokesperson for a deeply rooted idea among the progressive Spanish ranks (republicans and, above all, the socialists) that, in turn, had inherited it from the French revolutionaries, especially the Jacobins: i.e. the equation "identity of the state = nation = single language" that gives the citizens of the same country their identity and equality. Of course, since these political parties began with the premise that Basques were Spaniards (and that the northern Basques were French) they were obligated to renounce their cultural differences in honor of the so-called Spanish uniformity. An article in the socialist newspaper *La Lucha de Clases* (Bilbao, Oct. 7, 1899) said, "given the current circumstances, we would like a Government that prohibited Floral Games where the customs of one region are praised to the detriment of another, that would not permit regionalist literature and that would wipe out all of these dialects and different languages of the nation that make men from the same country view each other as enemies and not as brothers." Of course, the much-trumpeted agony of Euskara proclaimed by Unamuno came to reinforce the Spanish political position of the PSOE, deeply contrary to Basque Nationalism, given that if there were no cultural elements distinguishing the Basques from the rest of the Spaniards, political integration of the Basques by the Spaniards would be completely coherent and logical. In other words, the socialists came to support, *a contrario*, the cultural premise of Basque nationalism that based part of its autonomous, political and even, pro-independent demands on the language as a distinguishing characteristic. As such, *La Lucha de Clase* (Bilbao, 1899) explained it clearly: "Neither the old-fashioned Basque language, nor the pathetically uniform Basque folklore offer any reason for differential political treatment. Therefore, Basque separatism has no reason to be." And some years later he insists that, "In order to reinforce the ties between the Basque Country and Spain, Euskara should disappear; for the Spanish socialists, the Basque language holds no place in modern society" (*La Lucha de Clases*, Bilbao, 1911).

What was, then, the destiny of the Basque language for Unamuno and the socialists? A museum. Basque aroused a strictly archeological interest, and it should be appropriately studied by scholars to be preserved in formaldehyde, with the intent that future generations would have a historical testament of "such

a venerable relic." Unamuno *dixit*: "Let us bury it [Basque] in hallowed ground, with dignified funeral rights, embalmed in science; we bequeath an interesting relic to scholars. And to achieve this, we study it with a scientific spirit..." (Floral Games of Bilbao, Aug. 26, 1901). But, like I say, the entire political spectrum of the Spanish and Basque left, during those years, equally supported these ideas. An unclassifiable character such as Pío Baroja, although close in thought to the anarchist and radical-republican ideas, completely supported Unamuno's idea that the Basque language "is a very tight fit for us" Basques due to its inability to express either literary or scientific ideas: "And in respect to our ancient language, it is not suited for modern thought, we all know this; I don't believe anyone would try to translate *Logic* by Hegel to the Basque language" ("El vascuence," Aug. 31, 1901). With similar Jacobin forcefulness, the Krausist intellectual and radical republican representative Hermengildo Giner de los Ríos expressed the following in 1916, "There is only one official language, only one coat of arms, only one Nation and only one flag."

Of course, the stubborn uniformity in cultural matters was not the exclusive rump of the Spanish left. On the contrary, the right wielded similar arguments in order to arrive at similar conclusions. Frequently, from the point of view of the conservative groups, whether or not Basque was suitable for modern life mattered little. The fundamental argument was that the Nation was one, and indivisible. Public support of any language other than the official one would provoke secessionism and the fragmentation of Spain. The voice of the monarchic right throughout the twentieth century was the newspaper *ABC*. They bluntly expressed this idea as such, "in Spain we should jealously guard the existence of a single official language that, to everyone's benefit, will be our cultural vehicle. It will also lend us the cohesion necessary for the nation's survival. To authorize the Catalonians, the Basques and the Galicians to be able to elevate their regional dialects to the category of an official language would produce a complete and absolute moral and political separation in Spain. Let these regions speak their dialects in the heart of their own homes and even cultivate it in literature; however, to give them the right [of making theirs an official language] that the Catalonians are asking for would be tantamount to the destruction of Spain" ("El separatismo y el idioma," *ABC*, Jan. 12, 1919).

In the field of education, the harassment and demolition of the Basque language and the establishment of a complete Castilian and French monopoly was continued to its bitter end. With regards to the Spanish situation, until the law of Moyano in 1857, the municipalities appointed all teachers. It was supposed then (although this was not always so) that City hall would attempt to select teachers that would know the Basque language in order to maintain at least minimal contact with its students in their native language. Nevertheless, starting from 1857, the nominations of teachers were transferred to the State. In Navarre, this regulation was not enforced until 1887. There was a faint-hearted and unsuccessful attempt by the Government of Gipuzkoa in 1885 and in 1895 to coordinate the actions of the four Basque territories in order to recover this lost faculty. Of course, this provision regarding teachers in the Basque Country made it so that educators would come, on a massive scale, from other Spanish regions. With this Law, it was clear that all curricular subjects were to be taught in Spanish, even though there remained an open gap for education in the vernacular languages: religion. Traditionally, the teaching of catechism was

always carried out in Basque (just like in Catalan and Galician). And, when the teachers incorporated “doctrine” into school subjects they continued to teach in the vernacular languages, given that the majority of the population spoke the language and that the teachers were capable of speaking it. At the height of 1902, this caused a significant scandal among the political class and among Spanish public opinion. The minister, Count of Romanones, submitted a Royal Decree for approval (Nov. 21, 1902) to the recently proclaimed king Alfonso XIII, which he of course ratified. The Decree strictly prohibited the teaching of catechism in any language other than Castilian. Those teachers that were caught disobeying this regulation would be admonished for the first offence and dismissed from the teaching profession on the second offence. Evidently, this aversion had strong political motivations: education, to the letter of the law, in a single language was an indispensable premise in order to have unity among citizens: “Lovers of the common homeland.” To this end, Romanones said, “It would be a leap of faith to think that if we educate the current generation without teaching them the fundamental principles of religion in Castilian, in the language of Cervantes, in that language that served us in the New World to propagate our faith and our civilization, tomorrow we would still have citizens united like brothers, lovers of a common homeland, capable of serving it and ennobling it [...] And, what results would an education, a primary education, produce that were begun by introducing such a radical division as that of the use of different languages for the education of the soul, i.e. religion, and for the education of the mind?” For its part, the ecclesiastic hierarchy did not have a better attitude towards the Basque language, and clearly shared the theory of linguistic monopoly of the official language with the State. As such, in a Circular Letter of the Bishop of Vitoria, José Cadena y Eleta, dated February 7, 1910, he was shocked that some parents would ask him to baptize their children in Basque, for that reason the Bishop unsuccessfully tried to convince these parents to desist “with their depraved intentions.”

The coup d'état by general Miguel Primo de Rivera, who turned the Spanish state into a dictatorship, which lasted from 1923 to 1931, led to harsher official, political positions regarding “regional languages.” In fact, the ideological base that had been set with the establishment of the liberal state remained the same, but now it was performed with a certain military stench and given to greater severity. For example, in 1924, the General Bureau of the Monopoly of Matches sent a notice to the retail stores where these matches were sold to return all of the boxes that did not have the whole text written in Castilian. Of course, with an official Order on February 12, 1924 and a Royal Order on Oct. 27, 1924, special care was taken to eliminate all traces of any other language, excluding Spanish. Likewise, another Royal Order (on Oct. 13, 1925) required the removal of all books not written in Spanish from the schools. And, with the Royal Decree of June 11, 1926, teachers that continued to allow the use of vernacular languages in their classes were threatened with disciplinary measures.

Meanwhile, in the French state, during those same years, those in power supported the same fundamental, linguistic criteria of the original Republic, namely: the reactionary character of the “patois” and the educational monopoly of French to achieve truly patriotic citizens. En 1924, Edouard Hériot, the Prime Minister of France and member of the Radical Party, warned of the threat of again falling “under the domination of the *patois* that the reactionaries of our

days are trying to introduce, taking advantage of ignorance in order to destroy the Republic.” That is to say, the same discourse of Barère 130 years prior. For his part, the French Minister of Public Education and the Fine Arts, Anatole de Monzie, sent a notice on Oct. 23, 1925 to the vice-chancellors regarding the use of languages or dialects in schools, in which he made use of a statement by Alfred de Musset, “Only he is truly French of heart and soul, and from head to toe, that knows, speaks and reads the French language.” For the rest, he introduced a conviction that was common among the vanquishers of the minority languages on both sides of the Pyrenees: to learn a foreign language like English, German or Russian enriched French citizens, because they were culturally superior, but to know Euskara was of no economical or cultural benefit: “The teacher that has learned French and Basque, will he have increased his human and social capacity as much as the one who knows French and German, French and English, French and Spanish or Italian, or Russian, or any other Foreign language, nourished by all of the intellectual and emotional life of a great modern people, expression of all of its activity and of its economic prosperity?” Today, ideas as inappropriate for a Minister of Education as these continue to be shared by many of his colleagues, although, of course, they abstain from proclaiming them in public.

In 1931, the second Republic of Spain was proclaimed and with it, in principle, there arrived a progressive, political regime that committed itself to acknowledging in its heart its existing cultural peculiarities. Nevertheless, the parliamentary discussion regarding the Constitution and the place of the linguistic issue within it, was very eloquent given the distrust of the protagonists (the republicans as much as the socialists) regarding this subject. Initially, the draft of the Constitution, written by the Commission said, “Castilian is the official language of the Republic, notwithstanding the rights that State laws recognize for the different provinces or regions.” However, after a debate in which Miguel Unamuno was again a significant protagonist, Article 4 of the Constitution read as follows, “Spanish is the official language of the Republic. Every Spanish citizen has the right to know it and to use it, notwithstanding the rights that State laws may recognize languages of the provinces or regions”. In each region the language of the majority of the inhabitants can be declared a co-official language. Nevertheless, knowledge of or use of a regional language may not be demanded of anyone. Unamuno, again insisting with his already classical arguments that “the Basque language was languishing in agony, and that we should only cradle it in our arms one last time and bury it with filial piety, embalmed in science”. Unamuno also expressed an opinion shared by the majority of the chamber: “I confess that I do not agree with the idea of co-official languages, but we must compromise.”

This is how the possibility of having minority languages as co-official languages in their respective Statutes of Autonomy was introduced, while leaving it entirely guaranteed that their administrative and public use remained impeded by the higher right to speak Spanish. Later, the debate regarding the Basque Statute [of Basque being a co-official language] came about. Yet again Unamuno shone, attempting to at least preventing the language from being introduced in education if it could not be prevented from becoming a co-official language. The socialist representatives from Navarre did not agree with Unamuno and complained in the following fashion, “We feel that the desire to elevate Basque to the category of an academic and cultural language is a grievous mistake. It

never was, nor ever will be, due to the poorness of its vocabulary and for Basque to serve as an instrument of university culture or simply at the high levels of primary education, it would need to be converted into a new species of Esperanto, that the Basques themselves would not understand." Well then, depending on what was foreseen for the Constitution, after an endless amount of delays and revisions, on October 4, 1936, right in the middle of the Civil War, a Statute of Autonomy was passed for the Basque Country. This Statute proclaimed Basque and Castilian co-official languages, although this did not imply the equality of both languages.

Consequently, if all official resolutions were to be bilingual and citizens were granted the right to choose in which language they preferred to interact with the government, then all documentation written in Basque that could be utilized outside of the Basque Country should obligatorily be translated to Castilian. In theory, although limited, it was a giant step forward; however, in practice, when it was passed, the majority of the Basque territory was already occupied by rebel troops and the Basque Government could only remain in power for nine months.

In any case, in the middle of the Republic, the authoritarian and fascist movements, that in the end had provoked the civil war with the elimination of the progressive regime, had already begun to take shape. Of course, these groups (the *Falange*, the Unions of the National-Syndicalist Offensive) were profoundly pro-Spanish and viewed with deep displeasure any cultural or linguistic manifestation that could threaten the "unity of the Country." The founder of the *Falange*, José Antonio Primo de Rivera, son of the dictator, expressed in 1933 that, "Spanish is no longer one. In the Constitution that governs us, you will find that this attribute of the nation has been eliminated, and in its place, many regional Statutes are being established. Within a few years we will not know if we will have to bring interpreters around with us in order to travel through lands that were once part of Spain. In each place a different language will be spoken; in each place a different history will be studied, because Spain is no longer even a grouping of regions: Spain is a Republic of self-governed territories."

But the worse was yet to come. By 1937 the war in the Basque Country was finished and a dictatorship captained by General Francisco Franco had been imposed that would last until his death in 1975. This regime, with initial fascist inspiration, rested upon a very elementary ideology, but imposed with extreme force and violence, both of which were heirs to the circumstances of the war. This ideology could be summarized as an exacerbated nationalism and anti-communism, which defended -tooth and nail- religious values, certain imperial yearnings, a totalitarian, corporative and antidemocratic conception of the state, and an authentic obsession for unity and centralization. In this context, historical nationalities, particularly Catalonia and the Basque Country, were the object of preferential attention by the Francoist regime, maximizing the political and cultural repression, especially when they were the most active foci of democratic and national resistance. Since the summer of 1937 a heavy weight of prohibition, like none ever seen before, fell over the Basque (and Catalanian) cultures. A multitude of orders were given, all focused on one primordial objective: the removal of any "regional peculiarity" and especially languages other than Castilian.

In the best of cases, the Basque language was considered something useless and superfluous, only characteristic of ignorant peasants, barely

excusable except in cases of village affairs or extreme isolation. Above all, the predominant idea was that Basque was a separatist tool and therefore, it needed to be pulled out by the roots. Needless to say, Basque was radically excluded from education at all levels. Equally, it was prohibited to speak Basque in public. During the first years of Franco's regime prohibitive orders were repeatedly given and a campaign of opinion and propaganda was developed intended to divulge one basic concept; "If you are Spanish, speak Spanish!" Put more bluntly, "Spaniard, speak the language of the Empire!"

One could say that the situation became almost childish, if it were not for the fact that these public orders had dramatic consequences, such as prohibiting saying goodbye with the term "agur" [goodbye] (Order of the Military Commander in Estella, Ricardo Sanz Iturria, Sept. 25, 1936); prohibiting the display of signs with Basque place names or surnames that were written with "k", "tx" or "b", given their separatist flavor (Ordinance of the Governor of Bizkaia and Gipuzkoa, Dec. 7, 1936); invalidating all records in the civil registry written in any other language than Castilian (Ordinance of the Ministry of Justice, Aug. 12, 1938); requiring that all public deeds be written exclusively in Castilian (Notarial Regulation, article 148, June 2, 1944); prohibiting the naming of all places of lodging with non-Spanish names (Ordinance of the Ministry of the Interior, April 8, 1939) and the general order prohibiting the use of names or name brands, signs of businesses or names of shops or businesses in any other language or dialect except Castilian (Ordinance of the Ministry of Industry and Commerce, Mayo 20, 1940) and of course, that Spaniards be given only names in Castilian, prohibiting the registration of names with a "separatist meaning" like Iñaki, Kepa o Koldobika (Ordinance of the Ministry of Justice, May 18, 1938). Certain names were considered legitimately Spanish, however, those of Certain Basque virgins, such as Begoña, Aránzazu (Arantzazu) or Iciar (Itziar). Regarding the proper names of people, the repressive frenzy reached the extreme of requiring the owners of tombs or family vaults that held their dead relatives and had their Basque names inscribed on them, to replace the inscriptions with castilianized first names (Ordinance of the Civil Governor of Bizkaia, Oct. 27, 1949). My own family suffered this situation: one of my aunts, who had been baptized and buried with the name Karmele, had the inscription of her name changed on her tomb to the very Spanish name of María del Carmen.

In an intensive fashion, at least until well into the decade of the '60s, the press in the Basque Country as well as in other parts of the state began a furious campaign to discredit Euskera. They characterized it as "peasant-like", "ordinary", "uncultured", "useless", "anti-Spanish", "dialect of villages", "separatist" and even as a "cancer of the Country". Newspapers like *Unidad*, *El Diario Vasco*, *ABC*, *Domingo* o *La Voz de España* repeatedly inserted opinion articles of this type. Meanwhile, out on the streets, first the Civil Guard, and later the secret police monitored their neighbors' conversations to identify what language they were using. If it turned out that they were using a language other than Spanish, for the first offense one received only a warning. For the following offenses one was detained and fined. The police officials were even able to intervene in the Church regarding this behavior. Bribes were sent to the parish priests so they would not preach in Basque. If their parishioners were mostly Basque-speaking and had difficulty understanding Castilian, only a brief summary in Basque was permitted after the sermon in Spanish. This was done

at services that were held at untimely hours. It got to the point that priests were detained and fined for preaching in Basque. What happened in 1938 is extremely illustrative of this situation: The Bishop of Vitoria announced some rules regarding preaching in the diocese. These rules ignored the restrictions given by the military regarding the use of Basque. Immediately afterwards, the Minister of Public Order, the sadly celebrated Severiano Martínez Anido, who years before had left a trail of death in Catalonia during the dirty war against the Unions, passed an Ordinance that clearly stated that the least minor infraction regarding the use of other languages would not be tolerated. The linguistic prohibitions were not without justification: to express oneself in a language other than Castilian was a dividing issue among the people, and against the spirit of unity that had inspired the war: "but what is achieved is a threat to the principle of unity of our Holy Crusade, dividing the population into casts and groups and leading to a spiritual separation [...] in the provinces in which the indignant pairing of Marxism and separatism join forces that lead to days of sadness and disgrace for our Country. The use of Basque could serve as a pretext to revive insane and criminal passions, and that one more region would be bait on the hook to catch the bad patriots [...] I ratify the order that not in the capital, not among heads of parties nor important towns will they vary or alter in the least degree from what I have decreed about the use of the Spanish language; and only by exception, in some small villages or towns in the mountainous regions where the existence of schools is precarious, and where the distant and scant connection to urban centers could justify the use of Basque as an advantage due to the lack of complete understanding of Spanish, only in those cases will the Basque language be utilized."

In times of imperial yearning, solid unity and refined loyalties to the New Spain, the intellectuals faithful to the regime, of which there were many after the war, used supposedly reasonable arguments, mostly responding to political opportunism, to justify the exclusive adoption of Castilian as the only official language of the Country. Among their various arguments, one of the long-standing favorites was the importance of a universal language versus the supposed narrowness and limitation of "vernacular" languages. For example, in a conference given at the University of Barcelona by professor Ángel González Palencia in June of 1939, he said, "We must keep a singular language as an instrument of power, sure of ourselves, as Nebrija rightly said, Language is the companion of the Empire. And we must convince those who are convinced of the opposite that it is crazy to dispense with a language that is understood by eighty million people in the world to use another that is only useful for familial purposes."

In post-war Spain, parts of the Basque Church tried to create a spark of insurrection against the imposition of Spanish only; however, when some articles and notes began to be published in the ecclesiastic journals in Basque, the authorities took the trouble to remind them about the strict prohibition that existed against publishing anything in Basque. The following are just some of the religious journals that in April of 1947 received an order that said, "By Order of the Government, the use of Basque in the journal that you publish is categorically prohibited." Practically the only form of communication during the '50s that had been partially authorized to use the Basque language was Loyola Popular Radio, owned by the Society of Jesus. However, until well into the '60s, only strictly

religious content, the news -excluding recent events- and music requested by the listeners were authorized for use in Basque.

The very special political situation which Spain was experiencing after the death of Franco in 1975 and the transition toward a new democratic order made it so the majority of the political parties at the level of state, PSOE and UCD at that time, later PP gave way, with some displeasure, to the establishment of a regime of self-governing regions that, among other things, contemplated the possibility of co-official languages in their respective territories. In fact, among the Spanish politicians there existed two opposing feelings on the topic: on the one side, the guilty conscience caused by the brutal linguistic repression during the Franco regime and on the other side, the roots of Spanish prejudice. So it was understood that, in 1976, while one side took steps towards approving a Constitution and a Statute of Autonomy that permitted vernacular languages to be co-official, on the other side, Adolfo Suárez, who was most responsible for the political transition, and was an ex-member of the Falange, as well as the first President of Government after the dictatorship. While being interviewed by a columnist of the newspaper *Paris-Match* about if “he would complete his Bachelors of Arts in Basque or Catalan?” he retorted sharply, “Your question, excuse me, is idiotic. First find me professors that could teach nuclear physics in Basque.”

Finally, the Spanish Constitution of 1978 instituted in article 3 that Spanish was the official language of the State and that “all Spaniards have the obligation of knowing it and the right to use it.” For its part, the Statute of Autonomy for the Community of the Basque country in 1979, in article 6, established the Basque and Catalan languages as co-official, adding, “no one can be discriminated against based on the language they speak.” In the Law of Reintegration and Betterment for the Code of Laws of Navarre of 1982, in article 9 stated that in addition to Castilian as the official language of the community, “Basque will also be an official language in the Basque speaking areas.” That is to say, Basques and Navarrese being considered Spanish citizens are obliged to know the Spanish language. Notwithstanding, in the Autonomous Basque community, although Basque may be an official language, no one is obliged to know it. They only have the right to use it. And, in Navarre, its official status is limited to a part of its territory, leaving the rest of the community in a state of limbo. In any case, the legal differences that were established from the very first moment between the Basque and Navarre communities were very important. While the Basque Communities equipped themselves with a legal instrument, the Law of Normalization of the Use of Euskera (Nov. 24, 1982), that supported the promotion, recuperation and a certain positive attitudes towards the language, the Navarrese Basque Law (Dec. 15, 1986) established three zones which divided the land: a Basque-speaking one, a mixed one and a Spanish-speaking one, restricting the role of Basque as an official language to the first.

The linguistic situation in Navarre deserves its own commentary. The essence of the Navarrese ideology, from the years of the transition to modern day, resides in its anti-Basque tendencies and especially its anti-Basque tendency towards the language. This ideology is the essential base of the ruling party, UPN. However, it has even come to influence the parties of the left, PSOE and the United Left. Navarre does not possess any particular identifying signs except being part of the old “Reyno” (it is written like this and not “Reino” to reinforce its

roots in ancient times prior to the Spanish unification) and its old chartered legal system. Both of these characteristics were ambiguous and not exclusive due to the fact that the kingdom of Navarre had spanned over *other* Basque territories at some point in time and because the Codes of Laws had been a characteristic of other Basque states as well. The only true identifying characteristics that allow Navarre to support pro-Spanish tendencies and a regionalist element, is placing itself squarely against Basque nationalism, which derived its nationalism essentially from a linguistic point of view. Therefore, Navarre has come to center its political message precisely on the linguistic sphere. If Basque nationalism defends the Basque language as a basic element of nationality, Navarrese politics should do just the opposite: *De-Basque-ify* Navarre. In this sense, Navarre has gone so far as to retouch the history books to make light of the Basque past in the territory of Navarre. In various great commemorative exhibitions, promoted by the Government of Navarre (the last one in the palace of the Constable of Irun 2008-9), of a historical-archeological type, references to Basque pieces were removed in order to make the items pass for Visigoth. This caused no minor scandal among the scientific community. Of course they have also promoted studies that attempt to minimize the historic weight of the Basque language in the Community of Navarre.

The persecution of anything sounding even minimally like Basque in Navarre in recent times has come close to the pathetic and the ridiculous with the repeated prohibition of the Christmas celebration of *Olentzero* (the Basque Santa Claus) in some places, especially in Iruñea/Pamplona (the last time it was prohibited here was Christmas of 2008). The political-ideological nature of the matter is quite clear; some of the most characteristic spokespeople for "Navarrism" and "Anti-Basquism" have declared it repeatedly with noticeable clarity. An example of this is Jaime Ignacio Del Burgo, who in the year 2000 stated, "The problem [with Basque] is political. Let us speak with clarity (...) the question of the Basque language in Navarre is intimately tied to the Navarre-Basque Country conflict." Another example is the Bishop of Pamplona, Fernando Sebastián, who assures in 2002 that the Basque language is "the main instrument of the Basque revolution in the field of culture, the base and foundation of everything else" ("La conciencia cristiana ante el terrorismo," *Diario de Navarra*, Jan. 17, 2002). With this, navarrism broke with the old tradition of the Navarrese right as supportive of anything Basque that was in practice at least since the First Carlist War (1833-1839) until the War in 1936. Thus, for more than a century Navarrese traditionalists, *Fueristas* and Carlists were the defenders of the Basque essence of Navarre and the promoters, to a greater or lesser degree, of the Basque language, in a more rhetorical than efficient manner. In this sense, the opinions of the most prestigious leaders and ideologists of the pre-war Navarrese right like Víctor Pradera, Eladio Esparza or Raimundo García "Garcilaso" are well-known.

Things are as follows: the policy followed by UPN (Unión del Pueblo Navarro/Navarrese Peoples Union) and reinforced by the CDN (Convergencia Democrática de Navarra/Convergence of Navarrese Democrats) and the PSN (Partido Socialista de Navarra/Navarrese Socialist Party) since 1980 until today has been based on a perpetual exaltation of the Spanish language and the placement of all possible obstacles in the way of all areas of Basque public life. The central idea is that any advance, promotion or reverse discrimination in favor

of Basque is one more step in favor of the construction of a Basque nation and one more step toward fomenting separatism, the fight against which translates directly into the opposition against the Basque language. The Law of the Basque Language of 1986, passed while PSN governed in Navarre, was powerless from its beginning; various proposed amendments by right-wing political groups dramatically lessened the force of the law, which was to protect and promote the Basque language and to convert the language into a mere instrument of recognition for the existence of a linguistic minority that should at least be supported. For example, where the original text had “recover” the language and “promote it”, it was changed to “protect it”; the right to “interact with the Administration [in Basque]” was substituted with “address the Administration”; an initial proposal that the administration “encourage” the Basque language was changed to “protect it”. The idea of bilingual name places was restricted to the Basque-speaking zones while the rest of the community remained with the Spanish versions. Later, successive modification continued the process of disempowerment of the initial idea of co-official languages to such a degree that even in the official Basque-speaking areas the public presence of the language was compromised. In 1994 the governmental leader of Navarre passed a decree about the use of Basque in the Administration, making it obligatory to have bilingual forms and signs, among other measures. In 2001, the tide was stemmed once again with the disappearance of the bilingual road and building signs and removing a supposed offense limiting the assessment of the Basque for monolingual Spanish speakers for positions in public administrative positions or promotions within public administration. The sad conclusion made by the Observatory for Linguistic Rights in 2003 was devastating: “It is evident that the Government of Navarre itself has been, and currently is, the principle agent of restriction that causes the Navarrese citizens to suffer in their linguistic rights. The Government of Navarre, with discriminatory criteria acts against its citizens: while it protects and guarantees linguistic rights to all of its Spanish speakers, it systematically hurts the rights of the Basque-speakers.”

It is in the means of communication that the Navarrese administration has done everything possible to limit the public presence of Euskara. The case of *Euskal Herria Irratia* is especially flagrant; radio stations that broadcast exclusively in Basque since 1988 in the area of Iruñea/Pamplona have been excluded from the beginning from advertising and public funds and must broadcast in a *non-legal* form having been denied a license to broadcast at repeated hearings held at irregular intervals. No problem has been encountered by radio stations such as *Net 21* and *Radio Universidad de Navarra* that broadcast in Castilian and are ideologically closer to the Navarrese government in obtaining a license. The scandalous awarding of licenses in 1990 and 1998 was so extreme that the Superior Court of Justice of Navarre invalidated all of those licenses, which was enough to cause the government to finally award a license to *Euskal Herria Irratia* in 2006, for which the case is again in the courts. This case is not unique; it can be said that the awarding of licenses and the drastic reduction in federal subsidies to Basque language communications companies is the rule, not the exception in Navarre. This, for example, has led to the end of television station *Ttapi-ttapa* of Etxalar that broadcast in Basque for the region of Baztan-Bidasoa until February of 2009. Unfortunately, it is possible that is not the only case, given that the subsidies from the Government of Navarre in 2009 for 31 media

companies (press, radio and television) that produce material in Basque has decreased by 96%, from 310,000 Euros to only 9,567 Euros.

The break in legality by the Navarrese administration, conceding licenses fraudulently to radio stations, denying subsidies to Basque language communications companies, breaking the norms regarding public signage, etc. has sounded the alarm of international organizations that on repeated occasions have called attention to this attitude by the Navarrese authorities. In its reports from 2005 and 2008, the Committee of Experts of the Council of Europe, who carry out the monitoring of the International Treaty of the European Letter of Regional or Minority Languages, point out Navarre as one of the most flagrant violators of the treaty. The Committee of Ministries of the Council of Europe personally urged the Government of Navarre to correct this attitude, which had the opposite effect as can be seen above.

In any case, as the Basque language began to take timid steps towards its process of recuperation beginning in the 1980s, establishing itself in the field of education, appearing in the means of communication, making its presence known in certain public presentations. As a consequence, a fierce political campaign by the most conservative Spanish communication companies and sectors to discredit and criminalize the language also began. The intention of those sectors (*ABC, El Mundo, La Razón, COPE, Libertad Digital, ...*) is to include the language with the “radical nationalist and terrorist” situation and as “an instrument of service to ETA” with repeatedly strange statements against the *Ikastolas* (Basque language schools), the organizations for adult education of Basque (HABE and AEK), intellectuals who research Basque and use the language itself. Basing it on the premise that current Basque nationalism and in all its facets is a cultural nationalism based on a linguistic attribute, it is easy to take the next step to identify nationalism with “terrorism” and place the blame for this on the language. In this sense, Daniel Múgica stated, “It is known that in their offices (those of AEK) the theory of hate is taught to future terrorists” (*El Mundo*, April 4, 2002); Ederne Uriarte (Full Professor at UPV-EHU) said, “The problem that definitively weighs down on the future (of Euskera) is its appropriation by the most radical nationalist groups, with the support of the moderates. The ethnic component of nationalism, and with it, all of its fanaticism, is today concentrated in the Basque language” (*ABC*, Feb. 26, 2003); and continuing with the argument and drawing the pertinent conclusions is Mikel Azurmendi (essayist), “I will not speak any longer in Euskara because it is the language of ETA” (*Diario de Noticias*, Jan. 19, 2003).

Other, less radical Spanish sectors of the population feel that the ‘concession’ of the co-officiality of languages in the Statutes of Autonomy was a mistake, detrimental to Spanish, which has ‘ended up being expelled from schools and the public administration’. They admire and wish for French severity that has made no room whatsoever for ‘regional languages’. This, they maintain, has allowed France to keep an element of fundamental cohesion among citizens of the same state. The same people think that Castilian is unappreciated and disparaged in Spain, and they support the idea of lowering the quota of ‘particular languages’. These mainstream parties currently interpret the linguistic co-officiality concession as ‘opening the door to the rivalry between the vernacular languages of Galicia, Euscalerría [sic], and Catalonia on the one hand and Spanish or Castilian, the language common to all Spaniards’ (from the

PSOE web page). Generally speaking all advancements of these languages, i.e. use in teaching, means of communication, or public institutions is interpreted as 'rivalry', and as a consequence, any progress in this sense is hampered as much as possible. In 1983 the President of the Spanish Government, Felipe González encouraged the Attorney General to issue an appeal of unconstitutionality against seven articles of the 1982 Normalization Law concerning the use of Euskara; in 1986 the Constitutional Court declared three of those articles unconstitutional. Among them was n. 8.3 that had been approved by the Basque Parliament and established the following: 'public powers can use Basque exclusively within the sphere of local administration, when according to the socio-linguistic make-up of the municipality, this would not infringe citizens' rights'. In practice, this implied the impossibility of carrying out municipal administrative business only in Basque, as wished for by the UEMA, the association of Basque-speaking municipalities.

Of course, following the path marked a century ago, the followers of Unamuno's thought chalk down Euskara's loss of ground to its own incapacity and backward nature, regardless of the prohibitions, coercions, and other limitations that the speakers were subject to and that forced them to abandon its use. This also implies that any effort to revitalize the language is expensive and wasteful, and the most convenient thing would be to let it die out.

The speech of Juan Carlos I, King of Spain, when he handed out the Cervantes Prizes in the year 2001 was argued along those very lines (April 23): "Our language was never imposed, but it was rather a meeting point; nobody was ever forced to speak Castilian; it was rather the most diverse peoples that made the language of Cervantes theirs by their own absolute free will"; similar statements were made by Pilar del Castillo, Minister of Education for the Popular Party, enhancing these opinions: 'It remains to be seen if it has ever been prohibited to speak a specific language in Spain, and to what degree' (May 13, 2001); Jon Juaristi, among other things the Director of the National Library and of the Cervantes Institute, also takes up similar arguments: 'Basque has never been persecuted, but rather abandoned spontaneously by its speakers, aware that it was not worth much, so that reinstating it in the public domain has no historical justification' (*Diario de Noticias*, January 19, 2003).

Complaints aired by Spanish speakers because of the supposed injustices suffered in bilingual communities that make them feel discriminated against have multiplied over recent years. The importance of speaking a specific language to compete for certain jobs has been interpreted as discrimination by those who do not speak that language. In actual fact, however, the possibility of leading a normal life in Basque in any of the Basque territories is currently minimal, whereas those who wish to lead their life in Spanish or French in their respective states have no problem at all. Those who wish to suppress the requisite of knowing Basque to access certain positions in the public administration and relegate knowledge of the language to a simple merit are in fact trying to make it impossible for a citizen to be attended to in either language indistinctly, and wish to step back in time to when minority languages had no protection at all and linguistic oppression was total.

In the very democratic France, in the mean time, the situation of Basque has been even worse. The basic Republican principle of equality is based on not acknowledging the existence and rights of any language but French, so that the so-called 'regional languages' have never been given any recognition at all.

Monolingualism is a fundamentally complementary idea to the basic principles of the Nation-State. As a consequence, the French state practiced a voluntary, continued, and systematic policy of inequality favoring French throughout the 19th and 20th centuries, which left the other 8 languages spoken in the French territory at a great disadvantage. Needless to say, there has never been a plan of normalization and revitalization of these languages, only feeble and limited actions taken by the state that merely took stock of the different linguistic realities existing in France, what is known as *aménagement linguistique*. Basically the only steps taken in this direction were the so-called Deixonne Law (January 11, 1951), which authorized optional teaching in these languages. This law refers to 'local languages and dialects', which are actively spoken in certain parts of France: they are not even called 'regional' languages. Moreover, an important aspect is unmentioned: financial support to teach these languages. In fact, the Falloux Law (March 15, 1858), which is still in force and regulated this aspect, fixed to 10% the contribution of regional and local administrations to private schools. This essentially prevents the possibility of financing the private educational sector, the only context where classes could be taught in other languages but French, since this could never happen in public education. In the specific case of Basque, as well as in other cases, immersion schooling in Basque is carried out in the Ikastolas, private schools managed by Seaska, whose possibility of receiving funds is also limited by this law from 1858. All attempts at modifying or suppressing this law have been unsuccessful up to now. In 1966 a very timid process of decentralization was set in motion that congealed around the establishment of the regions, and on this occasion the situation of what was termed for the first time 'regional languages' was approached after a public document was issued titled: "*Création de commissions académiques d'études régionales*" (October 24, 1966). Except in the cases of Alsace and Corsica, however, in no other case did the borders of the regions coincide with the areas where the regional languages were spoken, which made any official recognition of these languages difficult. Other very timid steps towards linguistic tolerance have been taken: since 1970, for instance, regional languages can be optionally used in the entrance exams to French universities. Moreover, the Savary Circular Letter dated June 21, 1982, Lionel Jospin's Law of July 10, 1989, and a Circular Letter of the Minister of Education François Bayrou dated April 7, 1995, make it possible for regional languages to be inserted in the educational system.

In the mean time, the official disdain for the "patois", united to the impellent need to know French in order to be able to promote oneself within a modern society caused a linguistic collapse in the Basque Country north of the Pyrenees in the 20th century. The lack of prestige and public presence, the feeling of uselessness and deeply rooted social prejudices (the same we would find in other societies with a similar status) all conspired to break the last, the only line of linguistic transmission, that of the family. The result was that, according to the Atlas of endangered languages collected by UNESCO in 2002, the Basque Country within the French state fits the profile of this sad group, as one of the criteria to be classified as endangered is that less than 30% of the young population is able to speak the language. The majority of the other minority languages of France also pertains to this group.

As a consequence, France at the beginning of the 21st century has become the European state most reluctant to cultural diversity and that practices

a linguistic policy of strict uniformity. This has caused significant imbalance in the face of the European Union, which is more sensitive to this matter. In 1992, in fact, ratifying the Maastricht Treaty meant that French could become one of the few official languages of the Union. However, since the 1958 Constitution did not mention the language, it had to be amended by amendment 43, which affected article 2 that said clearly: "The language of the Republic is French." On the one hand, membership in the EU implied adhesion to the European Charter for Regional or Minority Languages, created in Strasbourg on November 5, 1992, which supposed a minimum recognition for minority languages, opening the possibility of their officiality. Open to the ratification of the different countries in November of the same year, it was enforced on the European level in 1998 and was ratified more or less willingly by each member state. Spain ratified the Charter in 2001 (BOE n. 222, Saturday 15th of September 2001/ 34733). France refused to sign stating that it would go against the Republic's basic constitutional principle of equality among its citizens. In fact the State Council issued a resolution in 1996 declaring that text unconstitutional. This notwithstanding, an expert opinion by Guy Carcassonne was required in 1998, and he decided that it was possible to subscribe to the Charter as long as it was intended as representing the rights of individual speakers, not those of communities.

In other words, the Basque people (and the other linguistic communities) had no status as a people: only the totality of the population had that status, as French people. Of the 434 articles composing the Charter, a minimum of 35 had to be agreed to for the Charter to be signed; France agreed and signed to 39 of them, but was stuck again when it came to ratifying the document. The Constitutional Council established that article 1 of the Charter established peoples' collective rights and was thus incompatible with the French Constitution. The ratification of the document was blocked.

In any case, the interesting point of the debate from an ideological perspective is what is really at stake: the recognition of ethnic groups as separate entities within the Republic or not. The first conflictive concept is that of the "territory" in which a minority language is used. Compared to the clear definition of territories related to languages in the Charter, French legal experts and linguists maintain the linguistic phenomenon only happens in people's minds and has no ties to the territory. Moreover, they maintain that recognizing different linguistic communities opens the door to nationalistic and separatist movements. Bernard Cerquiglini, in *Les langues de France* (1999), referring to the concept of "territory of a language" states that "the only scientific justification is based on statistics and is of little interest: it only distinguishes the area where the majority of speakers of a specific language currently concentrates [...] the real territory of a language is the speaker's brain". On the other hand, Guy Carcassonne, who had been required as maximum legal expert in these matters in 1999 by the French Government to explain all possible implications of the Charter issued his report with the following title: *Étude sur la compatibilité entre la Charte européenne des langues régionales ou minoritaires et la Constitution*; about the territoriality of a language, he says: "The concept of a regional localization of a language is equally dangerous because it suggests that there could be a unity, and even an identity among the three notions of region, language, ethnic group, whereas they should stay separate". That is, the linguistic phenomenon is limited to its neurological dimension, denying the importance of all its social, geographic, psychological,

historical implications, and by extension, not considering the political ones. Of course, the existence of “linguistic communities” is flatly denied, as well as any ethnic or cultural identity. All things ‘different’ threaten the Republican dogma of equality, which crucially relies on the criterion of uniformity. Differences must be suppressed, which entails assimilation in so far as languages are concerned. All positions in defense of peculiarities are despitely accused of being *communitariste*, i.e. focused on indentitary introspection, idealization of the village, with nationalistic tendencies highlighting the peculiarities of separate communities. French dominant ideology allows for nationalism, as well as the most vulgar brand of chauvinism, as long as these are, of course, exclusively French.

In December 2006 there was a new attempt at carrying out a constitutional reform that would allow for ratification of the European Charter, since according to the promoters of the initiative only France and Turkey had not done it yet. On behalf of the government, François Baroin, then Minister of Colonies, requested a negative vote, since the resolution of the Constitutional Council stated that ‘the Charter threatens the unity of the French people, the indivisibility of the Republic and equality before the law, since it endows groups of speakers of regional, or minority languages with special rights’ and it planted the seeds for “serious social divergence.” The French National Assembly ended up rejecting the parliamentary initiative. The UE Treaty of Lisbon (December, 12, 2007) included the Charter of Languages, so that signing the first meant also ratifying the second. In 2008, when only France had not subscribed to the Charter, and was therefore outside the scope of the Treaty of Lisbon, various initiatives to modify the relevant articles of the Constitution were proposed. In April 2009, the National Assembly rejected again a thorough reform of article 2, but a few weeks later, on May 22, UMP presented an amendment to the same Assembly that was passed, so that the following text had to be added to its text: “The regional languages are some of the Nation’s assets.” A virulent controversy ensued: the Academy of the French Language rejected the reform of article 1 of the Constitution in a very categorical manner (June 16, 2008); their main complaint was that this proposed the “regional languages” to French (article 2). “It seems to us that placing regional languages before French in the Constitution is illogical and negates the essence of the Republic, creating confusion as to what is a nation, and making it an object for political debate.” It required that the text passed by the members of parliament be withdrawn, since “it affected national identity.” The scientific journal *Nature* also entered the fray, with an editorial in which it favored the recognition of regional languages as belonging to the wealth of French cultural heritage, and underlining the fact that “languages enrich one another,” against the position defended by the Academy of the French Language. Academics weigh in a lot on French public opinion, so that the Senate on June 18 blocked the proposal passed by the Lower Chamber on May 22. At last, the much debated constitutional reform took place on July 21, 2008, modifying an article (but neither n. 1 nor n. 2, as it had been tried before), in fact it was n. 75 where the cultural and linguistic diversity of the Republic was recognized as soberly as possible, in a non prominent position of the Constitution. French uniformity and its strong roots have caused this meandering path to accept a text that would recognize linguistic diversity, which in other countries was accepted in a much less dramatic manner, even when these countries had an equally diverse ethnic

and linguistic make-up as France.

This matter ended up affecting Spain when, in June of the same year, a group of well-known intellectuals made known a *Manifesto for a Common Language* where they required modifications to the Spanish Constitution and to some of the Statutes of Autonomy to include new norms that would guarantee the supremacy of Castilian and avoided possible monolingual situations in certain areas, which would “discriminate, exclude or underestimate monolingual Castilian citizens”. The polemic raged on south of the Pyrenees as well, of course, and the Association of writers in Galician, Basque and Catalan, GALEUSCA, on the one hand, and a group of university professors on the other, produced a series of Counter-manifestos in which they criticized the ideological and self-serving side of the *Manifesto for a Common Language* and supported multilingualism.

Over the last 220 years, Spanish and French linguistic and political nationalism has presented the imbalance among languages as natural and unavoidable processes, whereas they are the consequence of special interests, conflicts, and military and economic domination. Needless to say, this posture does not recognize that the imposition of a specific language entails demeaning the others into minority languages in the best of cases, and their death in the worst. These ideologues maintain that no one is guilty of the ground lost by Basque, since it is a fatal process no one is responsible for: “Who should be responsible for this process? The impersonal factors that caused it? The generations before us? Will we have to re-write universal history? No justice is due to the language because no crime was ever committed; and if there was, such a crime would have exceeded the statute of limitation” (from Aurelio Arteta, “El engaño de la lengua minorizada” *Diario de Noticias*, May 8, 1997).

Moreover, they reject the idea that “linguistic diversity is a cultural asset and a source of richness” (Ignacio Aranaz, “El euskera como riqueza” *Diario de Navarra*, November 28, 2001, p. 23).

According to them, these assets are only produced by “international” and “highly civilized” languages, whereas minority languages are a mere hindrance to learning a (worthwhile) language and its culture well. In this context, the undeniable and coercive imposition of French and Spanish on other peoples is contradicted, while these acts are explained away as natural consequences of the intrinsic superiority of those languages compared to the inefficiency and ineptitude of Quechua, Aimara, Basque, Breton, or Asturian. According to this ideology, the populations that spoke other languages, well aware of their linguistic inferiority – especially of the fact that the archaic nature of their languages made them useless for the communication of higher concepts- freely accepted the imposition of dominant languages in the name of collective progress.

The arguments used to “prove” the supposed superiority of a language over others are insufficient, as well as heavily ideological, for instance the fact that Spanish serves a wide community of speakers (the much-trumpeted “400 million Spanish speakers”) is not a symptom of its superiority, but rather the evidence of a colonial past. Or the fact that there is little internal variation, few and mild dialectal differences, which is in part debatable considering the spread of the language and in part the result of the imposition of standard Spanish in schools and means of communication. In conclusion, the intrinsic superiority of a language –which is what is proposed by certain parties- has no scientific validity,

all the more so given that the arguments are ideological in nature. Of course a language that is continuously supported by a large administrative apparatus is superior to another in its possibilities, where the other is a minority language that lacks all administrative support, is forced to being used almost exclusively orally and thus becomes inefficient at covering all aspects of a life of complex relations. But this has nothing to do with being 'intrinsically inferior' to the other. This brings us back to the old –and false- dilemma between languages and dialects, which has no scientific value and is therefore only established on socio-political grounds. Someone did say that a language is a dialect with cannons.

The Spanish neo-nationalist offensive presents all things Spanish as a symbol of modernity and progress, and the Spanish language as a tool for harmony, democracy, economic advancement ("the eighth economy in the world"), serving a Pan-Hispanic community, as well as being one of the international languages of culture. All of this leaves all other "Spanish" languages to the reductionist space of "reactionary atavism and regionalism." It is also argued that knowing more than one language hinders schooling and that the use of a "small" language goes against universalism and internationalism. Within this framework, studying English as a second language is perceived as a sign of culture and internationalism, whereas studying Basque is an incorrigible symptom of rural thinking and backwardness.

The key to the survival of languages is based on the social prestige they are able to attain. Basque has been accused of being rural, archaic, an instrument of terrorism, incapable of evolution, incompetent for the expression of higher intellectual concepts, difficult to learn, an instrument of social disruption, without literary tradition, reduced to orality, dialectally fragmented, with few speakers, a minority language in its own country, and it only has the saving graces of being an ancient pre-Indo-European language, loved to death by the Basques, even if they don't really speak it. When a language such as Basque has been accused of all the preceding crimes, it is understandably difficult to overcome prejudices, difficulties and become a prestige language. This notwithstanding, winning this ideological battle is the only guarantee for Basque to survive in the 21st century.

2.2. A POLITICAL THEORY OF LANGUAGES

The Basque language was the victim of the creation of centralised states at the beginning of the 19th century. It was the victim of 'linguicide' laws that brutally excluded certain languages, dialects and linguistic varieties and has brought them to the brink of extinction. Said laws, however, are the product of an ideological current fuelled by the single idea that it is necessary to eliminate all national cultures so as to favor the official culture of a unitary state. The unity of the state can, moreover, only be maintained by uniforming its peoples. If this is the premise on which to build a unitary state, then the French state, born in 1789, and the Spanish state, born from the political process following the Second Carlist War in 1876, maintain their multi-national nature through the systematic violation of certain basic rights, such as cultural rights, and of linguistic rights among them.

Let us enumerate some of the supporting pillars of the ideology and doctrine of a theory of languages – or more precisely, of a *political* theory of languages – that has fuelled the abundant French and Spanish political literature on language during the last 220 years:

1. Basque, as such, does not exist, since it is a conglomerate of non mutually intelligible dialects: *Basque, this has to be said, does not exist as a unit, since it's a conglomerate of dialects, whose speakers sometimes do not understand one another. My four grandparents were Basque like my parents; two of them could not understand each other in Basque, since they were from different regions: one from Bizkaia and the other from Gipuzkoa*¹⁰⁵.
 - a. Unamuno even denies the possibility of fomenting a unified, standardized language, such as the one that exists and is used nowadays, i.e. 'Euskara Batua' or standardized Euskara, and, *¿What happened? Because an artificial language was created, just like the one the Irish are trying to create now; since an artificial language was created, it has ended up being a type of 'Volapuk', i.e. perfectly unintelligible*¹⁰⁶.
2. Basque is about to die out and nothing can be done to avoid this: *Basque is about to die out and no human force can avoid its extinction; that is the law of life. Let us not be sad at the death of its body, since its demise will enable its soul to survive better*¹⁰⁷. Even Ricardo Baroja, brother of the famous writer Pío, assured his audience that *Basque is dying before our eyes. The flame of this charming and mysterious language falters near death like a lamp with no oil, at a conference at the Polytechnic Institute in Irun on October 26, 1931*¹⁰⁸.
 - a. Facing this reality, there is nothing else to do but to be resigned to the idea that nothing can be done to save Basque from extinction, *about thirty years ago, there in my native country, I gave a speech that stirred my countrymen to great emotion and sadness, a speech where I told them that Basque was agonizing, and that the only thing left for us to do was to cradle it and bury it with filial pity, and leave it embalmed in linguistic science*¹⁰⁹. He also repeats at some other point: *the only thing left to do, and I already said this in Bilbao, is to enbalm it through scientific study, and cradle its mortal coil with filial pity in our arms before it is lost to oblivion; we need to raise a mausoleum in its honor*¹¹⁰.
 - b. It is a 'natural' death, so that it is useless and 'unnatural' to demand that a language exist under these circumstances and not die out:

105. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano, Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

106. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano, Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

107. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P 373.

108. Ariztimuño Olaso, José, *Aitzol*, "La muerte del euskera o los profetas de mal agüero", 1931.

109. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano, Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

110. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P 397.

This continues to this day, this agony continues; it is sad, but this is a fact and just as it seems really impious to help a dying man to part from this world, for instance one's dying mother, it seems to me much more impious to prolong an artificial existence using drugs¹¹¹.

- c. The only viable thing to do with Basque is to study it as if it were an item in a museum, a historical curiosity or a dead language, as Classical Latin or Greek: *And what about Basque? Beautiful monument to be studied! Venerable relic! Honorable title of nobility! Let us bury it in hallowed ground, with a well-deserved, dignified funeral, embalmed by science; let us leave this inheritance as a very interesting relic to researchers. In order to achieve this, let us study it with scientific methods as well as with love, with no preconceived ideas, regardless of previous theses about this topic, but rather taking note of what is there and let us study it with the most rigorous scientific methods that linguistic science has to offer¹¹².*
 - d. In the last instance, it is preferable to extirpate at the root these languages and make them disappear: *the destruction of our patois cannot be but agreeable in the eyes of God; it will be a great advantage to us, and politics will benefit from it too¹¹³.*
3. The real reason for the death of Basque is not 'external' (i.e. prohibitions of impositions of an official language), but rather 'internal', i.e. linguistic in nature, deriving from the incapacity of the language to survive, to evolve in accordance with evolving times: *even if the majority of my countrymen were convinced that Basque is dying out, they believe that this is due to external causes, to official pressure, the fact that those that could speak it choose not to, the development of commerce; I am convinced, on the other hand, that the main cause is internal, and it is based on Euskera's incapacity to develop into a language of culture¹¹⁴.*
- a. Unamuno upheld a strange theory that maintained that Basque was a language that had not evolved since prehistory, which in his opinion explained the incapacity of this language to express concepts specific to modern thought. *There is another criterion, and that is the one of evolution. Languages follow a process starting from their origin, and, unless we deny progress, we cannot deny that those languages that have evolved most from their original state are closer*

111. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano*, *Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

112. Unamuno, Miguel, *Discurso para los Juegos Florales de Bilbao*, agosto 26, 1901.

113. 'La destruction de notre patois ne peut être qu'agréable à Dieu; elle le sera beaucoup à nous, et la politique ne saurait y perdre'. Gazier, A. (Ed.), *Lettres à Grégoire sur les Patois de France (1790-1794)*. *Documents inédits sur la langue, les mœurs et l'état des esprits dans les diverses régions de la France, au début de la Révolution*, Slatkine Reprints, Genève, 1969. Pp. 94-95.

114. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P 382.

- to perfection¹¹⁵. From this perspective, Basque was a 'fossilized language', a petrified prehistoric relic.
- b. According to Unamuno's theory of languages, these evolved, all of them, by enriching their morphology by means of complex syntactic mechanisms, so that these languages would be more modern if their morphosyntactic mechanisms had 'evolved' more: *Modern languages have a tendency to become more and more specialized and express by means of invariable and independent particles what used to be expressed with dependent particles and subjects connected to the root, substituting morphological mechanisms through syntax. Thus the Romance languages have suppressed Latin declensions because of wear and tear, substituting them by means of prepositions*¹¹⁶. And of course, according to this author, Basque had a rich morphology instead of syntactic mechanisms and continued to use cases instead of prepositions, which was typical of languages rooted in the past.
- c. In this sense, Basque had no universals, according to Unamuno, no abstract nouns, such as the generic concepts for *table* or *tree*: ...because Basque has no generic words, nor abstract ones, and all spiritual nouns are of Latin origin, since it was the Romans that brought us civilization and Christianity¹¹⁷. This fact explained why Basque had loanwords from other languages, i.e. from languages of culture. And what is Basque after all? It's a thing that is totally influenced by Castilian¹¹⁸. This was an idea taken from Julien Vinson, who maintained as early as 1877 that: le vocabulaire basque est au demeurant fort pauvre. Bien qu'il soit encore imparfaitement connu, (...) on peut affirmer que les termes réellement basques n'expriment pas d'idées abstraites. En dehors des mots gascons, français, espagnols, latins, empruntés, on ne trouve pas de traces d'une civilisation bien avancée et l'on se trouve en présence de fort peu d'expressions impliquant une collectivité, une généralisation. (...) c'est vraisemblablement par leur contact avec les races indo-européennes que les Basques, ou ceux qui parlaient le basque, sont arrivés à la vie historique¹¹⁹.
4. Proof of the impossibility of expressing scientific concepts in Basque is the lack of scientific texts in this language (disregarding the fact that until 1931 writing, editing and publishing books in Basque was prohibited and that the government went so far as to organize book burning sessions during the fascist dictatorship of King Alfonso XIII): Above all, let it be said that nowadays there are more Basques that think and use Castilian than Euskara. In Catalan cities and towns, even professionals speak Catalan; in Basque towns, even in those where Basque is spoken, the common language used by professionals and middle classes

115. Unamuno, Miguel de, "La cuestión del vascoense", *Ensayos*, Salamanca, 1902. P. 382.

116. Unamuno, Miguel de, "La cuestión del vascoense", *Ensayos*, Salamanca, 1902. P. 376.

117. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano*, *Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

118. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano*, *Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

119. Torrealdai, Joan Mari, *El libro negro del euskera*, Ttartalo, Donostia/San Sebastián, 1998. Pp. 37-38.

is Castilian. Moreover, people would be hard pressed to continue certain conversations in Basque. Basque is adequate to speak of what makes up the laborer's life, but I cannot say how we could ever discuss art or science using that language¹²⁰.

5. If languages are the reflection of the intellectual capacity of a people, and therefore there are languages that better transmit cultural concepts because of their intrinsic superiority – such as Castilian or the Langue d'oïl -, and others such as Basque, Catalan, or Breton, which do not, ... *I have long been convinced that Basque, an interesting object of study, does not possess intrinsic characteristics that can make it the means of expression of a people truly embracing modern spiritual life*¹²¹. This idea was also not new, something similar had been defended by Henri-Baptiste Grégoire who maintained, in his speech titled *Sur l'universalité de la langue française* of 1783, that the Langue d'oïl was superior to the rest of the European languages because of its *genius* or its inner spirit, that endowed this language with higher clarity, precision, expressive capacity and rationality; years later, Grégoire would state the following before Parliament: *si dans notre langue la partie politique est à peine créée, que peut-elle être dans des idiomes dont les uns abondent, à la vérité, en expressions sentimentales pour peindre les douces effusions du cœur, mais sont absolument dénués de termes relatifs à la politique; les autres sont des jargons lourds et grossiers, sans syntaxe déterminée parce que la langue est toujours la mesure du génie d'un peuple*¹²². Obviously, according to Unamuno, Castilian was the language of culture, compared with Euskara, Catalan, and other minority languages: *Castilian is a more experienced language, more integrated, more analytical, it is better adapted to the degree of culture that we have reached, and the reason of its current state should not be ascribed to its speakers for abandoning it, but rather its current state arises from its internal inadequacy*¹²³.
 - a. Unamuno never explained exactly what a 'language of culture' was, and yet he stated that it was impossible that a rustic or ignorant language could become a language of culture. This is tantamount to saying that there can be no mobility for languages: once a rustic language, always a rustic language and vice versa: *the efforts wasted to create a language of culture are like drugs, since that language can never become a language of culture in the sense that is customarily given to this expression*¹²⁴. Pío Baroja further adds along the same lines: *If some have tried to demonstrate that Basque can become a vehicle for literature and science, it has been a reduced number of nutters, and a majority of Carlist Basques posing as philologists, who believe that absolute truth is found in the Catechism written by Astete*¹²⁵.

120. Unamuno, Miguel de, "La cuestión del vasqueño", *Ensayos*, Salamanca, 1902. P. 375.

121. Unamuno, Miguel de, "La cuestión del vasqueño", *Ensayos*, Salamanca, 1902. P. 374.

122. Grégoire, Henri-Baptiste, *Rapports de Henri Grégoire, ancien évêque de Blois, sur la bibliographie, la destruction des patois et les excès du vandalisme, faits à la convention du 22 germinal an 2 au 24 frimaire an III*, A. Massif/Delarcocque, Caen & Paris, 1867. Pp. 17-18.

123. Unamuno, Miguel, *Revista de Vizcaya*, Bilbao, febrero 15, 1886.

124. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano, Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

125. Baroja, Pío, *El Imparcial*, agosto 31, 1901.

- b. The Basques are a rustic or illiterate people, their capacity of thought and their culture are inferior to the intellectual expressions of the neighboring dominant cultures – French or Spanish – because Basque itself as a language is rustic or archaic: *it is very logical, therefore to suppose that the language of a people superior in thought and culture to another will also be superior to the language of the other*¹²⁶. Such premises lead to state in general terms from a perspective expressing, through the so-called ‘superiority’ of languages, a dangerous linguistic nationalism, which is exclusive and chauvinistic.
 - c. Moreover, it is patently impossible to translate the concepts of a superior language into an inferior one: *This reminds me of something that happened in America and that I will never forget: a religious order gave the Guarani indians a catechism with the purpose of translating into Guarani the most complex concepts of Theology, and of course, another order accused them of teaching the indians heresies; it’s just that you can’t translate catechism into Guarani or Nahuatl without immediately producing a heresy. (Laughter)*¹²⁷.
6. Not only was Basque not appropriate for modern life, but it also acted as a hindrance, a serious obstacle to the development of European culture: *[The Basque language] is a serious impediment to the diffusion of European culture in my country*¹²⁸.
- a. Along the same lines as the previous reasoning, while it is a serious hindrance to civilization, Basque also makes its speakers into ignorant, Catholic, fanatic, nationalist or separatist people –depending on the historical stage which adjective is used in turn: *‘Le fédéralisme et la superstition parlent bas-breton; l’émigration et la haine de la République parlent allemand; la contre-révolution parle l’italien, et le fanatisme parle le basque. Cassons ces instruments de dommage et d’erreur*¹²⁹.
 - b. Unamuno compares Basque to a disease that must be vanquished, quite the opposite of wanting to protect and nourish the language: *When I gave that speech (about the death of Basque), I received a letter from Mr. Joaquín Costa lamenting the disappearance of Basque, such an interesting object of study for Iberian antiquities. I answered him: ‘That’s all very fine and dandy, but I won’t be keeping what I consider to be a disease just to satisfy the interest of a pathologist*¹³⁰.
 - c. Struggling to keep alive a language that is inadequate for progress means in itself to abandon progress: *Reason requires us not to waste our efforts in the useless endeavors to resist the inevitable, we need that strength for other purposes. We must give in at least*

126. Unamuno, Miguel de, “La cuestión del vascoence”, *Ensayos*, Salamanca, 1902. P 382.

127. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano*, *Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

128. Unamuno, Miguel de, “La cuestión del vascoence”, *Ensayos*, Salamanca, 1902. P 374.

129. *Ibid.* P 46.

130. Unamuno, Miguel, *Discurso de Unamuno a propósito de la oficialidad del castellano*, *Diario de Sesiones del Congreso español*, Septiembre 18, 1931.

to progress¹³¹. Evolving without giving up one's native language is a sign of 'provincialism' and 'small town mentality', and is one more proof of the incapacity of the Basque people to adapt to the future, *I suspect that the radical idea of most of my fellow countrymen that struggle to prolong the life of a moribund Euskara –whether they realize it or not- is a show of hostility against the culture to which we must adapt*¹³².

7. On political ground, speaking a native language different from the official language is tantamount to betraying one's country, *laisser les citoyens dans l'ignorance de la langue nationale, c'est trahir la patrie*¹³³.
 - a. One state has one anthem, one flag, and one language: *Since Castilian is the official language of the nation and the one that is commonly spoken in all Spanish regions, as well as the only one that is necessary for commença, in the Army and in schools where the children of these our people must be educated, we beg you that you –just like your predecessors before you – do not use Basque, which you seem to allow, and do not permit that either you or your pupils use anything but Castilian, a language you well know, and that is the only one we should speak, as well as being so required by current laws*¹³⁴.
 - b. Along the same lines as the previous argumentations, the existence languages different from the official one is detrimental, problematic, and even dangerous for the unity of the state: *In order to reinforce the ties between the Basque Country and Spain, Euskara must perforce disappear; according to Spanish socialists Basque has no place in modern society; besides, isn't it disappearing? The language, which is entirely different from Spanish and without any point of contact with it, is the main weapon of Basque nationalists. But Basque is rapidly disappearing, and no one can stop it. It is practically not spoken in almost half of the Basque provinces already, it is different in Bizkaia and Gipuzkoa, so different that speakers of these two provinces often do not understand each other; almost no one understands the written version, since the population cannot write it*¹³⁵.
 - c. Requiring that a language be made official or the recognition of one's own culture entails fomenting nationalist passions and poisoning society: *Something has improved, but not much, and even today we see the frenzies of past times, especially since regionalist passions have poisoned what should be disinterested and non-partisan research. This is the worst part of regionalism in my view. Let it ask what it wants, better still, let it grab what it wants if it can, but, by God!, stop poisoning our history, ethnography, and linguistics. Subjects that*

131. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P. 374.

132. *Ibid.* P. 396.

133. *Ibid.* P. 47.

134. Notificación del Ayuntamiento de Ituren al maestro Martínez, marzo 20, 1900. In, Torrealdai, Joan Mari, *El libro negro del euskera*, Ttartalo, Donostia/San Sebastián, 1998. Pp. 42.

135. *La Lucha de Clases. Revista Socialista*, Bilbao, 1911. In, Torrealdai, Joan Mari, *El libro negro del euskera*, Ttartalo, Donostia/San Sebastián, 1998. Pp. 59.

*are being poisoned both in my country and in Catalonia*¹³⁶.

8. By losing their native language, the Basques are, moreover, not going to lose their national identity: *I have been stating time and again that Basque is disappearing, and that it would be dying out even if we Basques were an independent nation and we decided to impose it as an official language. It is dying out because of its own nature, just as certain species die out even when we try to domesticate them. It is advantageous to us Basques that it die out, since we don't lose our peculiar psychological traits with it, it would rather make us more unique*¹³⁷. These words contradict what Unamuno himself had stated a few years earlier: *The essence of my spirit is my language and my country, and it is there where the word resounds sovereign*. And he was to add: *Language is the receptacle of the experience of a people and the basis of its thought*.

This political theory of language has been based on Basque, but it has been practiced with the same hardness -and barbarity- on the near totality of non-official national languages. These are the languages that have not been blessed with the political title of 'official' and are therefore termed 'minority languages'.

As far as different dialects are concerned spoken by Basque native speakers, it is certainly surprising to hear people that do not speak Basque vehemently maintain that we do not understand one another. Eleanor Elsner says in the introduction to her book entitled *The Romance of the Basque Country and the Pyrenees*¹³⁸, that some time ago a German linguist went to the Basque Country and wanted to learn Basque and that after two years living in our country, he abandoned the idea saying that "they say they understand one another, but I don't believe them." We do wish to inform the reader that two of the authors of this book speak a Navarrese dialect, a third one uses a Gipuzkoan dialect, and the fourth one speaks a Bizkaiaian dialect, and that we think we have understood one another ...! But truly, apart from whichever jokes maybe cracked at people who maintain that others do not understand each other even when they say they do, it is almost pathological nowadays to maintain that speakers of different dialects cannot understand one another, and conclude on the basis of that misconception that Basque is therefore not a language, but a conglomerate of mutually unintelligible and unrelated languages. The references to 'syntactic evolution' of languages and the use of prepositions in prehistoric languages is not even worth a comment – as any speaker of German or modern Greek can attest. Even the mention of 'fossilized languages', or of languages without universals, go against the most elementary logic, and the most basic principles of human language, which could not subsist without universals. The same observations can be made about loanwords, which exist in any language and constitute a precious element of mutual enrichment. The concept of a 'pure language' is as dangerous as the ideas about a 'pure race' that spread throughout Europe from the end of the 19th until the mid 20th century.

Beyond all contradictions and the lack of a logical basis for the previous statements, more than a century after Unamuno wrote these words, Basque

136. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P 383.

137. Unamuno, Miguel de, "La cuestión del vascuence", *Ensayos*, Salamanca, 1902. P 375.

138. Elsner, Eleanor, *The Romance of the Basque Country and the Pyrenees*, Herbert Jenkins Limited, undated (1927).

continues to be spoken by an ever-increasing number of speakers. It is a fact that languages do not die 'of natural causes', at least not because of 'internal' or 'inner' causes. Moreover, languages do not live or die, as Unamuno metaphysically states, it is rather their speakers that stop speaking a language, when they are forced to it by political, social, economic, and cultural circumstances. Running the risk of stating the obvious, one can say that languages do not disappear because those who do not know them do not learn them, but rather because those who speak them choose not to... The question is, however, why would anyone abandon his/her native language, the language learnt from one's parents, for another unfamiliar language, unrelated to one's family environment. This is in fact the topic of the present book, examining which mechanisms have ensured that Basque, the majority language at the beginning of the 19th century in the Basque states, is now spoken by scarcely 50% of the population. Or, conversely, why at the end of the 18th century only 11% of the French population had the *Langue d'oïl* as their native language, nowadays it is the native language of approximately 90% of the population of the French state. From this point of view, there are many measures to ensure the non-extinction of a language, since, as Paul Valéry maintained, civilizations can die and it is a fact that languages and cultures disappear, but this does not mean that one should help them die.

Apart from many other absurd comments extrapolated from such a theory of languages, what is worrisome is the lack of concern for the cultural rights of the speakers on the part of those who have supported and financed linguistic policies based on the above-mentioned points. Such policies are based on a categorical ethnocentrism, nurtured by xenophobia and the political desire to convert those that are not French or Spaniards into French and Spaniards by lapidating their usages and customs and the extermination of their languages, and had their moment of splendor from the second third of the 19th century to the last third of the 20th, when international organizations finally took notice of the outrages being carried out, and began to create norms, regulations, and international treaties on socio-cultural matters.

In actual fact, only starting from 1966 the line of argument that had enjoyed considerable success since the 18th century, amidst the thick of Revolutionary events, and fomented throughout the first half of the 20th century by totalitarian ideologies (essentially fascism and nazism), which started and prospered on the European continent and gave considerable currency to concepts such as superior or inferior races, cultures, and languages and set up programs aimed at exterminating entire peoples and cultures. Despite the timid development of the theory and praxis of cultural rights started with the adoption of the International Covenant on Civil and Political Rights in December of 1966, only upon the death of General Franco in 1975 did Basque acquire co-official status with Spanish in the territories where it is spoken, with a very high number of political and legal limitations. Still today, Basque enjoys no official, legal recognition within the French state, if not for a mention of this language as a 'regional language', i.e. a cultural patrimony of the state in the constitution of the Republic. Basque is also recognized as a 'European language', but has no status as a 'European community language', and is thus not an official language of the European Union despite suggestions of the European Council that it should be made into one, and despite the fact that the motto of the European Union is 'united in diversity'.

Summarizing, we can say that despite the fact that European society has abandoned the supporting principle of such a political theory of languages, there is still a long way to go for cultural and linguistic rights of nations without a state to be recognized and respected, as well as for the existence of linguistic varieties different from the official language of the states, whose use and diffusion must be protected by the authorities on a national and international level.

2.3. THE ROYAL SOCIETY OF FRIENDS OF THE BASQUE COUNTRY AND THE BASQUE LANGUAGE

Despite the interest shown by some thinkers of the Enlightenment such as Melchor Gaspar Jovellanos¹³⁹, the promotion of languages spoken by the Society was not one of the most characteristic aspects of this movement in the second half of the 18th century. Enlightened thinking considers education as an instrument of social regeneration and improved living conditions of the subjects. In any case, this should take place without altering the established social order. The education of the masses is conceived of as an instrument to configure the identity of subjects within a 'harmonic' social framework without tensions or a subversion of established social principles and hierarchies. Enlightened thought is after all grounded in the concept and the defense of monarchic power, disseminated through the policy of concentration of power in the hands of the monarchy and of its rational organization.

In the Basque Country, the Enlightenment comes about early, encouraged by the monarchy, and congealed around the Royal Society of Friends of the Basque Country. The Royal Society of Friends of the Basque Country (also called in English *Royal Basque Society of Friends of the Country*) was founded in 1765 as a private institution of public utility, backed by Carlos III. Among its objectives is the desire to improve primary education. The Society created a commission in charge of designing the organization of schools in the country, establishing the following as its goal:

Introducing the study of Spanish grammar and orthography using passages and elements offered by this very commission compatible with the two works published for this purpose by the Spanish Royal Academy [of the Language].

The Royal Society of Friends of the Basque Country tried to introduce more effective methods to read and write in primary schools, without having

139. In in Mallorca in 1802, Jovellanos wrote *Memoria sobre Educación Pública. Tratado técnico práctico sobre la enseñanza* ('Public Education Report. Technical and Practical Treatise on Teaching'), where he states «As an addition to these teachings, I would wish that the same general grammar principles were applied to our Majorcan tongue, and that children were given a general idea of its syntax. Since it is the language they learn first, the language they speak as children, the language we always use to speak to the people, and in which this people receive all their education, it deserves more attention than we have given it up to now. One could say that we love it, and it is true, but let us not love it with a blind sort of love. The best way to love it, is to develop it and study it.» Passage from: Ministerio de Educación y Ciencia, *Historia de la Educación en España. Del despotismo ilustrado a las Cortes de Cádiz*, T. I. MEC, Madrid, 1985. P. 262.

literacy in Euskara as one of its goals. This school policy contrasts, however, with the interest demonstrated for the erudite study of Basque¹⁴⁰. This institution, more worried about the promotion of other types of practical studies, adopts the linguistic school policies advanced by the royal administration in the Real Cédula dated June 23, 1768.

This is demonstrated by the answer that the fourth commission (the one working on education) issued to a letter addressed to the commission itself by an anonymous citizen of Araba, who believed that the first grammar children learnt should be that of their native language. The Basque institution did not share that point of view, on the following grounds:

1st Since, despite the fact that the language spoken in the Basque Country is Basque, that of the Nation is Spanish, which is consequently the 'native' language of all Spaniards. 2nd Because according to Governmental regulations, in the Country's schools no other language but Castilian can be used; which also implies that all primary school booklets, books, manuscripts and materials that the children are given are in Castilian, and Basque is prohibited to the extent that a ring is handed over from pupil to pupil if they forget this rule, and the one that is found with the ring at the end of the week is punished for it¹⁴¹.

It is interesting to notice that it is a governmental rule that established that in the Country's schools only Castilian can be spoken. The rule referred to is clearly the Real Cédula dated June 23, 1768. Despite critical opinions, such as the one expressed by the anonymous letter-writer from Araba, the Royal Society of Friends of the Basque Country supports the pressure in favor of Castilian that the regulations had introduced. Notwithstanding the fact that the monarchy of the Ancien Régime did not control education directly, the Royal Society of Friends of the Basque Country, with its goal of expansion of public education in the Basque Country starting from the end of the 18th century, de facto helped the monarchy further its linguistic policies by promoting the use of Castilian and marginalizing Basque in schools.

140. Cf. K. Mitxelena, *Historia de la literatura vasca*, Erein, Donostia/San Sebastián, 2001. P 102.

141. Passage from J. de Benito Pascual, "La Real Sociedad Vascongada de amigos del país y las escuelas de primeras letras", in, *Las ideas pedagógicas de los Ilustrados Vascos*, Eusko Jaurilaritza, Gasteiz/Vitoria, 1990. P 100. On the reaction provoked by the Royal Society of Friends of the Basque Country's answer to the relegation of Basque in schools, cf. Euskaltzaindia, *El libro blanco del Euskara*, Elkar, Bilbao, 1977. P 273, note n. 257. See also M. Ssiguan, *España Plurilingüe...* op. cit. P 30 where it is stated that, except for a handful of cases, "it cannot be said that enlightened thinkers proposed any measure in favor of any language, or that they had any interest for them, despite the influence they wielded".

3. The Formation of the States (1789-1876)

Euskal Herria, the Basque Country, was caught between two revolutionary processes at the end of the 18th century, the French Revolution and the Spanish liberal revolution. Both processes were to give rise to a new type of political structure in Europe, the modern state. A state *à la française*, that is a Colbertist and Jacobinic state, in which there was no room for anything but a *langue nationale* or national language.

The revolutionary process had dramatic political, economic, social, and cultural consequences for Basque society:

- Politically, the revolutionary processes spelled the end of the traditional political-administrative systems of the Basque Country. In other words, the four southern Basque states (Araba, Bizkaia, Gipuzkoa, and Navarre) became provinces of the Spanish state. The three northern states (the *Pays et Baillie de Labord*, the Kingdom of Navarre, and the *Pays et Vicomté de Sole*) became part of the *département* of the *Basses-Pyrénées* (subsequently *Pyrénées Atlantiques* within the region of Aquitaine). This meant the extirpation of all Basque institutions that had regulated the life of said states for the preceding thousand years. This radical change caused a strong political reaction that produced the wars and revolts that affected the Basque Country throughout the 19th century.
- From an economic viewpoint, the Basque people ended up having to face the Industrial Revolution within the context of the political upheaval caused by the dismantlement of the traditional Basque institutions. The political disruptions, complicated by the deficiencies and problems typical of a process of economic conversion left the Basque Country in ruins.
- Socially, the abolition of the Basque *fueros*, or Codes of Laws, the traditional laws of the country, led to the elimination of a way of life characteristic of the Basque people, since these were typically customary laws. The new civil codes, the Napoleonic Code of 1804 and the Spanish one of 1889 implied the eradication of some of the most genuine tenets of Basque law. These for instance reflected a very particular organization and regulation of family structure, including the management and inheritance of private property, the administration of commons, the inheritance system... At the same time, the poverty caused by wars and the reaction towards the new political reality rejected by the majority of the population encouraged the emigration towards America in numbers never seen before. So much so, that in the mid 19th century, practically the third part of the population of Argentina and Uruguay considered itself of Basque origin.
- Culturally, because of a linguistic policy based on monolingualism, exclusion, and active aggression, Basque suffered throughout the 19th and 20th century the worst recession in its history. For the first time, in fact, Basque was to become the second language spoken in its own country, after French in the north, and Castilian in the south.

The period we will analyze in this chapter (1789-1876), in which the modern French and Spanish states were built, was a highly unstable stage in both states. These were its main characteristics:

The Formation of the States (1789-1876)

1. A strictly exclusionist policy arose at this time. For the sake of the political unity of the state, both administrations encouraged a linguistic policy that would privilege a single official language, and eradicate all other languages and dialects of the state. The main linguistic guidelines were:
 - Monolingual system
 - Elimination of national languages
2. Given the political instability of the newly-minted states, marked by continuous wars and rebellions, as well as ever-changing constitutions, laws and governments (some of which only lasted a quarter of an hour), the effectiveness of such legislation on linguistic matters was rather scarce. The consequence of this was that a series of almost identical laws were passed (such as the ones prohibiting that the Basque language be spoken in schools...). Let the list of French constitutions serve as an example:

Constitution	Political regime
Constitution of 1791	Constitutional Monarchy
Constitution of the year I (1793)	First Republic
Constitution of the year III (1795)	Directory
Constitution of the year VII (1799)	Consulate
Constitution of the year X (1802)	Consulate à vie
Constitution of the year XII (1804)	First Empire
Constitutional Charter of 1814	Monarchy
Additional Act of 1815	The 100 Days
Constitutional Charter of 1830	Monarchy
Constitution of 1848	Second Republic
Constitution of 1852	Second Empire

French constitutions and French governments (1791-1870). Source: Xabier Irujo & Iñigo Urrutia.

The Basque people, who had not experienced any legal reforms except for those that derived from regulations approved by its annual legislative councils, saw 11 constitutions and just as many governments in sixty years. From a constitutional monarchy, to the dictatorship of the Reign of Terror, to the Empire, and back to an absolute monarchy, and thence to a state whose representation of the citizens was based on income, and was rather authoritarian, during the Second Empire. This extremely abundant number of constitutions in a country that had known no abrupt political changes over the previous 500 years increased mistrust and animosity towards the new political regimes, which in turn earned the Basques the accusation of being 'reactionaries', 'counterrevolutionary', or 'factious'.

The abolition of the ancient laws or *fueros* –which were sanctioned at the same time as the end of feudalism- was thus connected to the loss of liberties, that -however limited they may have been- the Basque had been accustomed to manage independently for centuries through their laws. These laws had been the guardians and vehicles of the people's customs. Along with the loss of liberties,

also Basque as a language faced in the mid 19th centuries some of the most difficult challenges for its survival, given the linguicide policies of the new states, some of whose characteristics are mentioned as follows:

1. Imposition of a unique official language, as well as political, social, economic and cultural mechanisms to encourage its use. Imposition of the political concept of official language of the administration and the enforcement of the principle of obligatory knowledge of the official language.
2. Prohibition of the public usage of languages and punitive mechanisms to exert control over their speakers (iron ring in schools, fines, and even detention, exile or the death penalty during the periods of worst repression). Historically, the most cruel method in this sense has been the forced movement of people and masses (through banishment and exile) as a means to eradicate languages and cultures through mass extermination of their speakers. An example of this in the Basque Country was the forced march of 1794, during which hundreds of women and children died.
3. Institution of a monolingual educational system, obligatory and free, where the use of any non-official language is prohibited and punished.
4. Encouragement of a policy of linguistic warfare by financing linguistic crusades within and outside state borders.
5. Development and encouragement of a current of social disparagement of national languages and cultures by elevating, financing and supporting only the language and culture of the state, i.e. the *official* ones.

In fact, it is a tragic reality – with very few exceptions, such as *le choix girondin*, which we will see in the next chapters – that any official recognition of national languages and cultures was completely and utterly unknown in either state, practically until the 21st century.

3.1. THE REVOLUTION AND LINGUISTIC POLICIES IN THE FRENCH STATE (1789-1870)

The Treaty of Versailles in 1783, through which the French Crown acquired a series of immense territories that it must then administer, coupled with the deficit that the Crown was dragging along after the military campaigns waged by Louis XV and Louis XVI, sank the kingdom in a deep financial crisis in 1788. The *Grand Conseil* rejected the solutions to the economic crisis proposed the finance minister Charles A. Calonne, soon substituted by Lomenie de Brienne, who in turn had to face the opposition of Parliament in Paris. Under these circumstances, the new finance minister, Jacques Necker, was forced to request that the king summon the *États Généraux* to vote on his proposal, so as to put an end to the dire straits in which the public administration found itself. But Necker's proposal granted certain powers to the *tiers état*, i.e., to the branch of the universities, that along with the clergy and the nobility made up the semi-representative parliament of the Estates General.

Necker's proposal of how to organize the *tiers état*, was countered in January of 1789 by Emmanuel J. Sieyès with a famous pamphlet entitled *Qu'est-ce que le tiers état?* ('What is the Third Estate?'), in which the author defends the concept of parliament as a chamber of national representation, not based on income and sovereign power. Over and above the purely political and institutional questions, Sieyès refers to language as a political tool:

Enfin, tous ces mots de taille, de franc-fief, d'ustensiles, etc., seront proscrits à jamais de la langue politique, et le législateur ne prendra plus un stupide plaisir à repousser cette foule d'étrangers que ces distinctions flétrissantes empêchaient d'apporter au milieu de nous leurs capitaux et leur industrie... il faut abolir ou reconnaître et légaliser des privilèges iniques et insociaux. Or, on doit sentir combien serait insensé le projet de consacrer, à la fin du dix-huitième siècle, les abominables restes de la féodalité. Ici, la langue a survécu à la chose. Les nobles se plaisent à prononcer les mots de roturiers, de manants, de vilains. Ils oublient que ces expressions, quelque sens qu'on veuille leur donner, sont ou étrangères aujourd'hui au tiers état, ou communes aux trois ordres; ils oublient encore que, lorsqu'elles étaient exactes, les quatre vingt-dix-neuf centièmes d'entre eux étaient incontestablement des roturiers, des manants et des vilains¹⁴².

The revolutionary concept of nation as political unit, implies, even if covertly, a specific cultural model of the state. Without demanding it or expressing it overtly, the author accepts the fact that the language of the National Assembly must be the Romance *d'oïl*. This variety is endowed with the political title par excellence of French, regardless of all other French Romance languages spoken in the kingdom. Sieyès even opens the debate as to the quality and nature of revolutionary language, which will later be used as the basis to establish a political concept of the official language of the state, purged of feudal terminology. Beyond language, he also proposes a new official calendar and – during the Reign of Terror – a new revolutionary religion.

Be that as it may, events followed one another at break-neck speed and after the parliamentary meeting of May 5, Honoré G. Riqueti, *marquis et comte de Mirabeau*, demanded the adoption of nominal vote (one man, one vote). On June 20, 577 representatives, the majority of whom –but not all of them- belonged to the *tiers état*, gathered in the *jai alai court* or *Salle du jeu de paume* of the Palace of Versailles and demanded the sovereignty of the country for themselves, as a national assembly:

L'Assemblée nationale, considérant qu'appelée à fixer la constitution du royaume, opérer la régénération de l'ordre public et maintenir les vrais principes de la monarchie, rien ne peut empêcher qu'elle continue ses délibérations dans quelque lieu qu'elle soit forcée de s'établir, et qu'enfin, partout où ses membres sont réunis, là est l'Assemblée nationale; arrête que tous les membres de cette assemblée prêteront, à l'instant, serment solennel de ne jamais se séparer, et de se rassembler partout où les circonstances l'exigeront, jusqu'à ce que la Constitution du royaume soit établie et affermie sur des fondements solides, et que ledit serment étant prêté, tous les membres et chacun d'eux en particulier confirmeront, par leur signature, cette résolution inébranlable¹⁴³.

142. Sieyès, Emmanuel J., *Qu'est-ce que le tiers état?*, Ayer Publishing, 1979. Pp. 58 & 79.

143. Thompson, James M., *The French revolution: documents (1789-1794)*, Basil Blackwell, Oxford, 1948. P. 40.

On June 23, Mirabeau scolded the king's officials and sent them back to their seats at the Estates General: *Allez dire à ceux qui vous envoient que nous sommes ici par la volonté du peuple et que nous ne quitterons nos places que par la force des baïonnettes!* Only four days later the king capitulated and summoned the Estates General in a single, undistinguished parliamentary chamber. On July 9 the national assembly declared itself an *Assemblée nationale constituante* and started to work on a new constitution. On August 5, 1789, towards two o'clock in the morning, the constitutional convention declared Louis XVI as the *restorer of French liberties* and in his name decreed the abolition of the feudal system. After various days of debate, on August 11, the assembly approved the Decree of abolition of the feudal regime, whose first article established that:

L'Assemblée nationale détruit entièrement le régime féodal. Elle décrète que, dans les droits et devoirs, tant féodaux que censuels, ceux qui tiennent à la mainmorte réelle ou personnelle, et à la servitude personnelle, et ceux qui les représentent, sont abolis sans indemnité, et tous les autres sont déclarés rachetables, et que le prix et le mode du rachat seront fixés par l'Assemblée nationale. Ceux desdits droits qui ne sont point supprimés par ce décret, continueront néanmoins à être perçus jusqu'au remboursement¹⁴⁴.

Article 10 abolished the Basque Code of Laws, and all usages and customs along with them, in a show of force that deprived Basque citizens of most of their rights – among them the cultural and linguistic ones:

Une constitution nationale et la liberté publique étant plus avantageuse aux provinces que les privilèges dont quelques-unes jouissaient, et dont le sacrifice est nécessaire à l'union intime de toutes les parties de l'empire, il est déclaré que tous les privilèges particuliers des provinces, principautés, pays, cantons, villes et communautés d'habitants, soit pécuniaires, soit de tout autre nature, sont abolis sans retour, et demeureront confondus dans le droit commun de tous les Français¹⁴⁵.

On a purely cultural level, this event was cataclysmic for the Basque nations, whose political system based on customary law was not just an organizational structure, but rather a way of life, as well as a very peculiar system of production based on extensive commons administered by local or municipal councils, or by the municipal assemblies (*Herri Batzarrek*). All of this was lost, and the Basque people must face a forcible reform imposing a new model of state and, at the same time, the new industrialization process, a complex and violent event in and of itself. As for the language, the result of such a radical transformation and socio-economic, political development would bring about a setback for the Basque language with no historical antecedents within a record period of 150 years.

In the exclusively political sphere, as the Basque representatives pointed out, the French national assembly had no authority over the Basque

144. *Décret portant abolition du régime féodal, des justices seigneuriales, des dîmes, de la vénalité des offices, des privilèges, des annates, de la pluralité des bénéfices, etc.* In Alfred Gautier, Alfred, *Précis de l'histoire du droit français*, L. Larose et Forcel, Paris, 1887. P 638.ç

145. Reich, Emil, *Select Documents Illustrating Mediæval and Modern History*, P.S. King & Son, London, 1905. P 414.

states, nor did it have the right to embody the sovereignty that only Basque assemblies could represent. The Kingdom of Navarre, through its representative and defender Étienne Polverel, published the *Tableau de la Constitution du Royaume de Navarre et de ses rapports avec la France. Imprimé par ordre des États Généraux de Navarre*¹⁴⁶ in Paris. In this document, the Navarrese people stated, by means of their assembly's representative, that they did not need a new constitution since they already had one, and as far as any political change was concerned, that would have to be approved by the Navarrese parliament:

Dans les premiers jours du mois de juillet 1789, il était encore permis de douter que l'Assemblée nationale parvint à faire une bonne Constitution. C'est cette époque que les Etats du royaume de Navarre émirent leur voeu eour pour être à jarnais unis à la France, changèrent l'ordre de succession à la couronne pour adopter la loi salique, et annoncèrent le dessein de s'unir pour jamais a la France: mais ils crurent aussi qu'il serait imprudent de renoncer à leur Constitution qui était bonne, dans un temps où la France ne pouvait leur en offrir aucune en échange... Ces faits ont été dénoncées a l'Assemblée nationale, le 12 octobre 1789, par le syndic député du royaume de Navarre. Ils ont été publiées dans un ouvrage intitulé: Tableau de la Constitution du royaume de Navarre et de ses rapports avec la France, imprimé en 1789, par J. Ch. Desaint¹⁴⁷.

The *Cahiers de doléances* issued by the Basque states between January and May of 1789 express the same sentiment; on May 28, the Navarrese parliament proposed the union of the three Basque states of *Pays et Baillie de Labord*, Kingdom of Navarre and *Pays et Vicomté de Sole* within the same administrative district. Along the same lines, the Biltzar in Lapurdi summoned the assembly in Uztaritz on November 18, 1789 and demanded that the French national assembly respect the existence of the *Pays de Labord*, and if this institution could not be maintained, that Navarre, Lapurdi and Zuberoa be united in one Basque-only territory¹⁴⁸. Everything was in vain, however. Between December 4 and 14, 1789, the French assembly created the new administrative divisions of the state, and on March 4, 1790, against the will of the Basque representatives, the *département* of the *Basses-Pyrénées* was created. The old states became then part of a *département* with no separate administrative representation or any political authority. Of course, this had to be imposed by force, and the Convention Wars (1793-1795) gave the revolutionary army an opportunity to show off the guillotine throughout the three Basque states for three long years.

The consequences for Basque and Bearnese were disastrous, since the decree that abolished the *foral* systems dated August 5, 1789 eliminated also all regulations for the use of Basque and Gascon, as well as its Bearnese variety, in Basque administration. Along the same lines, on August 26, 1789, the Assembly in Paris approved the *Déclaration des Droits de l'Homme et du Citoyen*. The Declaration included under article n. 11 the free communication of

¹⁴⁶. *Tableau de la Constitution du Royaume de Navarre et de ses rapports avec la France. Imprimé par ordre des États Généraux de Navarre*, Paris, Desaint, 1789.

¹⁴⁷. Mavidal, Jérôme; Mavidal, J., *Archives Parlementaires de 1787 à 1860 Recueil complet des débats législatifs & politiques des chambres françaises*, Librairie administrative de P Dupont, Paris, 1862. P 365.

¹⁴⁸. Goyhenetche, Manex, *Histoire générale du Pays Basque, Vol. IV, La Révolution de 1789*, Elkar, Baiona, 2002. P 243.

thoughts and opinions as part of the most precious human rights, concluding therefore that all citizens should be able to speak, write, and publish in print freely. The collection of articles, however, does not include cultural rights, such as the right to speak, write, and publish in one's native language, or, in any case, in a language different from the *Langue d'oïl*.

On September 3, 1791, after three years of deliberation, the assembly issued a constitution that would remain in force for less than a year, and was to be the official basis of the first French state, a constitutional monarchy. The first article stated that the Kingdom of France was indivisible and knew no internal borders. The second article stated that all citizens were to be considered equally French:

Article 1. Le Royaume est un et indivisible: son territoire est distribué en quatre-vingt-trois départements, chaque département en districts, chaque district en cantons.

Article 2. Sont citoyens français:

Ceux qui sont nés en France d'un père français;

Ceux qui, nés en France d'un père étranger, ont fixé leur résidence dans le Royaume;

Ceux qui, nés en pays étranger d'un père français, sont venus s'établir en France et ont prêté le serment civique;

Enfin ceux qui, nés en pays étranger, et descendant, à quelque degré que ce soit, d'un Français ou d'une Française expatriés pour cause de religion, viennent demeurer en France et prêtent le serment civique¹⁴⁹.

Even if it is not mentioned in any article that French was the official language of the new state, the text is written and ratified exclusively in *Langue d'oïl*, and the homogenization, homologation and uniformity of all citizens anticipates the decrees of 1794. Moreover, the constitution included free, obligatory, public education among its fundamental directives, and although it is not specified that education must be carried out in French, the text hardly affords the possibility of a different interpretation.

Il sera créé et organisé une Instruction publique commune à tous les citoyens, gratuite à l'égard des parties d'enseignement indispensables pour tous les hommes et dont les établissements seront distribués graduellement, dans un rapport combiné avec la division du royaume. - Il sera établi des fêtes nationales pour conserver le souvenir de la Révolution française, entretenir la fraternité entre les citoyens, et les attacher à la Constitution, à la Patrie et aux lois¹⁵⁰.

On the other hand, monolingual education was already on the mind of several revolutionary leaders. One of them was Talleyrand who, in a speech before the national assembly on September 10, 1791, required the establishment of local public schools providing education in French:

Une singularité frappante de l'état dont nous nous sommes affranchis, est sans doute que la langue nationale, qui chaque jour étendait ses conquêtes au-delà des limites de la France, soit restée au milieu de nous comme inaccessible à

149. Thompson, James M., *The French revolution: documents (1789-1794)*, Basil Blackwell, Oxford, 1948. P 113.

150. Legg, Leopold G. W. (Ed.), *Select Documents Illustrative of the History of the French Revolution: The Constituent Assembly*, Clarendon press, Oxford, 1905. Vol. 2, P 219.

un si grand nombre de ses habitants, et que le premier lien de communication ait pu paraître, pour plusieurs de nos contrées une barrière insurmontable. Une telle bizarrerie doit, il est vrai, son existence à diverses causes agissant fortuitement et sans dessein ; mais c'est avec réflexion, c'est avec suite que les effets en ont été tournés contre les peuples. Les Écoles primaires vont mettre fin à cette étrange inégalité : la langue de la Constitution et des lois y sera enseignée à tous; et cette foule de dialectes corrompus, derniers restes de la féodalité, sera contrainte de disparaître: la force des choses le commande. Pour parvenir à ce but, à peine est-il besoin d'indiquer des méthodes; la meilleure de toutes pour enseigner une langue dans le premier âge de la raison, doit en effet sa rapprocher de celle qu'un instinct universel a suggérée pour montrer à l'enfance de tous les pays le premier langage qu'elle emploie¹⁵¹.

However, in its inception, the newly born French state required rather that its citizens understand the new set of laws, as completely different from the ones previously in force and accept them as their own. In this spirit, on January 14, 1790, the assembly approved the petition of François J. Bouchette, a Flemish lawyer from Bergues and member of the *Assemblée nationale constituante*, requiring that the decrees of the assembly be published in all the languages spoken in the different parts of the kingdom¹⁵². Among them were, obviously, Euskara, Catalan and Breton, as well as Occitan in its different varieties, such as Gascon or Bearnese¹⁵³. Bouchette stated in that session that:

Le pouvoir exécutif sera supplié de faire publier les décrets de l'Assemblée dans tous les idiomes qu'on parle dans les différentes parties de la France. Ainsi, tout le monde va être le maître de lire et écrire dans la langue qu'il aimera mieux et les loix françaises seront familières pour tout le monde¹⁵⁴.

Starting on that date, and as an initiative of the *bureaux départementaux*, the most relevant decrees and directives were translated into the different languages of the state. On January 20, 1791, Jean Baptiste Dugas, *député extraordinaire de la Commune de Gordes*, was entrusted with the management of the translations for the Southern regions, since he was well-versed in the *langues méridionales*. The region practically included 30 *départements*, among which was also that of the *Basses Pyrénées*. Mr. D'Ithurbide was in charge of the translations into Basque and Mr. Dousse would oversee the Landes region (where Gascon was spoken):

L'Assemblée Nationale a décrété le 14 de janvier 1790, que le pouvoir Exécutif seroit chargé de faire traduire les Décrets de l'Assemblée dans les différens

151. *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des chambres françaises*, Assemblée Nationale, Paris, 1888. Pp. 467-473.

152. Looten, Camille (Ed.), *Lettres de François-Joseph Bouchette (1735-1810), avocat à Bergues, membre de l'Assemblée Nationale Constituante*, Honoré Champion, Paris, 1909. Pp. 323-325.

153. Abalain, Hervé, *Le français et les langues historiques de la France*, Editions Jean-paul Gisserot, Paris, 2007. Pp. 110-111. See also, Barbaud, Philippe, *Le choc des patois en Nouvelle-France: essai sur l'histoire de la francisation au Canada*, Presses de l'Université du Québec, Québec, 1984. P.92.

154. Brunot, Ferdinand; Deloffre, Frédéric; Antoine, Gérald; Hellegouarc'h, Jacqueline, *Histoire de la langue française des origines à nos jours*, A. Colin, Paris, 1966. Vol. 9, P.25.

idiomes, et de les faire parvenir ainsi traduits dans les différentes Provinces du Royaume. L'exécution de ce Décret est d'autant plus pressante, que tous les renseignements pris pour cette exécution n'ont encore conduit à aucun résultat. Elle est nécessaire, parce que surtout aux extrémités du Royaume, la loi est troublée, parce qu'elle n'est pas suffisamment connue¹⁵⁵.

Thus Dugas's *Cabinet de Traduction* came to be, which depended from the Ministry of the Interior. The first translations arrived at Dugas's office around October 1791, and the problems started immediately, since after having them checked, a number of them was found not to comply with the commissioners' taste. According to the *Rapport et Project de decret faits au nom de la Commission de Traduction* dated November 7th, 1792, Dugas could only check the translations coming from 23 out of those 30 *départements* that had initially been entrusted to him. At the same time, Dugas complained that payments were unconscionably late. Be that as it may, the image of Dugas's inefficiency, as well as the slowness and cost of the translation enterprise would be among the elements used by the Jacobin party to substitute the policy of translation with that of one official language¹⁵⁶. Thus, Dugas was criticized for establishing that to each one of those 30 *départements* corresponded one language, or more precisely an *idiome* or particular variety. Dugas defended himself by saying that the decree was excessively vague and gave no concrete definition of the concept of *idiome*, nor did it specify which were the relevant varieties of Occitan.

On August 10, as a reaction to the Brunswick Manifesto that threatened to kill those members of the National Guard that mistreated the royal family, the legislative assembly deposed the king and called for elections to establish a new Republican National Convention. The new *Convention nationale*, dominated by the Girondin party, continued with the policy of translating legal documents into the national languages. Within this framework, Commissioner Claude-Ambroise Regnier, *missionnaire patriote*, wrote his impressions about the Basques in October 1792. These were, according to him, rather uneducated and needed revolutionary literature in their own language:

Les Basques rageux, intrépides, parlant un langage que n'a aucun rapport avec les langues connues. Cette langue n'est point écrite, quoique très facile à écrire; quelques livres de dévotion sont les seuls qu'il y ait à cet idiome. Les prêtres ont toute la confiance de ces peuples. Les Basques sont très fanatiques, faute d'instruction; il serait très essentiel et de toute nécessité qu'on traduisit en langue basque plusieurs bons ouvrages sur la Révolution pour éclairer ces hommes égares. Je suis parvenu à rassembler un comite de traducteurs qui se feront un plaisir de traduire et coopérer avec moi à l'instruction de ces gens égares, mais il faut que la République fasse les frais de l'impression¹⁵⁷.

In November of 1792, the Convention set up a special committee to speed up the translation work, and on June 20, 1793, the newly minted *Comité de*

155. Schlieben-Lange, Brigitte; Le Gal, Christine, *Idéologie, révolution et uniformité de la langue*, Editions Mardaga, Liège, 1996. P 65.

156. Schlieben-Lange, Brigitte; Le Gal, Christine, *Idéologie, révolution et uniformité de la langue*, Editions Mardaga, Liège, 1996. Pp. 64-70.

157. Sagarna, Andoni, "Euskara XVIII. Mendean", *Cuadernos de Sección de Eusko Ikaskuntza. Hizkuntza eta Literatura*, Donostia/San Sebastián, 1984. Pp. 17-114.

salut public (the revolutionary executive body) approved a new decree on January 14, 1790, that required that all decrees of the Republic had to be translated into the languages of what had become the French Republic, after the last of the Bourbon kings had been guillotined on January 21, 1793:

Le ministre de l'intérieur est chargé d'établir incessamment un bureau de traduction, qui traduira en allemand, en italien, en bas-breton et en basque les lois, Bulletins de la Convention Nationale, proclamations et autres pièces, dont l'envoi direct aux municipalités, dans l'une ou l'autre de ces langues sera jugé nécessaire, et arrête que lesdites traductions seront imprimées et envoyées aux dites municipalités dans le moindre délai possible après leur publication¹⁵⁸.

However, in parallel fashion, the project of obligatory education in French was taking shape. On December 12, 1792, assembly representative François Lanthenas presented the project of a decree on education to the *Comité d'instruction publique*. The first article of the proposal prescribed that French, the language everyone shared, would be the official language of the educational system. This notwithstanding, article 3 opened the door of the systems to vernacular languages, since it established that in those regions where a language different from the official French was spoken, pupils would be taught to read and write in French, and that both languages, the native one and French should be used for the rest of the subjects:

Titre III. Dispositions particulières pour les pays où la langue française n'est pas d'un usage familier au peuple

1. L'enseignement public sera partout dirigé de manière qu'un de ses premiers bienfaits soit que la langue française devienne en peu de temps la langue familière de toutes les parties de la République.
2. A cet effet, dans les départements où la langue allemande s'est conservée jusqu'à présent, on enseignera à lire et à écrire tant en français qu'en allemand ; et le reste de l'enseignement dans les écoles primaires se fera dans les deux langues.
3. Dans les contrées où l'on parle un idiome particulier, on enseignera à lire et à écrire en français ; dans toutes les autres parties de l'instruction, l'enseignement se fera en même temps dans la langue française et dans l'idiome du pays, autant qu'il sera nécessaire pour propager rapidement les connaissances utiles.
4. Dans les lieux de quinze cents habitants, et ceux d'une population plus forte, où la langue allemande est en usage, les instituteurs devront être jugés capables d'enseigner dans les deux langues.
5. Dans les villages d'une population moindre, on se conformera à cette disposition autant que les circonstances le permettront.
6. Cependant, et pour la première nomination seulement, ceux des instituteurs, dans les lieux de quinze cents habitants et au-dessus, qui ne sauront enseigner qu'en allemand, et qui seront jugés dignes d'être conservés, pourront se faire aider par un instituteur adjoint qui enseignera le français. L'adjoint sera à la charge des instituteurs, et il devra être approuvé par des personnes chargées de la nomination de ces mêmes instituteurs.

¹⁵⁸. Abalain, Hervé, *Le français et les langues historiques de la France*, Editions Jean-paul Gisserot, Paris, 2007. P 111.

7. Les places d'instituteurs qui viendront à vaquer par la suite ne pourront être accordées, dans tous les endroits où l'on parle allemand, qu'à des personnes versées dans les deux langues¹⁵⁹.

Moreover, article IV stated that in regions where the teacher had to teach in two languages, he would be paid 200 pounds extra. This is practically the only example of regulation of bilingual education in the French state between 1792 and 2000.

On June 1793, after the siege of the Convention, the leaders of the Girondin party were imprisoned and subsequently beheaded. As a consequence, on June 10 the *Comité de salut public* was re-established, now controlled by the Jacobin party, the *Montagnards*, as they were called because they occupied the seats located highest in the parliamentary hall. They approved the new constitution on June 24, 1793. The new constitutional text was no different from the preceding one of 1791 in so far as linguistic policy was concerned. The *Déclaration* dated September 25, 1792 became the first article of the constitution: *la République française est une et indivisible*. Moreover, the new text added article 25 from the proclamation of the rights of all citizens, incorporated to the constitutional text as: *la souveraineté réside dans le peuple; elle est une et indivisible, imprescriptible et inaliénable*¹⁶⁰. Finally, article 22 of the same proclamation of rights stated that education is a public good:

L'instruction est le besoin de tous. La société doit favoriser de tout son pouvoir les progrès de la raison publique, et mettre l'instruction à la portée de tous les citoyens¹⁶¹.

Even if nothing in this proclamation indicates that education has to be carried out in French, the constitutional text does not say that primary education can be carried out in the vernacular languages either. The fact that the official text was written exclusively in French suggests, especially in the light of the events that took place at the end of 1793, that the Convention considered that only the *Langue d'oïl* would be the state's language.

On June 20, 1793 the Committee entrusted the Ministry of the Interior once again with the translation of revolutionary directives into the different languages of the country. On August 9, 1793 member of parliament Gaston stated before the Assembly that *il y a certaines parties de la république où la langue française n'est pas la langue vulgaire. Je demande que le rapport de Goussin soit imprimé dans la langue que parle le peuple dans les diverses parties de la république*¹⁶². On January 24, 1794, the Committee approved one of the last

159. Mavidal, Jérôme; Mavidal, J., *Archives Parlementaires de 1787 à 1860 Recueil complet des débats législatifs & politiques des chambres françaises*, Librairie administrative de P. Dupont, Paris, 1862. P. 365.

160. Along the same lines the 7th article adds: *le peuple souverain est l'universalité des citoyens français*.

161. Roberts, John M.; Cobb, Richard; Hardman, John, *French Revolution documents*, Barnes & Noble, New York, 1966. P. 141.

162. Ray, A. (Ed.), *Réimpression de l'ancien Moniteur: seule histoire authentique et inaltérée de la révolution française depuis la réunion des États-généraux jusqu'au Consulat (mai 1789-novembre 1799)*, Henri Plon, Paris, 1860. Vol. 17, Pp. 352.

measures concerning translation, according to which French language teachers were in charge of translating the Republic's decrees orally into the relevant languages of the départements, especially regulations concerning agriculture and citizens' rights¹⁶³.

In September 1793, the bloodiest period of the Revolution began, known as *La Terreur*, a dictatorship of the Jacobin Committee that lasted until the end of July 1794, when its main leaders, and many of their subordinates, were beheaded. The year 1794 was also the year of *la terreur linguistique*, inspired by Barère and Grégoire and under the political guidance of Maximilien Robespierre, Georges Danton, Jean-Paul Marat and Louis Antoine de Saint-Just¹⁶⁴. The *Langue d'oïl* is definitively imposed as the sole language of the state, and as such, it wields alone the denomination of *langue française*, a political term that refers to its officiality, as *symbole de l'unité nationale*. Culturally, the Jacobin Party embraces the definition of French as *notre langue*, to the exclusion and even creating a confrontational situation with the rest of the French Romance dialects, which thus become, along with the rest of the languages spoken in the Republic, *patois*, *jargons*, or *idiomes féodaux*.

Bertrand Barère de Vieuzac (1755-1841), representative of Bigorre and member of the *Comité de Salut Public*, and Henri-Baptiste Grégoire (1750-1831), priest from Embermesnil (Lorraine) and member of the Convention –while this existed– representing the *département* of Loir-et-Cher were to be among the first and most convinced supporters of the double process of linguistic construction and subsequent political imposition of a unique national language¹⁶⁵. The new national, revolutionary language was to be purged of feudal terminology and imposed to all citizens of the Republic, and to do this it was necessary to eradicate each one of the dialects and languages spoken in the French state: *chez un peuple libre, la langue doit être une et la même pour tous*¹⁶⁶. In this sense, Barère pointed out that translating revolutionary decrees to 'all those barbaric jargons and vulgar gobbledygooks typical of fanatics and counterrevolutionaries', was not only expensive but also counterproductive and detrimental to public safety. From this point of view, using one language or another is perceived as a political tool; speaking a purified French would convert French citizens into revolutionaries and activists, whereas allowing them to speak Breton, Catalan, Euskara or Bearnese meant leaving them in their ignorance, and therefore subject to counterrevolutionary ideas. The proposal suggested also that only those that spoke French could be considered French, which required the imposition of one language as a means to construct and subsequently insure the unity of the state.

The Abbé Grégoire was certainly a very polemical figure: against slavery, unrepentantly misogynistic, and an enemy of cultural diversity in the name of the universal right to knowledge. The priest was basically a vehement French nationalist, who justified his misogyny by claiming that women's maternal instincts

163. Ibid.

164. Balibar, Renée; Laporte, Dominique, *Le français national; politique et pratiques de la langue nationale sous la Révolution française*, Hachette, Paris, 1974.

165. Lodge, R. Anthony, *French, from dialect to standard*, Routledge, London & New York, 1993. P 210-218.

166. Kline, Michael B.; Mellerski, Nancy C., *Issues in the French-speaking world*, Greenwood Publishing Group, Westport, 2004. P 70.

hindered the development of true patriotism in them, since they insisted on placing the well-being of their children before that of the country¹⁶⁷. In 1788,

En Europe et nulle part que je sache sur le globe, aucune langue nationale n'est universellement usitée par la nation. La France a dans son sein peut-être huit millions de sujets dont les uns peuvent à peine balbutier quelques mots estropiés au quelques phrases disloquées de notre idiome; les autres l'ignorent complètement. On sait qu'en Basse Bretagne, et par-delà la Loire, en beaucoup de lieux, le Clergé est encore obligé de prêcher en patois local, sous peine de n'être pas compris s'il parlait français. Les gouvernements ignorent au ne sentent pas assez combien l'anéantissement des patois importe à l'expansion des lumières, à la connaissance épurée de la religion, à l'exécution facile des lois, au bonheur national et à la tranquillité politique¹⁶⁸.

One of his first initiatives in the field of language was the declaration before the *Comité de salut public* dated July 30, 1793, where he exposed his main ideas about linguistic policy. Grégoire began his speech by stating that everyone on the Comité understood as well as he did the need to establish a common, public educational system within the Republic: However, he was opposed to a system of public schools, since gathering all children of the same town in one classroom was not advantageous, and, at the same time, broke all maternal connections that united children and their families. Instead of schools, Grégoire supported the idea of *hospitals for the human spirit* in these terms:

Mais, dit-on, ne tremblez pas de laisser des enfants dans la maison paternelle, infectée peut-être par les préjugés et le fanatisme? Voici ma réponse: 1^o Ce danger n'est que possible, et ceux que je vous ai montrés sont certains. 2^o Vous ferez sans doute entrer dans votre plan de régénération des écoles normales pour former des instituteurs; s'ils sont bons, vous aurez tout; avec eux, l'instruction et la vertu pénétreront l'enfant par tous les événements; ils mettront à profit toutes les circonstances qui se présenteront, ils en feront naître de nouvelles pour combattre les idées fausses et en provigner de saines, pour faire sentir aux élèves que leur bonheur se lie à l'intérêt général, pour façonner leur âme à la vertu. Dans nos collèges on n'a guère travaillé jusqu'ici que pour briller; nous élèves travailleront pour devenir bons. Tous les jours, rentrés dans le sein de leur famille, dans les longues soirées des hivers surtout, la curiosité des parents et l'empressement des enfants, de la part de ceux-ci l'avidité de dire, de la part de ceux-là le désir d'entendre, feront répéter la leçon et retracer des faits qui seront le véhicule de la morale; ainsi l'émulation acquerra plus de ressort, ainsi l'éducation publique sera utile, non seulement à ceux qui font l'apprentissage de la vie, mais encore à ceux qui ont atteint l'âge mûr; ainsi l'instruction et les connaissances utiles, comme une douce rosée, se répandront sur toute la masse des individus qui composent la nation, ainsi disparaîtront insensiblement les jargons locaux, les patois de six millions de Français qui ne parlent pas la langue nationale. Car, je ne puis trop le répéter, il est plus important qu'on ne pense en politique d'extirper cette diversité d'idiomes grossiers, qui prolongent l'enfance de la raison et la vieillesse des préjugés. Leur anéantissement sera plus prochain encore, si, comme je l'espère, vingt millions de catholiques se

167. Sepinwall, Alyssa G., *The Abbé Grégoire and the French Revolution: the making of modern universalism*, University of California Press, Berkeley, 2005. P 100.

168. Grégoire, Henri-Baptiste, *Essai sur la regeneration physique, morale et politique des Juifs*, Metz, 1789. Pp. 160-161.

décident à ne plus parler à Dieu sans savoir ce qu'ils lui disent, mais à célébrer l'office divin en langue vulgaire¹⁶⁹.

One of the main functions of the *hôpitaux de l'esprit humain* proposed by Grégoire would be ideological indoctrination by imposing French, as well as the subsequent elimination of people's mother tongues, *idiomes grossiers* that perpetuate *l'enfance de la raison et la vieillesse des préjugés*. Soon afterwards, on October 21, 1793 (30 vendémiaire an II) one of the first decrees was approved requiring the obligatoriness of primary education in French, *dans toutes les parties de la République, l'instruction ne se fait qu'en langue français*. On December 17 of the same year the Committee for Public Safety prohibited the use of German in Alsace.

Grégoire was, however, not new to this field. As early as 1788 he had stated that the eradication of the *patois* was important 'to spread the ideas of the Enlightenment, to reach a purer understanding of religion, to insure an easier enforcement of the law, to make the population happier, and to guarantee political stability'¹⁷⁰. Two years later, Grégoire did not hesitate in maintaining that the existence of vernacular languages was the main cause of counterrevolutionary upheavals in the southwest. So as to support his thesis, on August 13, 1790, he sent a questionnaire of his own initiative to a large group of people living in different parts of the state about the languages and dialects in those areas. In his own words, it was a '*une série de questions relatives au patois et aux moeurs des gens de la campagne*'.

The recipients of the questionnaire were preferably priests (19 o 32,8%), members of Jacobin clubs (14 o 24%) called *Sociétés des amis de la constitution* –and therefore people who had a stake in the system–, lawyers (8 o 13,8%) or professors (5 o 8,6%)¹⁷¹. In essence, this is the first known sociolinguistic survey. The questionnaire contained a total of 43 questions on very different aspects connected to the existence, character, persistence, and possible extirpation of languages and dialects spoken in several *départements*:

1. L'usage de la langue française est-il universel dans votre contrée? Y parle-t-on un ou plusieurs patois?
2. Ce patois a-t-il une origine ancienne et connue?
3. A-t-il beaucoup de termes radicaux, beaucoup de termes composés?
4. Y trouve-t-on des mots dérivés du celtique, du grec, du latin, et en général des langues anciennes et modernes?
5. A-t-il une affinité marquée avec le français, avec le dialecte des contrées voisines, avec celui de certains lieux éloignés, où des émigrants, des colons de votre contrée, sont allés anciennement s'établir?
6. En quoi s'éloigne-t-il le plus de l'idiome national? N'est-ce pas spécialement pour les noms des plantes, des maladies, les termes des

169. Ray, A. (Ed.), *Réimpression de l'ancien Moniteur: seule histoire authentique et inaltérée de la révolution française depuis la réunion des États-généraux jusqu'au Consulat (mai 1789-novembre 1799)*, Henri Plon, Paris, 1860. Vol. 17, Pp. 358-360.

170. Grégoire, Henri-Baptiste, *Essai sur la régénération physique, morale et politique des Juifs*, Metz, 1789. Pp. 160-161. See also, Sepinwall, Alyssa G., *The Abbé Grégoire and the French Revolution: the Making of Modern Universalism*, University of California Press, Berkeley, 2005. P. 96.

171. Michel de Certeau, Michel de; Julia, Dominique; Revel, Jacques, *Une politique de la langue. La Révolution française et les patois. L'enquête de Grégoire*, Gallimard, Paris, 2002. P.32.

- arts et métiers, des instruments aratoires, des diverses espèces de grains, du commerce et du droit coutumier? On désirerait avoir cette nomenclature.
7. Y trouve-t-on fréquemment plusieurs mots pour désigner la même chose?
 8. Pour quels genres de choses, d'occupations, de passions, ce patois est-il plus abondant?
 9. A-t-il beaucoup de mots pour exprimer les nuances des idées et les objets intellectuels?
 10. A-t-il beaucoup de termes contraires à la pudeur? Ce que l'on doit en inférer relativement à la pureté ou à la corruption des mœurs?
 11. A-t-il beaucoup de jurements et d'expressions particulières aux grands mouvements de colère?
 12. Trouve-t-on dans ce patois des termes, des locutions très-énergiques, et même qui manquent à l'idiome français?
 13. Les finales sont-elles plus communément voyelles que consonnes?
 14. Quel est le caractère de la prononciation? Est-elle gutturale, sifflante, douce, peu au fortement accentuée?
 15. L'écriture de ce patois a-t-elle des traits, des caractères autres que le français?
 16. Ce patois varie-t-il beaucoup de village à village?
 17. Le parle-t-on dans les villes?
 18. Quelle est l'étendue territoriale au il est usité?
 19. Les campagnards savent-ils également s'énoncer en français?
 20. Prêchait-on jadis en patois? Cet usage a-t-il cessé?
 21. A-t-on des grammaires et des dictionnaires de ce dialecte?
 22. Trouve-t-on des inscriptions patoises dans les églises, les cimetières, les places publiques, etc.?
 23. Avez-vous des ouvrages en patois, imprimés ou manuscrits, anciens ou modernes, comme droit coutumier, actes publics, chroniques, prières, sermons, livres ascétiques, cantiques, chansons, almanachs, poésie, traductions, etc.?
 24. Quel est le mérite de ces divers ouvrages?
 25. Serait-il possible de se les procurer facilement?
 26. Avez-vous beaucoup de proverbes patois particuliers à votre dialecte et à votre contrée?
 27. Quelle est l'influence respective du patois sur les mœurs, et de celles-ci sur votre dialecte?
 28. Remarque-t-on qu'il se rapproche insensiblement de l'idiome français, que certains mots disparaissent, et depuis quand?
 29. Quelle serait l'importance religieuse et politique de détruire entièrement ce patois?
 30. Quels en seraient les moyens?
 31. Dans les écoles de campagne, l'enseignement se fait-il en français? les livres sont-ils uniformes?
 32. Chaque village est-il pourvu de maîtres et de maîtresses d'école?
 33. Outre l'art de lire, d'écrire, de chiffrer et le catéchisme, enseigne-t-on autre chose dans ces écoles?
 34. Sont-elles assidument surveillées par MM. les Curés et Vicaires?
 35. Ont-ils un assortiment de livres pour prêter à leurs paroissiens?
 36. Les gens de la campagne ont-ils le goût de la lecture?
 37. Quelles espèces de livres trouve-t-on plus communément chez eux?
 38. Ont-ils beaucoup de préjugés, et dans quel genre?
 39. Depuis une vingtaine d'années, sont-ils plus éclairés? leurs mœurs sont-

- elles plus dépravées? leurs principes religieux ne sont-ils pas affaiblis?
40. Quelles sont les causes et quels seraient les remèdes à ces maux?
 41. Quels effets moraux produit chez eux la révolution actuelle?
 42. Trouve-t-on chez eux du patriotisme, ou seulement les affections qu'inspire l'intérêt personnel?
 43. Les ecclésiastiques et les ci-devant nobles ne sont-ils pas en butte aux injures grossières, aux outrages des paysans et au despotisme des maires et des municipalités?¹⁷²

It is not difficult to reach a conclusion based on the slant of the questions, especially number 29 and 30, where Grégoire examines the means of destroying the local languages and the main consequences of their disappearance. In any case, the questionnaire in its totality reveals the existence of prejudices about vernacular languages that were to have a great impact on language policy in the French and Spanish states practically until today:

- The *Langue d'oïl*, is the French language par excellence, and therefore the *langue national*.
- The existence of other vernacular languages makes it difficult for French to extend to these territories.
- Some of these languages share many features with French, but also have certain characteristics that make them inadequate or even inferior: a number of loanwords from other languages, an excessive number of terms related to agriculture, polisemy or many terms to designate the same thing, lack of abstract terminology to render intellectual ideas, an abundance of terms that sin against personal modesty and rude words and expressions, a very rough pitch, tone and rhythm are *fortement accentuée*...
- These vernacular languages, essentially spoken in rural areas by country bumpkins or *campagnards*, have no linguistic unity, and therefore vary from place to place, up to the extreme consequence that speakers of the same language do not understand each other. Moreover, these *campagnards* in general do not speak good *français*.
- Elementary school teachers in local schools offer classes in the vernacular languages, and can have a considerable impact on the moral and political ideas of their pupils, since they have few books written in *français* and nobody supervises what they do in class.
- Current events have had no moral impact nor have they been able to instil patriotism in the hearts of these country bumpkins because they continue speaking their respective languages.

Some questionnaire recipients never answered, and it is certainly a pity that we have no answers about Basque, except for a letter written by D'lthurbide, former member of the legislative assembly and of Dugas's *Cabinet de Traduction*, which is interesting and quoted below. We currently know of 49 completed

¹⁷². Orpustan, Jean-Baptiste, *1789 et les Basques: histoire, langue et littérature. Colloque de Bayonne, 30 juin-1er juillet 1989, Département interuniversitaire d'études basques de Bayonne, Presses Université de Bordeaux, Bordeaux, 1991. Annexe II, pp. 160-162. See also "Variétés. Questionnaire de l'abbé Grégoire au siècle dernier", *L'Anthropologie*, Masson., Paris, 1891. ;Vol. 2, p. 392.*

questionnaires of the 58 that he is supposed to have sent. As for the territories that were formerly confederates of the Crown of Navarre or bordering on that region, Grégoire only received the answer of the informants of Mont de Marsant (Landes) and Tarbes (Bigorra), both in the Gascon linguistic area. The first answer was completed only four days after the questionnaires were sent out, on August 17, 1790, but the majority of the answers was received between November 1790 and February 1791.

It is thus important to underline the answer to question 29 (what political and religious benefits would be gained by completely eradicating the *patois*?) given by the Circle of Friends of the Constitution of the *département* of Gers,

Nou, ne voyons pas qu'il y ait le plus petit inconvénient à détruire notre patois. Ce ne peut être qu'infiniment avantageux. La France, ne composant plus qu'une même famille de frères au d'égaux (ces même termes sont synonymes), sera sans doute bien aise qu'on ne parle plus qu'une soule et même langue. Nous ne tenons pas du tout à notre patois; on peut, quand on voudra, nous l'enlever, nous ne sourcillerons pas. Il nous semble que la langue française est plus faite pour prier le Créateur suprême et chanter ses louanges. Nous sentons que notre patois est trop favoriser la paresse, le monarchisme, la superstition et l'inquisition. La destruction de notre patois ne peut être qu'agréable à Dieu; elle le sera beaucoup à nous, et la politique ne saurait y perdre... Ce qu'il y a de positif, c'est que MM. les Curés l'ont refusé de tous les temps. L'instruction en patois les dispensait de tout travail. L'ignorance dans laquelle ils nous trouvaient et nous laissaient constamment leur était un garant assuré de régner parfaitement, et de ne jamais manquer, du moins, de ce que nous aurions. Nous ne sommes ignorants et grossiers que parce qu'on ne nous instruisait pas. Que nos nouveaux prêtres constitutionnels mettent tout leur bonheur à propager la lumière qu'il, ont vue; qu'ils nous instruisent, et que ce soit en français; nous dévorerons tout ce qu'ils voudront bien nous enseigner, et, s'ils continuent à être nos idoles, du moins ils l'auront mérité¹⁷³.

Monsieur Rochejean, from the town of Salins, *département* of Jura, also maintains that the destruction of the *patois bourguignon* would be extremely advantageous:

L'effet de la destruction du patois serait d'élever l'âme, de réunir les cœurs, d'éclairer les esprits; comme l'effet du patois est de dégrader l'âme par une des distinctions qui placent le pauvre au-dessous du riche, de conserver dans les campagnes une ignorance qui met sans cesse les hommes aux prises avec l'erreur et la fourberie, d'empêcher entre les hommes la communication des sentiments et des pensées, de traiter facilement de leurs intérêts, de diviser les départements, les districts et les communes en autant de peuples différents. Le détruire serait travailler pour l'établissement de l'égalité, donner de grandes facilités à l'instruction publique, unir en un seul cœur comme en un seul peuple tous les Français. L'avantage religieux de la destruction du patois ne serait moins grand que son avantage politique¹⁷⁴.

And he continues with respect to question n. 30 about the means to

173. Gazier, A. (Ed.), *Lettres à Grégoire sur les Patois de France (1790-1794). Documents inédits sur la langue, les mœurs et l'état des esprits dans les diverses régions de la France, au début de la Révolution*, Slatkine Reprints, Genève, 1969. Pp. 94-95.

174. *Ibid.* P. 215.

extirpate the local languages – by answering that one would have to give prizes to those teachers that had stood out in the struggle against the use of vernacular languages:

Les moyens de détruire le patois sont: 1^o de n'admettre désormais pour maîtres d'école dans les villages que des hommes qui n'en sachent pas le patois; 2^o de fournir chaque année aux administrateurs de district une somme a distribuer, en forme de prix d'encouragement, aux trois maîtres d'école qui auront le plus contribué à détruire le patois de leur paroisse; 3^o de distribuer dans les campagnes beaucoup d'instructions simples en français, sur la religion la Constitution, l'agriculture et le commerce; 4^o de cesser, dès que l'intérêt de la religion et des fortunes particulières le permettront, de prêcher et de faire les actes civils autrement qu'en français; 5^o de hâter le moment où le service divin se fera en langue nationale¹⁷⁵.

Along the lines of what was previously stated, the majority of the informants did not consider Occitan and its varieties, as a separate language derived directly from Latin, which formed part of a language family along with other languages, dialects and varieties. Quite the opposite, as many informants refer to the *Langue d'oc* as *un vieux français corrompu*, that is, bad French, corrupted French, a degeneration of correct French; the majority of the informants also considered Occitan as a derivation of the *Langue d'oïl*, which could not be further from the truth:

Le gascon est généralement un français altéré, corrompu et mélangé; mais sa source originelle est l'ancien français, et il a en général les mêmes termes radicaux quo cette langue, qui n'en a guère, et les mêmes termes composés. Le gascon a plusieurs diminutifs, qui ont beaucoup de grâce et qui manquent à l'idiome français¹⁷⁶.

Among the papers collected by Grégoire for his linguistic research, there is an interesting letter by D'Ithurbide, who was at that time in prison, and points out that the key to the ignorance of the laws promulgated by the assembly and the revolutionary government resides in the translation of the most important legal and political documents into Basque and that if Dugas's office had been allowed to continue its work, the Basques would be up to speed regarding revolutionary reality. This notwithstanding, Ithurbide favors establishing a body of French teachers along Barère's lines:

J'ai reçu et passé à peu près toute la vie au milieu de ces Basques, à la douceur et à la bravoure desquels je suis bien flatté de voir un homme de votre mérite rendre justice. Devenus Français par goût et par choix, les Basques avaient conservé l'image des constitutions le plus libres. Jamais on n'avait pu leur enlever l'exercice des premiers droits, de la chasse et de la pêche, introduire chez eux l'ombre seulement de la féodalité, ni même des impositions, jusques aux moments désastreux de ce despote des despotes qu'on nommait Louis XIV. Fiers, courageux et doux, hospitaliers au suprême degré, sensibles à l'excès, les Basques ont reçu de la nature, au physique et au moral, le germe de toutes

175. Ibid. P 215-216.

176. Ibid. P 147.

les qualités qui concourent à former les grands hommes. Je ne connais qu'une soule ombre dans leur tableau, c'est la soif de la vengeance dès qu'on a pu irriter leur trop facile sensibilité. Leur langue les ayant toujours isolés et écartés des emplois publics, ils ne sont guère connus que par la réputation de leurs antiques vertus, sauf pourtant dans la marine, dans laquelle ils excellent. Eh bien! ce peuple, dont le Gouvernement pouvait tirer un grand parti, est presque perdu pour lui; il ignore jusqu'à l'alphabet d'une Révolution qui n'a pourtant fait que perfectionner la Constitution qu'il s'était donnée, et qu'il avait conservée à peu près dans sa pureté primitive. Il fait le lui apprendre, puisqu'il est Français, puisqu'il idolâtre la liberté et l'égalité, puisqu'il ne pourrait exécuter des lois qu'il ignorerait, et dont l'infraction, purement matérielle, l'exposerait trop souvent à des peines qu'il n'aurait pas méritées. Tu as très-bien observé, dans ton savant discours, que l'institution des maîtres de langue française atteindrait ce but trop tard, et qu'il faut, en bannissant les patois et les dialectes par la désuétude, des traductions actuelles aces peuples dont la langue, comme celle des Alsaciens, des Bas-Bretons et des Basques, n'est pas un mélange difforme et corrompu des langues voisines, tant anciennes que modernes; que la voie des traductions est la seule qui puisse mettre les lois à la portée des habitants de ces pays, et leur faire comprendre leurs droits et devoirs, tan dis que l'institution des écoles préparera la génération future a ne parler que la langue de la République. Aucun des hommes qui dans ce pays font les importants en Révolution n'a rien fait pour l'instruction de ses compatriotes; il n'y a de traduit en basque que quelques décrets et quelques instructions que j'ai publiés à mes frais des le commencement de la Révolution. Si je n'avais été distrait de ce travail, d'abord par des fonctions administratives et ensuite par la législation, les Basques sauraient un peu aujourd'hui la Révolution. J'avais conçu, comme toi, que la forme des dialogues très-familiers, des chansons récitatives, etc., était la plus propre à leur donner le gout et la facilité de la langue française; j'avais, en conséquence, depuis longtemps, le projet de composer en basque un catéchisme élémentaire de la Révolution, dans lequel, développant successivement et dans une méthode facile ses causes et ses progrès, je la leur aurais comme inoculée. Mais, malade depuis plus d'un an, à peine je commençais ce travail, quand le choc des passions journalières, inévitable dans les grandes commotions, m'a jeté dans une maison de réclusion, à quarante lieues de ma famille, où j'attends languissant, mais avec résignation et confiance, le jour de la justice nationale¹⁷⁷.

Following the same ideas as Grégoire, Bertrand Barère presented the Convention with a report on January 27, 1794 (*8 pluviöse an II*) concerning the generalization of French through education. The report, entitled *Rapport du Comité de salut public sur les idiomes* and recorded as *Décret 8 pluviöse an II*, began by stating that tyranny had fed on the ignorance of the population for centuries, and that ignorance and fanaticism were typical of those that spoke a language different from that used in public education. French had been regenerated and was now the most beautiful language in Europe, since it was the first one in which a Code of Human Rights had been written:

Citoyens, les tyrans coalisés ont dit: l'ignorance fut toujours notre auxiliaire le plus puissant; maintenons l'ignorance; elle fait les fanatiques, elle multiplie les contre-révolutionnaires; faisons rétrograder les Français vers la barbarie: servons-nous des peuples mal instruits ou de ceux qui parlent un idiome différent de celui de l'instruction publique. Le comité a entendu ce complot de

177. Ibid. P. 158-161.

l'ignorance et du despotisme. Je viens appeler aujourd'hui votre attention sur la plus belle langue de l'Europe, celle qui, la première, a consacré franchement les droits de l'homme et du citoyen, celle qui est chargée de transmettre au monde les plus sublimes pensées de la liberté et les plus grandes spéculations de la politique¹⁷⁸.

The author probably did not know the Virginia Declaration of Rights of 1776, written in English or the Declaration of Rights and Grievances of New York of 1765, the Bill of Rights of 1689 or the legal code of Zuberoa of 1520, written in Gascon, and whose first article established that all natives and other inhabitants of that land are equally free, untainted by slavery:

Per la Costume de toute ancienetat observade & goardade, tous los natus & habitans en la terre son francs & de franque condition, sens tache de servitut. Et degun no a ne ne pot prener aucune suite de gens demoran en ladite terre, neexiger aucun dret a cause de la persone & deu corsadge deusdits manans & habitans, ne de aucun de eds¹⁷⁹.

In any case, Barère continued pointing out that the existence of different languages was a residue of the feudal regime, and that the existence of different languages and of the distinctions derived from them could suggest the existence of different nations within the Republic. Reports about the existence of *patois* in different parts of the Republic coincided in indicating –this was the opinion of the author of the report- that these languages were one of the greatest obstacles to the spreading of the civic spirit and to the knowledge of the laws of the Republic and their enforcement. The subsistence of such languages –German, Breton, Basque, or Italian- was therefore responsible for the persistence of the reign of fanaticism and superstition:

Parmi les idiomes anciens, welches, gascons, celtiques, wisigoths, phocéens ou orientaux, qui forment quelques nuances dans les communications des divers citoyens et des pays formant le territoire de la République, nous avons observé (et les rapports des représentants se réunissent sur ce point avec ceux des divers agents envoyés dans les départements) que l'idiome appelé bas-breton, l'idiome basque, les langues allemande et italienne ont perpétué le règne du fanatisme et de la superstition, assuré la domination des prêtres, des nobles et des praticiens, empêché la révolution de pénétrer dans neuf départements importants, et peuvent favoriser les ennemis de la France¹⁸⁰.

From this point of view, vernacular languages were an instrument of barbarism and a vehicle for superstitious thoughts that meddling priests manipulated as they pleased so as to avoid that citizens learn the laws and feel love towards the Republic. If the Republic's decrees were not known and

178. Stephens, Henry M., *The Principal Speeches of the Statesmen and Orators of the French Revolution, 1789-1795: Barère, Danton, Robespierre, Saint-Just, Baudin*, Clarendon Press, 1892. Vol. 2, P 40.

179. *La Coutume de la Soule*, G. Dagné et Desbarats, Bordeaux, 1760.

180. Stephens, Henry M., *The Principal Speeches of the Statesmen and Orators of the French Revolution, 1789-1795: Barère, Danton, Robespierre, Saint-Just, Baudin*, Clarendon Press, 1892. Vol. 2, Pp. 41-42.

its efforts were ignored, public education could not be established, and as a consequence, the regeneration of the population would be impossible. This situation perpetuated, according to Barère, an indestructible federalism based on the lack of communication of revolutionary ideas:

Le fédéralisme et la superstition parlent bas-breton; l'émigration et la haine de la République parlent allemand; la contre-révolution parle l'italien, et le fanatisme parle le basque. Cassons ces instruments de dommage et d'erreur¹⁸¹.

At the same time, the other foreign languages of the continent were also the vehicles for other sins:

Ayons l'orgueil que doit donner la prééminence de la langue française depuis qu'elle est républicaine, et remplissons un devoir. Laissons la langue italienne consacrée aux délices de l'harmonie et aux expressions d'une poésie molle et corruptrice. Laissons la langue allemande, peu faite pour des peuples libres jusqu'à ce que le gouvernement féodal et militaire, dont elle est le plus digne organe, soit anéanti. Laissons la langue espagnole pour son inquisition et ses universités jusqu'à ce qu'elle exprime l'expulsion des Bourbons qui ont détrôné les peuples de toutes les Espagnes. Quant à la langue anglaise, qui fut grande et libre le jour qu'elle s'enrichit de ces mots, la majesté du peuple, elle n'est plus que l'idiome d'un gouvernement tyrannique et exécrationnable, de la banque et des lettres-de-change. Nos ennemis avaient fait de la langue française la langue des cours; ils l'avaient avilie. C'est à nous d'en faire la langue des peuples, et elle sera honorée¹⁸².

In reference to the *départements* of the Haut et Bas-Rhin, Barère added that the people of the rural areas spoke the same language as the enemies of the Republic, and that because language has the power to unify a people's identity, they felt much closer to those than to their fellow-citizens, who speak another language and had different customs. About the Basques, the author says that even if they had never known slavery as a people, since they had always been in charge of their own rights, the Basques were equally trapped by the power exerted on them by priests, as well as, by not knowing the French language:

Vers une autre extrémité de la République est un peuple neuf, quoique antique, un peuple pasteur et navigateur, qui ne fut jamais ni esclave ni maître, que César ne put vaincre au milieu de sa course triomphante dans les Gaules, que l'Espagne ne put atteindre au milieu de ses révolutions, et que le despotisme de nos despotes ne put soumettre au joug des intendants : je veux parler du peuple basque. Il occupe l'extrémité des Pyrénées-Occidentales qui se jette dans l'Océan. Une langue sonore et imagée est regardée comme le sceau de leur origine et l'héritage transmis par leurs ancêtres. Mais ils ont des prêtres, et les prêtres se servent de leur idiome pour les fanatiser ; mais ils ignorent la langue française et la langue des lois de la République. Il faut donc qu'ils l'apprennent, car, malgré la différence du langage et malgré leurs prêtres, ils

181. Ibid. P 46.

182. Ibid. P 49.

sont dévoués à la République qu'ils ont déjà défendue avec valeur le long de la Bidassoa et sur nos escadres¹⁸³.

The only solution before this situation was to promote and divulge the only language that could be used as a vehicle to educate an educated nation. Barère ended his speech proposing the establishment of a national body of primary school teachers who had to teach class in French and translate the laws of the Republic, so that the people living in the *campagne* could understand those regulations more easily, as a first step. These professors were not supposed to be religious, it was enough for them to be good patriots and enlightened men, the only necessary qualities to devote themselves to education. The teachers would be chosen among candidates proposed by popular societies, and their salary would be covered by public funds.

Finally, Barère would return to the nuclear idea: *Citoyens, la langue d'un peuple libre doit être une et la même pour tous*, not knowing the official language meant treason:

Dans la monarchie même chaque maison, chaque commune, chaque province, était en quelque sorte un empire séparé de moeurs, d'usages, de lois, de coutumes et de langage. Le despote avait besoin d'isoler les peuples, de séparer les pays, de diviser les intérêts, d'empêcher les communications, d'arrêter la simultanéité des pensées et l'identité des mouvements. Le despotisme maintenait la variété des idiomes: une monarchie doit ressembler à la tour de Babel; il n'y a qu'une langue universelle pour le tyran: celle de la force pour avoir l'obéissance, et celle des impôts pour avoir de l'argent [...]. D'ailleurs, combien de dépenses n'avons-nous pas faites pour la traduction des lois des deux premières assemblées nationales dans les divers idiomes parlés en France! Comme si c'était à nous à maintenir ces jargons barbares et ces idiomes grossiers qui ne peuvent plus servir que les fanatiques et les contre-révolutionnaires! Laisser les citoyens dans l'ignorance de la langue nationale, c'est trahir la patrie; c'est laisser le torrent des lumières empoisonné ou obstrué dans son cours; c'est méconnaître les bienfaits de l'imprimerie, car chaque imprimeur est un instituteur public de langue et de législation¹⁸⁴.

On the same Sunday, January 27, 1794, the Convention ratified obligatory primary school attendance in French, in all corners -far and wide- of the Republic, therefore even in the Basque Country, where people spoke 'a foreign language':

1. Il sera établi dans dix jours, à compter du jour de la publication du présent décret, un instituteur de langue française dans chaque commune de campagne des départements du Morbihan, du Finistère, des Côtes-du-Nord et dans la partie de la Loire-Inférieure dont les habitants parlent l'idiome appelé bas-breton.
2. Il sera procédé à la même nomination d'un instituteur de la langue française dans chaque commune des campagnes des départements du Haut et Bas-Rhin, dans le département de la Corse, dans la partie du département de la Moselle, du département du Nord, du Mont-Terrible, des Alpes maritimes, et de la partie des Basses-Pyrénées dont les habitants parlent un idiome étranger.
3. Il ne pourra être choisi un instituteur parmi les ministres d'un culte quelconque, ni parmi ceux qui auront appartenu à des castes ci-devant privilégiées; ils seront

183. Ibid. Pp. 43-44.

184. Ibid. P 47.

nommés par les représentants du peuple, sur l'indication faite par les sociétés populaires.

4. Les instituteurs seront tenus d'enseigner tous les jours la langue française et la Déclaration des Droits de l'Homme à tous les jeunes citoyens des deux sexes que les pères, mères et tuteurs seront tenus d'envoyer dans les écoles publiques ; les jours de décade ils donneront lecture au peuple et traduiront vocalement les lois de la république en préférant celles relatives à l'agriculture et aux droits des citoyens.
5. Les instituteurs recevront du trésor public un traitement de 1500 livres par an, payables à la fin de chaque mois, à la caisse du district, sur le certificat de résidence donné par les municipalités, d'assiduité et de zèle à leurs fonctions donné par l'agent national près chaque commune. Les sociétés populaires sont invitées à propager l'établissement des clubs pour la traduction vocale des décrets et des lois de la république, et à multiplier les moyens de faire connaître la langue française dans les campagnes les plus reculées¹⁸⁵.

Two years after receiving the answers to his questionnaire and just five months after Barère's defense of a monolingual, public education, Grégoire –representing the Committee on Public Education of the Convention- presented on June 4, 1794 (*16 prairial an II*) a report on the need and means to eradicate the patois and make French universal, (*Rapport sur la nécessité et les moyens d'anéantir les patois et d'universaliser l'usage de la langue française*). Grégoire's speech had a double purpose, on the one hand imposing the *Langue d'oïl*, which according to French nationalist theories, was the most capable of European languages, and on the other hand purging the language of all feudal linguistic residues, *disinfect* it, and adapt its lexicon to the new political reality; according to the author of the report, this was a project well worthy of the Convention's backing, i.e. '*c'est celui de révolutionner notre langue*'.

The author began with a series of data on the linguistic reality of the Republic, which were supposedly supported by his research. According to his data on the linguistic reality of the Republic, only in 15 *départements* out of 83 do they speak French correctly, which interpreted according to the time period means that only in 15 *départements* is the *Langue d'oïl* predominant over other French Romance varieties. From this geographic reality, Grégoire deduces that only 3 million citizens speak French out of a total of 28 million, i.e. barely 11% of the population:

Il n'y a qu'environ quinze départements de l'intérieur où la langue française soit exclusivement parlée [...]. On peut assurer sans exagération qu'au moins six millions de Français, surtout dans les campagnes, ignorent la langue nationale ; qu'un nombre égal est à peu près incapable de soutenir une conversation suivie ; qu'en dernier résultat, le nombre de ceux qui la parlent n'excède pas trois millions, et probablement le nombre de ceux qui l'écrivent correctement encore moindre. Ainsi, avec trente patois différents, nous sommes encore, pour le langage, à la tour de Babel, tandis que, pour la liberté, nous formons l'avant-garde des nations [...]. Les relations des voyageurs étrangers insistent sur le

185. Ibid. P. 50.

désagrément qu'ils éprouvaient de ne pouvoir recueillir des renseignements dans les parties de la France où le peuple ne parle pas français¹⁸⁶.

On the other hand, there is a great number of *patois*, over 30 in total. Here, they are listed by the author:

Nous n'avons plus de provinces, et nous avons encore environ trente patois qui en rappellent les noms. Peut-être n'est-il pas inutile d'en faire l'énumération: le bas-breton, le normand, le picard, le rouchi ou wallon, le flamand, le champenois, le messin, le lorrain, le franc-comtois, le bourguignon, le bressan, le lyonnais, le dauphinois, l'auvergnat, le poitevin, le limousin, le picard, le provençal, le languedocien, le velayen, le catalan, le béarnais, le basque, le rouergat et le gascon; ce dernier seul est parlé sur une surface de 60 lieues en tout sens. Au nombre des patois, on doit placer encore l'italien de la Corse, des Alpes-Maritimes, et l'allemand des Haut et Bas-Rhin, parce que ces deux idiomes y sont très-dégénérés. Enfin les nègres de nos colonies, dont vous avez fait des hommes, ont une espèce d'idiome pauvre comme celui des Hottentots, comme la langue franque, qui, dans tous les verbes, ne connaît guère que l'infinifit¹⁸⁷.

In Grégoire's opinion, translation was not a solution to the real problem, which went well beyond ignoring the laws and decrees of the Republican codes. The real problem was that speaking and thinking in '*patois* makes you ill and infects [one's soul]' as well as 'oppressing' and 'mutilating' the mind, since *l'impropriété des termes, l'imprécision des idées, [sont] en un mot tous les symptômes de l'ignorance*. The *jargons* were also barriers to commerce and to social relations. Because of their limited and handicapped nature, it was impossible to translate the enlightened, abstract ideas of freedom and equality as they were expressed in French. As a consequence, translations were ineffective, as well as excessively expensive, and presupposed a useless complication of the administrative mechanisms of the state. In reference to the Basques, as in all other cases, their language was an obstacle for the propagation of the ideas of the Enlightenment, and in this specific case it kept the population steeped in religious fanaticism:

Cette disparité de dialectes a souvent contrarié les opérations de vos commissaires dans les départements. Ceux qui se trouvaient aux Pyrénées-Orientales en octobre 1792 vous écrivirent que, chez les Basques, peuple doux et brave, un grand nombre était accessible au fanatisme, parce que l'idiome est un obstacle à la propagation des lumières. La même chose est arrivée dans d'autres départements, où des scélérats fondaient sur l'ignorance de notre langue le succès de leurs machinations contre-révolutionnaires¹⁸⁸.

Therefore, rather than translation, what was needed was a new language. In a very personal interpretation of Leibnitz, Grégoire concluded that words were the letters of reason and that it was therefore necessary to create new terms to

186. Grégoire, Henri-Baptiste, *Rapports de Henri Grégoire, ancien évêque de Blois, sur la bibliographie, la destruction des patois et les excès du vandalisme, faits à la convention du 22 germinal an 2 au 24 frimaire an III*, A. Massif/Delarcocque, Caen & Paris, 1867. Pp. 17-18.

187. *Ibid.* P 17.

188. *Ibid.* P 18.

express the new revolutionary ideas. This said, the creation of such terminology could not be left to chance, in the hands of ignorant and unreliable country bumpkins, unaccustomed to general ideas and reluctant to use abstract terms: thence the inherent poverty of their languages. The revolutionary government must rather embrace the task to regenerate the French language, make it uniform and thus create the one vehicle of ideology, a technical language: '*il faut donc, en révolutionnant les arts, uniformer leur idiome technique*'. The 19th century was the era of uniformity, homologation, and assimilation; through the influence of the language on habits, and of these on language again, the 30 different cultural realities would spawn a new and uniform French revolutionary culture, under the careful scrutiny and care of the Republican government:

Quoiqu'il y ait possibilité de diminuer le nombre des idiomes reçus en Europe, l'état politique du globe bannit l'espérance de ramener les peuples à une langue commune. Cette conception, formée par quelques écrivains, est également hardie et chimérique. Une langue universelle est, dans son genre, ce que la pierre philosophale est en chimie. Mais au moins on peut uniformer le langage d'une grande nation, de manière que tous les citoyens qui la composent puissent sans obstacle se communiquer leurs pensées. Cette entreprise, qui ne fut pleinement exécutée chez aucun peuple, est digne du peuple français, qui centralise toutes les branches de l'organisation sociale et qui doit être jaloux de consacrer au plûtôt, dans une République une et indivisible, l'usage unique et invariable de la langue de la liberté... Le régime républicain a opéré la suppression de toutes les castes parasites, le rapprochement des fortunes, le nivellement des conditions. Dans la crainte d'une dégénération morale, des familles nombreuses, d'estimables campagnards, avaient pour maxime de n'épouser que dans leur parenté. Cet isolement n'aura plus lieu, parce qu'il n'y a plus en France qu'une seule famille. Ainsi la forme nouvelle de notre gouvernement et l'austérité de nos principes repoussent toute parité entre l'ancien et le nouvel état de choses... Tout ce qu'on vient de dire appelle la conclusion, que pour extirper tous les préjugés, développer toutes les vérités, tous les talents, toutes les vertus, fondre tous les citoyens dans la masse nationale, simplifier le mécanisme et faciliter le jeu de la machine politique, il faut identité de langage. Le temps amènera sans doute d'autres réformes nécessaires dans le costume, les manières et les usages¹⁸⁹.

As the means to substitute the vernacular languages with the official French, Grégoire suggested that the fundamental tool to accomplish this would be the prescriptive enforcement of the French language as the sole vehicle of public education, as well as the writing of a more appropriate grammar expunged of all foreign influence on French and regenerate in this way *l'idiome de la liberté*. As a consequence of Grégoire's speech, the Convention established that:

Le Comité d'instruction publique présentera un rapport sur les moyens d'exécution pour une nouvelle grammaire et un vocabulaire nouveau de la langue française. Il présentera des vues sur les changements qui en faciliteront l'étude et lui donneront le caractère qui convient à la langue de la liberté. La Convention décrète que le rapport sera envoyé aux autorités constituées, aux Sociétés populaires et à toutes les communes de la République¹⁹⁰.

189. Ibid. Pp. 18-27.

190. Duruy, Albert, *L'instruction publique et la révolution*, Hachette, Paris, 1882. P 109.

This decree was never ratified or applied, but the regulation persisted. The members of the *Comité de Salut Public*, among them Barère and Robespierre, issued on June 16, 1794 a public document known as *Circulaire 72 du 28 prairial an II*, in which they referred to the decree dated January 27, 1794 as in force, for which reason French was thus adopted as the official language of the public education system:

Citoyens, la Convention nationale a senti l'importance d'une loi pour l'enseignement de la langue française aux citoyens des divers pays où l'on parle des idiomes différents. Dans une République une et indivisible, la langue doit être une. C'est un fédéralisme que la variété des dialectes: elle fut un des ressorts de la tyrannie; il faut le briser entièrement la malveillance s'en servirait avec avantage. Le décret du 8 Pluviôse ordonne, en conséquence, le prompt établissement d'un instituteur de langue française dans chaque commune de campagne des départements où les habitants sont dans l'habitude de s'exprimer dans une langue étrangère. Cet instituteur doit, chaque jour, enseigner la langue française et la Déclaration des droits de l'homme à tous les jeunes citoyens des deux sexes; et, chaque décadi, faire lecture au peuple des lois de la République, en les traduisant vocalement. Mais, en le chargeant de ces fonctions importantes, la loi ne le dispense pas de remplir celles d'instituteur des écoles primaires. Le travail est la mesure du salaire; et c'est ce principe qui a déterminé le législateur, en accordant à l'instituteur un traitement fixe et plus fort, pour l'indemniser d'un plus grand travail. Ainsi, donc, dans les communes de campagne, le même instituteur doit non-seulement enseigner la langue française, mais encore satisfaire à tout ce qu'exigent de lui les lois relatives à l'instruction publique¹⁹¹.

The decree dated July 24, 1794 (*Décret du 2 thermidor an II, sur la langue française*) on the use of French in the administration of the state imposed the *Langue d'oïl* as the sole language used in public management, threatening imprisonment for those who disobeyed. Its four articles read as follows:

1. Starting from the publication of this decree, no public document can be written in any language but French in any part of the Republic's territory.
2. A month after the publication of this law, no document –public or private– can be registered unless it is written in French.
3. All functionaries, public officials or governmental officers who, while carrying out their duties, addresses, writes, or signs reports, resolutions, agreements or other documents in any language or languages different from French will be brought before the court of the department of corrections in his area, condemned to six months' imprisonment and removed from office.
4. The same punishment will be applied against any receiver of registration fees, who after a month from the publication of this decree registers private and public documents in languages or dialects different from French¹⁹².

Just a week afterwards, after a new coup d'état, the *Montagnards* lost their power, many of their leaders also their heads, among them Robespierre

191. *Revue des langues romanes publiée par la Société pour l'étude des langues romanes*, Troisième série, Tome premier, Montpellier, 1879. P. 197.

192. Lepeç, France, *Recueil général des lois, décrets, ordonnances, etc: depuis le mois de juin 1789 jusqu'au mois d'août 1830*, Impr. de P. Dupont et cie, Paris, 1839. Vol. 5, Pp. 313-314.

and Saint Just, who were guillotined surrounded by the applause of the throngs gathered in Revolution Square, now called *Place de la Concorde* ('Harmony Square'). The new government, la *Convention Thermidorienne* would not adopt many of the legal measures established by the Jacobin Party, but it did follow the same lines regarding language policy.

As for the laws concerning compulsory primary education, along with the above-mentioned projects proposed by Barère y Grégoire, the decrees and initiatives proposed by Charles M. Talleyrand, Nicolas Condorcet, Louis Le Peletier, Gabriel Bouquier, Pierre Danou and Joseph Lakanal clearly stand out. In agreement with the decree dated December 19, 1794 (*Décret du 29 frimaire an II*), the Convention approved the first plan for primary education that was actually put into practice. Thanks to the new regulation and in accordance with the principles established by Grégoire, primary school would be obligatory, free of charge, and taught exclusively in French. Boys and girls were to start their studies at 6 years of age and teachers had to have no other requisite than a certificate of citizenship. No title or degree was required. Parents that did not bring their children to school or those teachers that taught something different from the 'republican principles' would be punished. Finally, all textbooks needed to be approved by the Committee of Public Instruction. Despite the criticism it attracted, the plan was set into practice, and the first French public school system came into being¹⁹³. The decree of December 1794 abolished the Bouquier Education Law dated December 19, 1793, from which it was not very different¹⁹⁴.

On November 17, 1794 the Convention approved one of its last measures concerning education, the *Décret du 27 brumaire an III sur les écoles primaires*, upon the initiative of Joseph Lakanal. This decree created 24.000 primary schools, i.e. setting up one school for every 1.000 inhabitants. As in previous cases, education would be imparted solely in French and it would focus on revolutionary values and the love for an indivisible country:

Chapitre IV. Instruction et régime des écoles primaires

1. Les élèves ne seront pas admis aux écoles primaires avant l'âge de six ans accomplis.
2. Dans l'une et l'autre section de chaque école, on enseignera aux élèves:
 - 1° A lire et à écrire, et les exemples de lecture rappelleront leurs droits et leurs devoirs;
 - 2° La Déclaration des droits de l'homme et du citoyen et la Constitution de la République française;
 - 3° On donnera des instructions élémentaires sur la morale républicaine;
 - 4° Les éléments de la langue française, soit parlée, soit écrite;
 - 5° Les règles du calcul simple et de l'arpentage;
 - 6° Les éléments de la géographie et de l'histoire des peuples libres;
 - 7° Des instructions sur les principaux phénomènes et les productions les plus usuelles de la nature.On fera apprendre le Recueil des actions héroïques et les chants de triomphe.

¹⁹³ Kennedy, Michael L., *The Jacobin clubs in the French Revolution, 1793-1795*, Berghahn Books, 2000. P 146.

¹⁹⁴ Dwyer, Philip G.; McPhee, Peter (Eds.), *The French Revolution and Napoleon: a source-book*, Routledge, New York & London, 2002. P 89.

3. L'enseignement sera fait en langue française; l'idiome du pays ne pourra être employé que comme un moyen auxiliaire¹⁹⁵.

Article 3 of Lakanal's Law (teaching was to be in French, other languages could be used as a help tool) would be the legal foundation of following regulations regarding education basically up to our time, with no variation or changes, except that since 1980, the second part of the Lakanal formula was no longer necessary.

A new constitution, the third one since 1791, was approved by the Convention on August 22nd, 1795. It was known as *La Constitution de l'an III*, in whose image a new government was created two months later, the so-called Directory (1795-1799¹⁹⁶). It was authoritarian in character and, consequently less democratic than the preceding governments (voting rights indirectly based on income). Practically one of the first measures of the new government was the approval of the Daunou Law dated October 25, 1795 (*Loi du 3 brumaire an IV sur l'organisation de l'instruction publique*), which developed the tenth title of the new constitution of 1795. The new regulation on education established that schooling would be accessible to all and obligatory, but not free of charge. As in previous cases, classes would be taught in French and 'Republican Ethics' (*morale républicaine*) was a prominent and obligatory subject.

After Napoleon Bonaparte's coup d'état of November 9, 1799 (*18 brumaire an VIII*), the Republic would come to know a new régime and a new constitution, *la Constitution de l'an VIII*, approved on December 15, 1799 and ratified by referendum in February 1800.

Through a law passed on May 1, 1802 (*loi générale sur l'Instruction publique créant les lycées et l'Inspection générale 11 floréal an X*), Bonaparte, as *premier consul*, created the first network of secondary schools in the country, with the same linguistic regulations of previous laws. Thus, in article six of title three, *Des écoles secondaires*, classes were to be taught in French as previously done, and instructors would teach French and Latin grammar:

Art. 6. Toute école établie par les communes ou tenue par les particuliers, dans laquelle on enseignera les langues latine et française, les premiers principes de la géographie, de l'histoire et des mathématiques, sera considérée comme école secondaire¹⁹⁷.

Starting from this date, the emphasis would be on obtaining those goals i.e. the establishment of schools with a dual purpose: on the one hand the elimination of the patois and the imposition of French, and on the other training young citizens to love their country. Along these lines, the Council of Baiona that was encountering difficulties in recruiting qualified teachers at that time, ordered in April 1796 that all means be used to try and make Basque disappear:

195. Ray, A. (Ed.), *Réimpression de l'ancien Moniteur: seule histoire authentique et inaltérée de la révolution française depuis la réunion des États-généraux jusqu'au Consulat (mai 1789-novembre 1799)*, Henri Plon, Paris, 1860. Vol. 17, P. 536.

196. The Directory was created on October 26, 1795 (*4 brumaire an IV*) and lasted until November 9, 1799 (*18 brumaire an VIII*).

197. *Archives parlementaires de 1787 à 1860: recueil complet des débats législatifs et politiques des chambres françaises*, Assemblée Nationale, Paris, 1888. P. 477.

Tandis que les villes organisaient ainsi peu à peu le service de l'enseignement primaire, les campagnes éprouvaient plus de difficultés à se procurer des sujets capables d'exercer les fonctions pédagogiques. Au mois d'avril 1796, le commissaire du pouvoir exécutif près l'administration municipale de Bayonne se plaignait du petit nombre d'instituteurs qui s'étaient présentés devant le jury d'instruction du district. Sur onze candidates, neuf avaient été admis et il aurait fallu cinquante maîtres. Le commissaire ajoutait, il est vrai: «La nécessité de savoir les deux langues (le basque et le français est aussi la principale cause des malheureux préjugés de cette contrée, ce que nous avons le plus instamment recommande aux instituteurs, c'est d'employer tous les moyens pour y introduire l'usage de la langue française¹⁹⁸.

Following the same reasoning, the prefect of Maule *Général Serviez* issued in 1802 an ordinance to create a public school in the town so as to: *tirer de l'ignorance un peuple qui n'ayant qu'un idiome particulier, ne pouvait guère établir de relations avec le reste de la Nation*¹⁹⁹. He also underlined that said school would be *un grand moyen de franciser les Basques, trop en arrière pour les usages, les mœurs la civilisation et surtout la langue*²⁰⁰.

In any case, incessant wars, changes of government and of the laws, as well as the people's reluctance to adopt French as their own languages, did not yield the results the government was hoping for during the period spanning 1789-1815. A survey carried out by Charles E. Coquebert de Montbret under the auspices of the Ministry of the Interior between 1806 and 1810 aimed at establishing the linguistic borders of different *patois*, as well as measuring the advancement of French under the linguistic policies that had been adopted up to then. The survey revealed that in 1810 only 25 of the 130 *départements* of the French state were monolingual (*Langue d'oïl*), that is, the 19,2% of the total.

After the final demise of Bonaparte in 1815, the French monarchy was restored under Louis XVIII (1814-1830), and the linguistic question enters what could be defined as a second phase of language policies adopted by the French administration: once the regulatory principles of the state's language system were established (official status of the *Langue d'oïl*, and exclusion of the other dialects and languages from the administration of the state and from the school system), the challenge from 1830 to 1940 would be to enforce the extinction of the *patois* so as to benefit the state's official language. Considering that these were the premises, nothing changed with the ordinances of February 29, 1816, April 8, 1824, April 21, 1828.

Starting from 1830, many linguistic surveys and sociolinguistic studies would be carried out so as to monitor the success of linguistic policies. Nationalistic arguments to justify them are also found, such as the reasoning by the prefects of *Côtes-du-Nord* and *Finistère* to the Minister of Public Instruction Camille de Montalivet in 1831:

198. Bulletin de la Société des Sciences, Lettres et Arts de Pau, 1880-1881, Ile série, Tome 10ème, Pau, León Ribaut, 1881. P. 24. See also, Goyhenetche, Manex, *Pays Basque Nord, un peuple colonisé*, Elkar, Baiona, 1979. P. 73.

199. Berthet, Ernest; Lafont, Robert, *Langue dominante, langues dominées*, Paris, Édilig, 1982. P. 98.

200. Ibid.

[Il faut] par tous les moyens possibles, favoriser l'appauvrissement, la corruption du breton, jusqu'au point où, d'une commune à l'autre, on ne puisse pas s'entendre [...]. Car alors la nécessité de communication obligera le paysan d'apprendre le français. Il faut absolument détruire le langage breton²⁰¹.

References to Basque from the Ministry of Public Instruction or from the state's prefects are similar in nature. What was relevant to extirpate Breton, could also be used to cause the extinction of Catalan, Flemish, German, or Gascon. In 1833, the government in Paris sent 490 *inspecteurs* to visit every *département* of the state and assess the process of the imposition of French through the school system. The report issued by the *inspecteur d'Académie* in Maule states that the only form to impose the official language was to 'demand that teachers completely eliminate the use of Basque in schools':

J'ai exigé des instituteurs l'abolition entière de l'usage de la langue basque en classe. Je leur ai fait sentir combien il importe à nos enfants d'apprendre et de parler la langue de la nation pour tous les usages de la vie sociale. Je leur ai également recommandé d'abandonner entièrement la pratique de la lecture basque, suivre dans tous les temps dans leurs écoles, d'y substituer exclusivement les alphabets syllabiques français, les seuls qui conviennent à la première enfance²⁰².

The same individual underlined the immense ignorance that characterized the Basque people since they knew no French:

Une ignorance et une grande apathie règnent sur les frontières d'Espagne. Presque tous les habitants sont berges, et les pauvres enfants sont destinés jeunes, immédiatement après leur première communion, à garder les troupeaux sur les montagnes. Il faudrait, pour le pays basque, des lois exceptionnelles, des lois qui forçassent les parents à envoyer leurs enfants à l'école, ainsi qu'il en existe une dans la vallée d'Ahescoa, première province basque espagnole. Les jeunes gens y sont déclarés inaptes à toutes les fonctions civiles et militaires, s'ils n'apprennent l'espagnol par principes, et s'ils ne savent lire, écrire et chiffrer. Aussi, tous les Espagnols de la plus basse classe savent-ils écrire et calculer. On trouvera étrange de proposer pour modèle d'émulation et de philosophie

la nation Espagnole; néanmoins, ils en ont beaucoup plus que nos frontières françaises pour ce qui regarde la langue et l'enseignement primaire²⁰³.

The new measures obviously caused popular opposition, and as the *inspecteur* of the Oloron district stated, there were many people that refused to bring their children to these schools, insisted on speaking their national language, and were devoted to drinking:

201. Abalain, Hervé, *Le français et les langues historiques de la France*, Editions Jean-paul Gisserot, Paris, 2007. P 113.

202. Lorain, Paul, *Tableau de l'instruction primaire en France: d'après des documents authentiques, et notamment d'après les rapports adressés au ministre de l'instruction publique par les 490 inspecteurs chargés de visiter toutes les écoles de France, à la fin de 1833*, Hachette, Paris, 1837. P 219.

203. *Ibid.* P 200.

L'instruction primaire n'est guère avancée Dans la commune d'Esquiule, malgré que cette commune ait un instituteur communal et quatre instituteurs libres dans les hameaux; ils savent à peine lire et écrire; ils ne parlent que basque. Il est impossible de leur rien faire comprendre, et ils se livrent, en général, aux excès de la boisson²⁰⁴.

In the same way, the *instructeur* of the district of Baiona stated that the only form for French to be generalized was to force pupils to speak French imposing that all subjects be taught in French, except for Catholic doctrine:

La langage populaire de ces quatre dernières communes rurales, toutes voisines de Bayonne qu'elles sont, est le basque, idiome tout-à-fait étranger à la langue française, que les enfants de ces communes ne parlent ni n'entendent. C'est pourquoi nous croyons qu'il serait nécessaire qu'un ordre exprès obligerait rigoureusement les instituteurs, à l'avenir, établis dans ces communes où ce dialecte est usité, à parler constamment français à leurs élèves, tant en classe que partout ailleurs, de leur prohiber même tout enseignement en cet idiome, à l'exception du catéchisme du diocèse qui y est traduit; c'est par ces moyens que l'instruction ferait quelques progrès dans ces contrées. La même obligation devait être imposée tant aux instituteurs gascons qu'aux basques, relativement à la langue française, qui y est très-retardée²⁰⁵.

The *instructeur* of Donibane Garazi also suggested that the only way to impose French was to impose the use of French and to implement total immersion from day one²⁰⁶.

After the July Revolution of 1830 and the Proclamation of the Constitutional Charter dated August 14, 1830, and the deposition of Charles X (1824-1830), the French state would become a constitutional monarchy once again from 1830 to the revolution of 1848 under king Louis Philippe I. The polemic *Loi Guizot sur l'instruction primaire* dated June 28, 1833, and encouraged by the then Minister of Public Instruction François Guizot based on article 69 of the Constitutional Charter continued with the same language policies as previous laws, even if it somewhat softened the indoctrinating function of schools, which had been so blatant in other French laws concerning education. Thus we do not find in the first article any reference to the inculcation of political or patriotic principles, nor the need to memorize legal texts such as the constitution:

L'instruction primaire comprend nécessairement l'instruction morale et religieuse, la lecture, l'écriture, les éléments de la langue française et du calcul, le système légal des poids et mesures²⁰⁷.

This did not mean, however, that the linguistic pressure exerted on pupils, parents, and teachers was softened too. Thus, years later, a secretary of Guizot, would write the following about Breton:

204. Ibid. P 217.

205. Ibid. P 222.

206. Ibid. P 247.

207. Arnold, Matthew, *The Popular Education of France: With Notices of that of Holland and Switzerland*, Longman, London, 1861. P 243.

Nous avons presque à civiliser cette province si belle mais encore si sauvage... Qu'une ligne de chemin de fer soit construite à travers ce pays, une circulation rapide s'établira, des populations bretonnes descendront vers la France centrale, et des populations de provinces plus avancées en civilisation viendront à leur tour visiter la Bretagne. Un chemin de fer apprendra en dix ans plus de français aux Bretons que les plus habiles instituteurs primaires... C'est vraiment pitié de ne point travailler plus activement que nous le faisons à civiliser, à franciser tout à fait cette belle province à l'entêtement si fier, aux sentiments si généreux²⁰⁸.

Under the auspices of the *loi Guizot*, the *Association pour le développement de l'instruction primaire* experimented with the possibility of creating boarding schools in which pupils, far from any home influence, atmosphere, and language, would guarantee a better immersion in French. The association considered the enforcement of the *méthode mutuelle* of teaching very positive, since elementary instruction in Basque schools, far from having yet reached the desired goal, was considered quite deficient. In the opinion of the informant, the imposition of French in the Basque Country would require regulations and special measures, such as the total prohibition to speak or read in Euskara:

Les enfants vont à l'école durant des années entières, lisons-nous dans un journal du temps, et sortent sans même savoir lire. Que peuvent-ils apprendre avec des instituteurs qui, sauf de rares exceptions, ne savent lire lorsqu'ils ont on se serve dans ces écoles, écrivent tant bien que mal, connaissent à peine les quatre premières règles de l'arithmétique et ne se doutent même pas de ce qu'est l'orthographe [...] Un second obstacle moins facile à vaincre était l'emploi du patois ou de la langue basque dans les écoles. Presque partout la langue vulgaire était en usage dans les classes au moins le récitation et l'explication du catéchisme, seule matière de l'enseignement qui fut obligatoire et régulièrement étudiée. Les rapports des inspecteurs insistent à diverses reprises sur ce qui se passait à cet égard dans les arrondissements de Bayonne et de Mauléon. "Le langue populaire des communes rurales est le basque, idiome tout à fait étranger à la langue française que les enfants de ces communes ne parlent n'entendent. C'est pourquoi nous croyons qu'il serait nécessaire qu'un ordre exprès obligeât rigoureusement à l'avenir les instituteurs établis dans les communes où ce dialecte est en usage à parler constamment français à leurs élèves. C'est par ces moyens que l'instruction ferait quelque progrès en ces contrées. Il faudrait pour le pays basque, lisons-nous plus loin, des lois exceptionnelles, des lois que forçassent les parents à envoyer leurs enfants à l'école, ainsi qu'il en existe dans la vallée d'Ahescoa, première province espagnole [...]. J'ai exigé des instituteurs l'abolition entière de l'usage de la langue basque en classe [...] Le Pays Basque mérite une étude spéciale. La situation y est exceptionnellement mauvaise. Les deux tiers, les trois quarts des enfants qui fréquentent nos écoles ne sont pas plus capables de parler le français usuel que de le comprendre; quand on les interroge ou qu'on leur donne une explication, on est tenté de se croire au milieu d'étrangers²⁰⁹.

In 1846, the *Préfet des Basses-Pyrénées* declared openly that *nos écoles en Pays Basque ont particulièrement pour objet de substituer la langue française*

208. Brouding, Fañch, *La pratique du breton: de l'Ancien Régime à nos jours*, Presses universitaires de Rennes, Rennes, 1995. P 75.

209. Bulletin de la Société des Sciences, Lettres et Arts de Pau, 1880-1881, 11e série, Tome 10eme, Pau, León Ribaut, 1881. P 39.

*au basque*²¹⁰. And a year earlier, the vice prefect of Finistère told the teachers that his main mission in education was to make Breton disappear: *Surtout rappelez-vous, Messieurs, que vous n'êtes établis que pour tuer la langue bretonne*²¹¹.

The revolution of 1848 established the Second Republic after the ratification of yet another constitution, that of 1848. The *loi* named after the Minister of Public Instruction Alfred Falloux dated March 15, 1850, the *Circulaire du 17 août 1851 relative aux projets de règlement pour les écoles primaires*, or the *Loi du 10 avril 1867* by Minister Victor Duruy, important in many other aspects, did not change the linguistic panorama at all. Article 29 of the *Règlement* on primary education dated August 17, 1851 was very clear in this respect: *classes would be taught only in French*. An ever-repeated formula in rules and regulations issued by the Ministry of Public Instructions for a century was the following:

Le français sera seul en usage dans l'école. Le maître s'efforcera, par des prescriptions, par de fréquentes explications, et surtout par son exemple, de former les élèves à l'usage habituel de cette langue. Il explique chaque leçon, et donne sur cette leçon des dictées graduées. L'orthographe usuelle est l'objet de soins particuliers. Les enfants y sont exercés, dès qu'ils commencent à lire²¹².

The same formula was to be included in the *Règlement* dated August 17, 1852. Thus no special titles were necessary to teach primary school but the ability to speak French, which was after all the main goal of education: *tout français âgé de vingt-cinq ans, ayant au moins cinq années d'exercice comme instituteur ou comme maître dans un pensionnat primaire*²¹³.

The only exception allowed to the rule of monolingual education was the creation of elementary schools (*écoles musulmanes élémentaires*) in the colonies (Algeria, Orán, Constantine, Bone, Blidah, Mostaganem) where, in agreement with the decree of July 14, 1850 (art. 1), apart from French being obligatory, classes of Arabic would be taught. Said schools would have a French teacher and a Muslim assistant.

Chapter two of the Falloux law dated March 15, 1850, created a series of academic councils within the *départements* (*conseil académique*) coordinated by the *Conseil supérieur de l'instruction publique* based in Paris, dependent on the Ministry of Public Instruction. The function of these regional councils was to coordinate the strongly centralized management of public administration and follow up in detail and locally the evolution of the imposition of French by means of surveys and regular reports. Even if public instruction would not vary in its essential structure, on January 14, 1852 the state had approved one more constitution and had turned into the Second Empire under Napoleon III.

210. Goyhenetche, Manex, *Pays Basque Nord, un peuple colonisé*, Elkar, Baiona, 1979. P 73.

211. Abalain, Hervé, *Le français et les langues historiques de la France*, Editions Jean-paul Gisserot, Paris, 2007. P 42.

212. Gréard, Octave, *La législation de l'instruction primaire en France depuis 1789 jusqu'à nos jours: Recueil des lois, décrets, ordonnances, arrêtés, règlements, décisions, avis, projets de lois, suivi d'une table analytique et précédé d'une introduction historique*, Ministère de l'éducation nationale, C. de Mourgues frères, Paris, 1875. P 268.

213. *Ibid.* P 166.

Period	Average percentage (%) of illiterate population in French in Basses Pyénées	Average percentage (%) of illiterate population in French in the whole state	Rank of instruction in the <i>département</i> compared to state average
1827-1829	48,5	55,2	30
1831-1835	43,6	47,4	36
1836-1840	43,1	43,7	41
1841-1845	43,2	40	47
1846-1850	40,6	36	51
1851-1855	39,4	34,1	54
1856-1860	34,5	31,1	53
1861-1865	29	27	52
1866-1868	23,4	21,4	52
1871-1875	17	17,9	45
1876-1877	16,8	15,6	55

Comparison of the average number of illiterate people in the *département* of the *Basses Pyrénées* (1827-1877)²¹⁴. Source: Xabier Irujo & Iñigo Urrutia.

Statistic data about the proportion of the illiterate population between 1827 and 1877 in the *département* of the *Basses Pyrénées* show that in 1827 the number of people who could not read or write French was higher than the average in the rest of the state, starting from 1836, the proportion of illiterate individuals was the same as the average in the whole state. In 1877 the percentage of illiterate pupils in the *département* was 16,8%:

An interesting point is the relative position of education in this *département*, in comparison with the rest of the state, since it shows a steadily decreasing tendency throughout this fifty years' period.

The survey pointed out at the end of this period that over a total of 38 million people, only 7.5 spoke *la langue nationale*. The survey ordered by Minister Duruy in 1864 showed that between 40% and 52% of the inhabitants of the *Basses Pyrénées* did not speak French. However, among schoolchildren from 7 to 13 years of age, said proportion was reduced to 20% or 30%. This was the outcome of the language policy implemented by the French state between 1789 and 1870. After 90 years of exclusion, approximately 50% of the Basque population was bilingual, even if Euskara continued being their native language. However, Basque was about to be reduced to a second language in its own territory.

214. Bulletin de la Société des Sciences, Lettres et Arts de Pau, 1880-1881, IIe série, Tome 10eme, Pau, León Ribaut, 1881. P.49.

3.2. THE FORMATION OF THE SPANISH STATE AND LINGUISTIC POLICY (1812-1876)

The law that begins the constitutional history of the Spanish state, the Constitution of Baiona of 1808, was conceived and adopted by Napoleon after his invasion of the Peninsula. Gathered in Baiona, the emperor forced Charles IV and Ferdinand VIII of Bourbon to abdicate in favor of his brother, José Bonaparte. As for the Basque states, the diverse delegations never accepted the new constitutional order, in spite of the fact that according to Article 144 of the constitutional text, the particular privileges (*fueros* or ancient legal codes) of Araba, Bizkaia, Gipuzkoa and Navarre would be examined at the first Cortes, *to determine what would be most fitting in the interest of these provinces and of the nation*. There is no reference to the language in said text, which, however, was written in Castilian and in French. On the other hand, from the rest of the articles, it follows that the language of the new state would be Castilian and no other.

In the middle of the Napoleonic wars, a group of patriots gathered together in Cadiz proclaimed, in the image of the members of the third estate gathered in Versailles in 1789, the constitutional courts of a new state, the Spanish state. With Wellington's troops at the gates of Gasteiz and the emperor soon to be expelled from the Peninsula and the European continent and, with the open opposition of the Basque representatives, who clamored for the respect of the legality of the four Basque states, the Constitution of Cadiz of 1812 was born, a text that, in spite of being approved by said courts, would never come into effect. The constitutional text proclaimed a new order based on the rule of law, the separation of powers and popular sovereignty. Article 3 established that *Sovereignty resides essentially in the nation, and therefore the right to establish its fundamental laws belongs exclusively to the nation*²¹⁵. The principle of unity would derive from the very concept of holding sovereignty; a nation was conceived as having the recognized right to dictate laws for the state: uniform laws. This supposition carried with it a frontal blow to the legal and political reality in the Basque-speaking territories.

The Constitution of Cadiz, like those that succeeded it in the 19th century, did not regulate language, although it stated that *all Spaniards have the freedom to write, print and publish their political ideas without necessity of any license, revision or approbation whatsoever prior to publication, under the restrictions and responsibility established by law* (Art. 371). Freedom of the press, in the context

215. See. J.F. Merino Marchan *Regímenes históricos españoles*, Tecnos, Madrid, 1988. p. 44 where he highlights "upon considering power as delegated to the King (according to Article 137), the King is such by the grace of God and the Constitution), they were breaking one of the most sacred and ancient dogmas of the Old Regime: the divine right of the Monarch". According to the Constitution, "the power to make laws resides in the Courts with the King" (Art. 15); the power to make execute laws resides in the King (Art. 16); and the power to apply the laws resides in the Tribunals (Art. 17).

of the spread of ideas, was widely recognized²¹⁶. The language the ideas were written in wasn't the object of attention.

It is precisely this "freedom" of language that made it possible for the Constitution of Cadiz to allow public schooling (provided for in Article 366 and, later, also in Article 12 of the General Regulations of Public Instruction of 1821) to be carried out in Basque, publishing a primer in Basque to achieve this end. The Royal Order of 24 April, 1820 developed the teaching of constitutional principles in schools, establishing in Section 2 that *in all elementary and humanities schools of the kingdom, the teachers will explain the Constitution in a clear and perceptible manner for the students' comprehension, who will be familiarized with its reading, exercising the same Fundamental Code*. The Government of Gipuzkoa made gestures to acquire a primer written in both languages. Finally, the primer would be published in both languages and distributed to the schools of the Historical Territory²¹⁷. The translation of the Constitution to Basque would be performed with the goal of divulging its contents to the Basque-speaking population of the schools.

But, as we have already indicated, outside of this open view of freedom of the press, the Constitution of Cadiz doesn't contain any explicit references to a linguistic policy, a characteristic shared by the constitutional charters written in other states of the era, such as the various French republics or that of the United States. The lack of recognition of other languages means that they accept and adopt the exclusivity of Castilian as the only official language. Castilian is the dominant language in the official sphere, and doesn't compete with any other at the level of the construction of the constitutional state.

Castilian is the language of the Constitution, converting it into the language of the new order, as it had been before during the monarchy. The construction of the constitutional state will assume, however, new foundations on which to base the linguistic policy of the state. The constitutional state will put in place a process of centralization of political power. The governing faculties of the territories that retain their powers and privileges, such as the Basque territories, will be seen as vestiges of the old regime. Likewise, the use of languages other than the only official language of the constitutional state will be considered negative to the consolidation of the new state. The liberal regime would try to increase the central power, from a uniform perspective, with effects on the diversity of rights, organizations and on linguistic diversity. The reconciliation of the *fuero*-based powers with the constitutional unity would be a complex issue that would mark the historical development of the Basque territories. Public tasks and obligations increased and their organization was taken on by the state from a perspective of achieving uniformity, articulated through a central administration.

Accepting postulates from France and England and taking up enlightened ideology, education was set up as one of the principal instruments for the

216. E. Guerrero highlights the systematic treatment of freedom of the press in the chapter dedicated to instruction, saying "There existed, at least, the ideological coherence to consider both means of extension of the Enlightenment and instruments for the ideological hegemony of liberal values". (in Ministerio de Educación y Ciencia, *Historia de la educación*, T.I. Ministerio de Educación y Ciencia, Madrid, 1978. p. 42.).

217. Reported by J. De Benito Pascual, *La enseñanza de primeras letras en Gipuzkoa (1800-1825)*, Diputación Foral de Gipuzkoa, Zarautz, 1994. Pp. 73 ff. & 182.

consolidation of this new order. Education as an instrument to reduce illiteracy, promote economic development, educate through the diffusion of ideas and generalize familiarity with the language of the state would progressively become the points of reference in educational policy. The new regime would use the educational system to extend its postulates, announcing far reaching educational policies. The bases of a uniform and centralized system, with its own specific organization, were thus established.

Title IX of the Constitution announced a state-run educational policy²¹⁸ that included the creation of primary schools in all towns (Art. 366) and refers the details of the educational system to state plans and uniform statutes (Art. 368 and 370). Article 370 of the Constitution of 1812 established that: *The Courts, by means of plans and statutes, will arrange everything related to the important goal of public instruction.* And Article 368 established that the General Plan of Instruction would be “uniform” in the whole state. The state reserves the power to regulate all educational matters. The most outstanding characteristic of educational regulations would be the desire for uniformity and generalization that were established²¹⁹.

The Constitution of 1812 assumes, most of all, a break with the previous political order, but it is not considered a true juridical law. The recognition of authentic subjective rights, directly demandable through legal channels, can neither formally nor materially be derived from the Constitution of Cadiz²²⁰. The aspect to be highlighted is the determination of an ambitious education policy and its orientation. In liberal constitutionalism, public obligations and the rights of the citizens spring from the law and not from the constitutional charter²²¹.

The orientation towards uniformity covers two areas: general planning of education and organization. This would be molded into the educational laws of the first half of the century. In the organizational scheme, Article 369 of the Constitution of 1812 stands out when it says: *there will be a general directorate of studies, composed of persons of known instruction, in whose charge will be, under the authority of the Government, the inspection of public instruction.* The move toward organizational uniformity was linked to the capacity for inspection, which is housed in the central administration. Organizational uniformity is a characteristic aspect of liberal ideology. Liberalism clearly opted, following the French model, for the formation of a state inspired by the idea of uniformity, a

218. See. J. Goti Ordeñana, *Libertad de enseñanza y pluralidad de métodos*, Universidad de Valladolid, Valladolid, 1995. P. 18.

219. See. J. D. Traverso, «Introducción», in Ministerio de Educación y Ciencia, *Educación y Constitución*, T. II, Ministerio de Educación y Ciencia, Madrid, 1978. P. 68.

220. See. E. García de Enterría «Introducción», in M. Aragón Reyes y J. Martínez Simancas, *La Constitución y la práctica del derecho*, T. I, Aranzadi/BCH, Iruñea/Pamplona, 1998. P. 42, where he affirms that “in fact it dealt with patterns of behavior that the superior powers had to impose according to their relative strength [...] but without any possibility of formal judicial support”.

221. See. J. Pérez Royo, *Curso de derecho constitucional*, Marcial Pons, Madrid/Barcelona, 1999. P. 107; see also, F. Fernández Segado, *El sistema constitucional español*, Dykinson, Madrid, 1992. Pp. 67-69.

state that distanced itself from the territorial singularities that diminished the unitary ideal²²².

Constitutional recognition for the religious affiliation of the state was outlined in Article 366 which states “*in the primary schools children will be taught [...]the Catechism of the Catholic religion*”. Religious matters, which under the Old Regime had allowed the use of the Basque language in the Basque schools, were not altered in the new constitutional context. The teaching of religion continued to be done in Basque. The situation of the Basque language in the still precarious area of public instruction was not affected by the Cadiz constitution. The first project of the General Plan of Public Instruction, the “Quintana Report” of 1813, was sent to the Courts for its discussion, although it didn’t come into effect due to the changes produced by the arrival of Ferdinand VII. In the Quintana Report the principles of the Enlightenment were shaped and, among them, the configuration of “uniform” education, with equivalent programs at each level of study (beyond equal, universal, public and free). After the return of Ferdinand VII, the Decree of 4 May, 1814 was approved which declared the Constitution and the laws resulting from it “null and void”. With that, Spain returned to the application of the educational norms of the previous period.

The Regulation of Public Instruction of 1821, approved through the Decree of 29 June of that year, is contextualized in the period of government known as the “liberal triennium” that began in 1820²²³. The Regulation, in spite of its ephemeral existence, is interesting because the Moyano Law of 1857 reproduced its spirit²²⁴. In Article 3, the Regulation proclaims that “public education will be free”. This however, never went further than good intentions, as the Regulation itself, in Title XII dedicated to “the funds destined to public instruction”, orders the Government to carry out an investigation of the resources destined for public instruction (Art. 125) and, in case of these being deficient, it authorizes the Government to impose measures to finance it (Art. 126). In fact the principle of free education would later be abandoned, which would further delay universal access to education by many years.

This Regulation presents the characters of uniformity and centralization already mentioned. It establishes that the education system consists of three levels, it determines the object of instruction in each level (Arts. 12, 13, 24, 26, 41-47, 57 and 68), it establishes the considerable breadth of the functions of Inspection (92-107) exercised by the General Directorate of Studies. With respect to the teachers of primary school it establishes that they “must necessarily be examined” (Art. 15) and that:

222. R. Jiménez Asensio, *Introducción a una historia del constitucionalismo español*, Tirant lo Blanch, Valencia, 1993. P 28. Véase también M. Martínez Sospedra, *La Constitución española de 1812. El constitucionalismo liberal a principios del siglo XIX*, Cátedra Fadrique Turío Ceriol, Valencia, 1978. P 348.

223. J. M. Pérez Prendes understands that, unlike the first, more theoretical than real, constitutional period (1812-1814), the second constitutional period (1820-1823) “is more practical than theoretical, by attempting to enforce the Constitution of Cadiz”. J. M. Pérez Prendes, *Curso de historia del derecho español*, V. I, Universidad Complutense, Madrid, 1989. P 955.

224. The text of the Regulation can be consulted in Ministerio de Educación y Ciencia, *Historia de la educación*, T. II, Servicio de Publicaciones del Ministerio, Madrid, 1985. Pp. 49 ff.

The selection of teachers for public schools, the surveillance of their conduct and the power to remove them having just cause will correspond to the Municipal Councils, in accordance with the 5th power granted to them by the Constitution and under the rules prescribed by the Regulations (Art. 17).

The Basque municipalities were not affected in terms of the *foral* power that they had traditionally wielded in the hiring of teachers, but now they were required to select them from a qualified pool of applicants. Even so, the Basque municipalities could continue to guarantee that the teachers chosen for the municipal schools also knew the Basque language.

Despite this, at the organizational level, the constitutional phase is one of profound changes²²⁵ that would be progressively expanded, as will be seen. The constitutional municipality was set up under the oversight of the provincial Delegations. Article 324 of the Constitution of 1812 states that:

The political and economic governance of the Provinces will reside in the Superior Chief named by the King in each of them.

The Instruction for the political and economic governance of the Provinces, of 23 June, 1823 established the key role in the provincial regime, which is the Political Chief in whom resides "supreme authority within the Province" (Art. 238). The resulting system was a local regime submitted to a hierarchical organization, putting the mayors and municipal councils under the thumb of the Delegations, and all of them under the Political Chief²²⁶. Municipal authority was subordinate to provincial authority, which was entrusted specifically to "observe the compliance of the Councils in the establishment of primary schools and instruction of the youth" (Art. 12). This system butted heads with the *foral* powers in educational matters and with the organization and legislative capacity of the Basque territories.

In spite of the impact of the new administrative organization being rather weak, the constitutional municipal regime would keep closing doors to any sort of autonomous (linguistic) action of the *foral* municipalities, replacing the old figure of the *Corregidor* with other, more radical, mechanisms of political control and domination than those of the Old Regime. From then on, the figure of the

225. The Constitution of 1812 established that there would be a Council for internal governance of the towns. The Councils would be composed of the Mayors, *Regidores* and the *Procurador Síndico* [roughly equivalent to a District Attorney in the US], presided over by the Political Chief in the Capitals and the Mayor. The Mayor of Regidores and the Procuradores Síndicos are elected (Art. 309). See. Sánchez-Arcilla Bernal *Historia de las Instituciones político-administrativas contemporáneas (1808-1975)*, Dykinson, Madrid, 1994. P. 333 where he concludes that "in Cadiz a local organization was forged with its own physiomy". While at the beginning local autonomy may have tended toward strengthening, the municipality was clearly conceived as a subordinate, as the last link in the chain of command. (J. Beneyto, *Historia de la Administración española e Hispanoamericana*, Aguilar, Madrid, 1958. P. 553 y 554).

226. J. Sánchez-Arcilla Bernal, *Historia de las Instituciones...* cit. p. 336. E. García de Enterría concludes that "the new territorial demarcation [...] is conceived as the sphere of influence of an agent hierarchically dependent on the center, with no view whatsoever to autonomy". (in *Problemas actuales de régimen local*. Instituto García Oviedo, Sevilla, 1986, p. 30).

Political Chief would make it possible to exercise intense control over municipal life²²⁷.

According to the Regulation of Public Instruction of 1821, the Delegations were invested with the faculties of supervising and guaranteeing the existence of schools in the municipalities (Art. 20) and determining the economic aspects of education, salaries, etc. (Art. 18). Law 22 of the Courts of Navarre of 1828-1829 established the foundation of a Plan of Instruction, developed through the Regulation of 26 March, 1831, in which, without altering the criteria of the Regulation of 1821, the authority to hire teachers was awarded to the Navarrese municipalities²²⁸.

After the liberals, the absolutists returned to govern the state, annulling the Regulation of 1821 and returning to the situation prior to 1808. On 14 October, 1824, Calomarde's *Plan literario de estudios y arreglo general de las Universidades del Reino*²²⁹ came into effect, deepening the uniformity of the schools, although eliminating the liberal reforms and interweaving politics and religion with educational materials²³⁰.

The Royal Decree of 16 February, 1825 approved the Plan and Regulation of Primary Studies, stating in Article 1 that the regulation would be applied uniformly in all the schools of the Peninsula. Articles 14 and 15 established that grammar and spelling, which must be taught in all schools, should be in Castilian. Also, the Royal Seal of 16 July, 1826, which approved the General Regulation of Latin Schools and Colleges of Humanities, followed these same presumptions of curricular uniformity and centralized organization.

In the middle of the First Carlist War (1833-1839), educational issues were regulated once again, one of the fruits of which was the Royal Decree of 4 August, 1836, which approved the General Plan of Public Instruction, replacing Calomarde's legislation. This plan was characterized by the abandonment of free primary education for all. Liberal moderation fundamentally implied the abandonment of the dogma of national sovereignty and its replacement with the doctrinal conception of sovereignty, which also supposes the displacement of the universal suffrage in favor of limited suffrage and the primacy of property

227. J. Sánchez-Arcilla Bernal, "Del municipio del Antiguo Régimen al municipio Constitucional", in, *VVAA Actas del IV Symposium de Historia de la Administración*, INAP, Madrid, 1983. P. 679. The author says that "the municipality is nothing but an extension of the Executive Power's arm that reaches every town" (p. 680). See also: B. Clavero Salvador, "Las Juntas vascas ante el advenimiento de la Constitución española", *Eusko Ikaskuntza/Sociedad de Estudios Vascos, Cuadernos de sección, Derecho*, nº 6, 1989. Pp. 64 ff.

228. Reported by L. Oroz, *Aplicación del principio de autonomía municipal en el derecho histórico de Navarra en el régimen actual*, Eusko Jaurlaritz/IVAR Oñati, 1995. Pp. 229 ff. See, J. Yagusa y Miranda, *Diccionario de los Fueros del Reino de Navarra, y de las leyes vigentes promulgadas hasta las Cortes de los años 1827 y 28 inclusive*, Imp. Ignacio Ramón Baroja, Donostia/San Sebastián, 1828. Pp. 282-283.

229. Approved by Royal Order of 14 October, 1824.

230. M. Puelles Benítez, "Introducción", in Ministerio de Educación y Ciencia, *Historia de la educación*, T. II, MEC, Madrid, 1979. P. 20, where he says, "they wouldn't hesitate to use the same liberal aspirations for uniformity of studies and centralization of teaching institutions, carried to their ultimate extremes and given a limitless political charge". As for the religious control of higher education, Art. 266 states: "in order for the moral and religious education of the young, no less important than their literary instruction, to be set on a solid foundation, there will be a tribunal of censorship and correction, entrusted with observing and enforcing observation the following laws of ecclesiastical policy and moral and religious discipline, which they will apply to teachers and their students".

over liberty and equality. Moderate liberalism would not seek the support of the whole population as the basis of democracy, but rather the support of the moneyed classes²³¹. In fact, it didn't assume the postulate of generalization of education but education directed principally toward the middle class. In this respect, Article 19 of the General Plan of 1836 states that *in addition to the fixed salary, teachers in basic and advanced public schools should receive weekly, monthly or annual remuneration from those students who are not truly poor.*

In relation to the character that this norm attributes to the different levels of education, it is interesting to pause on Article 9, which states: *in the schools of villages and rural towns care will be taken to instruct the students in some form of manual labor, the care of trees or other field work, according to the production of each region.* With respect to secondary instruction, Article 25 states that: *secondary education covers those areas of study not achieved by primary schooling, but which are necessary to complete the general education of the moneyed classes and to be able to continue on, taking advantage of higher faculties and special schools.* Secondary education is not conceived as a generalized level, but as an education directed at the comfortable classes.

The state's interventionist tendencies are also an aspect that characterizes this rule. It establishes a uniform organization in instructional matters, establishing in Article 22 that:

The direction and legal order of primary instruction of both sexes correspond to the Ministry of Government of the Kingdom, and to the Committees of Province, Party and Township.

According to Article 121:

In all towns where there is a Council there will be a Committee of Public Instruction, subordinate to that of the Party, through which it will communicate with the Province and the Government. This Committee will be composed of the mayor, a Regidor, a priest and three fathers of families, named by the Political Chief at the proposal of the Council.

The Provincial Committees had, amongst others, the mission of determining the tribunals for teacher qualification (Art. 116.7); these tribunals, subordinate to the Committees, were only invested with supervisory powers (Art. 124).

On the other hand, Article 84 of the Plan of 1836 states that:

The national language is the only one to be used in explanations and textbooks.

The systematicity of this precept, found in Title IV, corresponding to secondary education, leads one to think that its primary objective was guaranteeing the exclusive use of Castilian in mid-level education. This new plan of studies prohibited the use of any language other than Castilian, including Latin.

²³¹. M. Puelles Benítez, «Introducción», Ministerio de Educación y Ciencia, *Historia de la educación...*, T. II, op. cit. Pp. 24-25.

The Constitution of 1837 did not regulate the legal status of languages nor educational issues²³², although under its protection, the Law of 21 July, 1838 was approved²³³. This law, whose enforcement would extend until the passage of the Moyano Law, assumes the same premises as those that preceded it: centralization of the direction and legal basis of instruction (Art. 27), uniformity in the curriculum (Arts. 4 and 5), municipal financing of primary schools (Arts. 7-10), determination of the requirements for the exercise of the teaching profession (Art. 13), procedure for the awarding of credentials, with the participation of the Provincial Committee (Art. 20).

Significant novelties related to the Plan of 1836 include the more restrictive attitude toward free education²³⁴ and the greater centralization of instruction, as when it states:

The direction and order of Primary Instruction in the whole kingdom corresponds to the Government of His Majesty through the Ministry of Governance of the Peninsula²³⁵.

This power, now ministerial, was awarded in the Plan of 1836 to the Committees of Province, Party and Town, which the new law also granted important functions related to the direction of the learning centers.

In relation to the hiring of teachers, it must be said that the Councils continued to have decision making functions, but they were limited following the establishment in Article 23 that:

The hiring of teachers corresponds to the respective Councils of the townships; but those chosen cannot begin to exercise the functions of their new post without previous approval by the Political Chief, who must hear the Provincial Committee on the subject.

232. Title I of the Constitution of 1837, subtitled "on the Spaniards" contains a dogmatic section (Arts. 1- 11) in which certain rights are cited but none relative to education. For further information on the dogmatic parts, see A. Colomer Viadel, *El sistema político de la Constitución de 1837*. Congreso de los Diputados, Madrid, 1989, 25 ff.; J. de Esteban y P. J. González-Trevijano, *Curso de derecho constitucional español*, V. I, Universidad Complutense, Madrid, 1992. P 52; F. Fernández Sgado, «Pragmatismo jurídico y concertación política: dos ideas clave en la obra de los constituyentes de 1837», *Revista de Derecho Político*, nº 20, 1983-1984. Pp. 33 ff. & J. Varela Suanzes-Carpegna, «La Constitución española de 1837: una Constitución transnacional», *Revista de Derecho Político* nº 20, 1983-1984. Pp. 95 ff.

233. The Law of 21 July, 1838, containing only one article, provisionally authorized the Plan of Primary Instruction presented by the Government to the Courts. It says: "The Government is authorized to provisionally implement the Plan of Primary Instruction in the terms that have been presented to the Congress of Representatives entrusted with examining the project proposed by the Minister of Governance of the Peninsula". The Regulation of Public Schools and Primary Instruction would be approved on 26 November, 1838. We point out the Regulation's limitation on access to education which is reflected in its Preamble when it states that primary schools "are established for the general masses of the people, and have as their object the development of the mental faculties of man, providing the necessary knowledge to all classes without distinction. The higher levels are not established for all; they are destined for a specific but numerous class, which is the middle class; and the knowledge imparted in them are not indispensable for the poor".

234. The law states that all poor children will be admitted to primary school but that only a portion of the seats available in secondary school - that "will never exceed one tenth of the contributing children that attend the secondary school" (Art. 18) - will be reserved for them.

235. Article 27 of the Law of 21 July, 1838.

The organization of primary schooling was entrusted to the Provincial Committee, a function that the Basque municipalities had been in charge of in the past²³⁶. The centralization of the educational service was carried out through the new organizational articles. The educational organization was separated from the local administrations, establishing itself outside of them. The new Juntas of instruction were set up as auxiliary organs of the political chief and the mayor in their roles as delegates of the Government²³⁷. The Basque municipal privilege that had guaranteed the presence of teachers who knew Basque began to crack.

The law set up the Provincial Committees as separate from the *Foral* Delegations. The educational powers were housed in the former. Therefore the *Juntas Generales* of Guipuzcoa consulted their expert about the compatibility of the *fuero* with the Law of 21 June, 1838, to which he responded:

As far as the foundation of the provincial committee is concerned, in and of itself, I find no direct opposition with the *Fuero*, as long as it is limited to the merely directive and observatory attributions over the schools and their teachers and to the observance of the stated law without usurping more powers than those that are set for the same committee[...] could pass it provisionally without prejudice to the *Fueros* and in the case that it were compatible with the freedoms of the Country²³⁸.

The state's intervention in organizational matters was added to the progressive weakening of the functions of the *foral* municipalities. The municipal functions were restricted to strictly domestic issues. Everything else was destined to go through other channels, through a hierarchical chain of agents that, from the center to the periphery, were entrusted to execute the same Law and to carry its message to every corner of the country²³⁹. This put the law at loggerheads with the guarantee of the Basque *fueros* or ancient laws which, as we shall soon see, would soon suffer a serious setback.

In the bellicose context of the First Carlist War the persecution of Basque became more patent. We find evidence of this in the Royal Order of 2 August, 1838²⁴⁰ that ordered the confiscation and seal of a translation of the Bible to Basque (and another to Gypsy), stating:

Reduced to the copies found for sale, and those which are already detained in

236. It must be considered that the approval of the Law of Councils of 8 January, 1845, produced a considerable move forward for centralization. See. J. Sánchez-Arcilla, *Historia de las Instituciones...* op. cit. P.342, he says that "centralization was perfectly defined after clarifying the powers of the mayor as delegate of central power and his powers as administrator of the municipality, and his dependency with respect to the Political Chief. It was, in this manner, a perfectly structured state pyramid, at the top of which was the King, descending through the government and Political Chiefs until arriving at the base made up of the mayors".

237. See. E. García de Enterría, *La Administración española. Estudios de ciencia administrativa*, 6ª edic., Civitas, Madrid, 1999. P.133.

238. Collected from J. I. Lasa, *Sobre la enseñanza...* op. cit. P.52.

239. See. T. R. Fernández Rodríguez, *Entre el derecho y la política. Escritos dispersos de un jurista independiente*, Abellá, Madrid, 1987. P.127.

240. *Gaceta de Madrid*, nº 1386, de 2 de septiembre de 1838.

the offices of the Political Chief of the province, be sealed and it be made known to Mr. Borrow. It he wishes to recover them to extract them from the kingdom, he must so verify, indicating the crossing by which he will do it, in order to forewarn its administrator so that he may opportunely transfer the advice of having seen them extracted.

The Basque language was associated with the Carlist faction, thus being the object of persecution by the authorities, including translations of the Bible.

The First Carlist War or Seven Years War (1833-1839) ended with the Convention of Bergara of 31 August, 1839 which stated: *Captain General D. Baldomero Espartero will recommend to the Government with interest the completion of its offer to formally commit to propose the concession or modification of the Fueros to the Cortes*. In September of the same year the Government presented the projected law to the Courts in order to reconcile the role of the *foral* system with the constitutional régime. The Law of 25 October, 1839 would finally be approved upholding the *fueros* or ancient laws of Araba, Bizkaia, Gipuzkoa and the Kingdom of Navarre which stated:

Art. 1. The fueros of the Basque Provinces and of Navarre are confirmed, without prejudice to the constitutional unity of the monarchy.

Art. 2. The Government, as soon as opportunity permits, and having heard the Basque Provinces and Navarre, will propose to the Cortes the indispensable modification that in the mentioned fueros claims the interest of the same, reconciled with the general regime of the nation and of the Constitution of the monarchy, resolving meanwhile provisionally, and in the form and sense expressed, the doubts and difficulties that can occur, reporting them to the Cortes.

In practice, said law would assume the submission of the Basque territories to the general political and constitutional régime, becoming mere “provinces” of the Spanish state, although they would conserve certain political autonomy. The confirmation of the *fueros* “without any prejudice to the constitutional unity” is certainly enlightening upon reflecting that there was much in the *fueros* which was incompatible with the unity of the State. The Basque territories would lose legislative authority, executive and judicial power would be included in the Spanish state and in the case of Navarre, it would also lose its own currency.

During the processing of the Constitution of 1837, in particular, in the debate on the provincial régime, the suspicion cast on the *foral* régime was already notable. In fact, the Courts’ attitude during 1837-1838 “confirmed the idea that it already had since the beginning of the war, which was, that the Government’s intention was to submit the Basques and Navarre to the same rules as the rest of the nation”²⁴¹. This is one of the factors that explain why the

241. R. Rodríguez Garraza, *Navarre de Reino a Provincia (1828-1841)*, Universidad de Navarre / Institución Príncipe de Viana, Iruñea/Pamplona, 1968. P.252. Al respecto también B. Clavero Salvador, «1839: La Constitución ante los Fueros», in, J. Agirreazkuenaga & J. R. Urquijo Goitia (Eds.), *150 años del Convenio de Bergara y de la Ley de 25 de octubre de 1839*, Parlamento Vasco, Gasteiz/Vitoria, 1990. P.42.

jority of the Basque population sided with the *Carlistas*, explained that way by liberal army colonel Pascual Churruga in the Courts of Madrid in 1837:

Why do the Basques fight? Some say that the war in the Northern Provinces is a war of principles and not a war over *Fueros*; but I answer that the people of Bizkaia don't kill themselves so that the principles of absolutism and tyranny triumph, but rather because the ambitious and the agents of fanaticism made and continue to make them think that they were going to lose their *Fueros*. This is the terrible and solid basis of war in these regions.

The parliamentary process of the Law of 25 October, 1839 upholding the *Fueros* of Araba, Bizkaia, Gipuzkoa and Navarre made plain the different points of view that existed in relation to the compatibility of constitutional unity and the Basque *foral* rules. On one hand, the resolutely open position of the Government that, although convinced of the necessity of accommodating the *Fueros* in the Constitution, would prefer for purely political reasons to begin by confirming them to simply seal the peace; on the other, the moderately open position of one group of the House, that also wanted to secure peace, did not renounce, however, safeguarding *ab initio* the principle of the primacy of the Constitution in matters related to the political rights recognized therein for all citizens and, finally, a third stubborn group that, without foregoing the possibility of leaving the definitive arrangement for later, wanted to avoid any type of equivocation from the very beginning, reducing the confirmation of the *Fueros* to two aspects, the municipal and the economic, whose subsistence in the constitutional framework didn't pose any problems²⁴².

The *Fueros* were confirmed while a new project introduced the modifications necessary to reconcile them to the constitutional rules. The nature and reach of the Law of 25 October, 1839, are issues debated by the doctrine. This law is considered an additional regulation introduced into the Constitution of 1837 and the succeeding ones of 1845 and 1869²⁴³, it is also considered a law with greater than legislative value, that suspended the Constitution²⁴⁴; also it has been qualified as a law that assumes the partial and transitory reestablishment of the –already abolished at the time of its writing –*foral* system, which means it can also be described as a law which partially revokes the abolition of the ancient Basque liberties, reinstating it transitorily²⁴⁵; and in a more general way, it has been considered *lex specialis* in the face of the successive attempts to enforce,

242. See. T. R. Fernández Rodríguez, «Fueros y Constitución. La discusión parlamentaria de la Ley de 25 de octubre de 1839», in J. Agirreazkuenaga y J. R. Urquijo Goitia (eds), *150 años del Convenio de Bergara y de la Ley del 25 de octubre de 1839*, Parlamento Vasco, Gasteiz/Vitoria, 1990. P. 62.

243. G. Monreal Zia, «Del municipio foral al municipio concertista», in, VV.AA., *Cuestiones particulares del régimen foral y local vasco*, IVAP Bilbao, 1994. P. 261; also in, «Entidad y problemas de la cuestión de los derechos históricos vascos», in, VV.AA., *Jornadas de estudio sobre la actualización de los derechos históricos vascos*. Universidad del País Vasco, Bilbao, 1986. P. 64). Also, J. A. Rázquin Lizarraga, *Fundamentos jurídicos del Amejoramiento del Fuero. Derechos históricos y régimen foral de Navarra*, Gobierno de Navarra, Iruñea/Pamplona, 1989. Pp. 67 ff.

244. B. Clavero Salvador, «1839: La Constitución ante los fueros...», op. cit. P. 46.

245. J. A. Santamaría Pastor, «Las leyes de 25 de octubre de 1839 y de 16 de agosto de 1841. Un análisis jurídico y constitucional», in, S. Martín Retortillo (Dir.), *Derecho público foral de Navarra. El Amejoramiento del Fuero*, Gobierno de Navarra / Civitas, Madrid, 1992. Pp. 32-33.

completely or partially, the general legislation²⁴⁶. It is, in any case, the first state regulation specifically addressed to the Basque *fueros*, except for Article 144 of the Constitution of Baiona, which declared –as we have seen –that the *fueros* of the Basque states will be examined “in the first Cortes to determine what is in the best interests of the provinces and the nation”.

An important loss was produced in the traditional powers of the Basque *fueros*, such as those related to the jurisdictional order (judicial branch), as well as the legislative branch, but all in all, the *foral* rules continued in effect, although their effectiveness would depend from then on on the negotiations with the “exempt provinces”, as well as the legal interventions that, with relation to different material sectors, the state would approve from time to time. The *foral* reform would later be produced on the basis of the Law of 25 October, 1839.

The first development of Article 2 of the Law of 25 October, 1839 was carried out through the Royal Decree of 16 November, 1840, which the Juntas Generales, the Delegations and the *foral* municipalities confirmed. The law responded to the proposal of the moderates to permit a future reform to recognize a wide margin of specialty in various sectors²⁴⁷.

The reform took a different turn at the end of 1840. The Law of 16 August, 1841 on Navarre (known as the “Agreement Law”), overrode the political organization (Courts, the Viceroys and the House of Accounts), assumed the loss of legislative capacity, implanted the common law in matters of Administration of Justice and Customs was transferred to the Pyrenees. Administratively, Navarre passed from being a kingdom to being a province²⁴⁸. The new *foral* Delegation, with broader powers than normal, would have the power to collect taxes²⁴⁹.

This more restrictive orientation culminates with the Decree of Espartero of 29 October, 1841 *manu militari* (for the Basque Provinces), more restrictive than the development relative to Navarre, in which they ratified the suppression of the *foral* privilege (Art. 8), the provincial delegations replaced the Juntas Generales and the *foral* Delegations (Arts. 4-6), determining also that the organization of the Basque Governments would be realized in “accordance with the laws and general statutes of the Monarchy” (Art. 3); the Courts of First Instance or National Audiences replaced the Tribunals of municipal or *foral* Justice, governors and judges are nominated from Madrid, a short time later, the *Guardia Civil* was introduced (founded in 1844 by F. J. Girón Ezpeleta) and they transferred the customs houses from the internal borders to the coast.

The *foral* guarantee was eroding. In 1843, the moderates came to power,

246. Porres Azkona, *Política y derecho. Los derechos históricos vascos*, HAEE-IVAR Oñati, 1992. P 81.

247. See. M. Vázquez de Prada, *Negociaciones sobre fueros entre Vizcaya y el poder central*. Caja de Ahorros Vizcaina, Bilbao, 1984, p. 79.

248. R. Rodríguez Garrza, *Navarre de Reino a Provincia...* op. cit. P 48.

249. The loss of the ancient laws in Navarre by the Law of 16 August, 1841 assumed, however, as Monreal points out, a reinforcement of the Delegation: “to the ordinary powers of the ordinary Delegations are added the legal and administrative powers derived from the law of 16 August and the Convention. The Delegation inherited the faculties of intervention in the municipalities that had been being concentrated in the Royal Council all through the Modern Age”. In, G. Monreal Zia, «Entidad y problemas de la cuestión de los derechos históricos vascos» en VVAA, *Jornadas de estudio sobre la actualización de los derechos históricos vascos*, Universidad del País Vasco, Bilbao, 1986, p. 65.

reestablishing the negotiations for the *foral* arrangement with Bizkaia, Araba and Gipuzkoa. The Royal Decree of 4 July, 1844 reinstated the *foral* organization but they were presided over by the Political Chiefs in the role of political *Corregidores* (Art. 3-5). The law maintained the Provincial Delegation (Art. 6).

The implantation of the uniform organization is activated through the laws on the local regime that would be approved at the time. The Royal Decree of 29 January, 1844, orders that the general law be applied to the Basque councils except in the method of election which they will do according the *foral* system. The attributions of the *foral* municipalities were restricted. Typical powers of the *foral* municipalities such as the administration of justice, police²⁵⁰, and customs were not reestablished. Later, the Law of 8 January, 1845 of Organization and Attributions of the Councils and the law of 8 January, 1845 of the Organization and Attributions of the Provincial Delegations reformed the system of local administration. It introduced, however, relative specialties in the Basque territories via the Order of 18 February, 1845²⁵¹.

The relation of supremacy of the central Administration, through the Political Chief, over the mayors of the Basque municipalities was established explicitly. The Royal Order of 18 February, 1845 contains the Instruction of the Minister of Governance relative to the way of enforcing the municipal and provincial laws of that year. It reads, regarding the relation between the Political Chief and the mayors of the Basque municipalities that:

On this point your honor's authority cannot recognize the limit of the *foral* practices; on this point, the superior political authority of the province must appeal, whenever necessary, without any restriction whatever, to the attributions and the means indicated and offered to him by the Law of last January 8.

The administrative centralization fell on the municipal *foral* regime. It must be pointed out that, in spite of everything, education policy did not introduce alterations in the process of hiring teachers that, until the Moyano Law, would continue to correspond to the municipalities. The *foral* guarantee permitted the application of a special order in the hiring even after the approval of the Moyano Law, as we will see.

The Law of Public Instruction of 9 September, 1857 (known as Moyano Law²⁵²) was inspired by centralism and the ideal of uniformity in the organization of the schools. This Law assumes a reinforcement of the centralized organization of the educational system, as well as the definitive separation of the educational organization from the *foral* and municipal administrations.

The linguistic regime was established in Articles 2 and 88. Article 2 established the subjects to be studied: "Christian doctrine and notions of Sacred

250. G. Monreal Zia, «Del municipio foral al municipio concertista...», op.cit. P. 263.

251. See. T. R. Fernández Rodríguez, «Los derechos históricos y la Ley de Régimen Local», in, VV.AA., *Jornadas de estudio sobre la actualización de los derechos históricos vascos*, Universidad del País Vasco, Bilbao, 1986. P. 546.

252. The Law of Public Instruction of 9 September, 1857 was dictated as a consequence of the Law of Bases of 17 July, 1857, authorizing the Government to form and promulgate a Law of Public Instruction. Both texts can be consulted in, Ministerio de Educación y Ciencia, *Historia de la educación en España*, T. II, op. cit. Pp. 242 ff.

History, adapted for children, reading, writing, principles of Castilian grammar, with spelling exercises...". Article 88 says that:

The grammar and orthography of the Spanish Academy will be the obligatory and only text for these subjects in public instruction.

The Moyano Law established complete state control of the teaching profession. Hiring was at the discretion of the Government or its delegates. The power of the municipalities over the hiring of teachers, which had made the use of Basque possible in the past, even if only occasionally, was cut off at the root. With the Moyano Law, the hiring of teachers ceased to be under the authority of the municipalities. This made it impossible for Basque municipalities to hire teachers who knew Basque. The Moyano Law cut the cord of bilingualism that had historically existed in Basque schools by limiting the means, which had allowed it.

The important loss of decision-making authority over the hiring of teachers produced a reaction among the Basque Governments, who considered the precepts of the Moyano Law in contrast to their *foral* rights. It is interesting to observe that the *foral* reclamation was made invoking the linguistic consequences that the loss of such authority would entail. The Delegations of Bizkaia, Araba and Gipuzkoa, gathered in Gasteiz, on 6 November, 1857²⁵³ agreed to request the non-enforcement of the precepts contained in the Moyano Law relative to the appointment of teachers (starting with Article 182). The Delegations invoked the Moyano Law's infringement of the historical *foral* right, saying that it "deprives the municipalities and the towns of appointing teachers" and that the municipalities "have through the *Fuero* the authority to choose the professors who guide the youth in primary schools". They also make reference to the Delegations' lack of involvement in the inspection process. In particular, they highlight the occasional linguistic effects of the Moyano Law, saying:

By eliminating the precious authority to appoint teachers from the sphere of the *foral* Administration, the schools will find themselves occupied by professors foreign to the language and special customs of this country, suffering hereafter the cooling of the towns, the abandonment of public education, the propagation of bad ideas and immorality and indiscipline, plagues that they have been free of up until now²⁵⁴.

In spite of the actions taken in order to achieve the reestablishment of the right to appoint teachers and, in that manner, guarantee that the instructors knew Basque, the precepts of the Law would be confirmed, however with the introduction of a few special aspects in organizational and procedural matters to be exclusively applied in the Basque Country, whose foundations could be found in the *foral* substrate. Such special aspects were introduced through the Royal Order of 4 July, 1859 that regulated the special regime for the appointment of teachers in the Basque provinces.

253. The Conference of the Three Delegations held in Gasteiz/Vitoria between 6-8 November, 1857, was fundamentally focused on reclaiming the municipal authority to appoint mayors, which the recently approved regulation had modified. In this context, they would also include the defense of the traditional authority to appoint teachers, in this case, as affected by the Moyano Law. See. G. Monreal Zia, «Del municipio *foral* al municipio concertista», op. cit. Pp. 265-266.

254. *Ibid.*

The Royal Order of 1859 recognized the Basque municipalities' capacity to intervene in the hiring process, but via the possibility of making comments with respect to the candidates. It formally recognized the municipalities' right to be heard in the process, but not the right of veto in the hiring of teachers for posts in the municipal schools, a decision that no longer depended on them.

Within the policy of penetration of Castilian into the Basque schools at the time, the work of the Educational Inspection²⁵⁵ must be noted. The inspection turned out to be an active agent in the surveillance of the use of Castilian in the schools, not just as the language of instruction, but as the language of everyday use. During this period, the inspectors' references to the excessive use of the Basque language are constant²⁵⁶.

In spite of the policy of penetration of the Castilian language, during the entire period prior to the *foral* abolition, the schools in the Basque-majority territories used a bilingual educational system, with the goal of introducing the students to the knowledge of Castilian. This assumed, in an indirect manner, the development of the skills of reading and writing in Basque, using catechisms, dictionaries and grammars with vocabulary in Basque²⁵⁷. During the 19th century, several works were published with the goal of teaching Basque-speaking children the Castilian language, using Basque as the language of instruction²⁵⁸.

The pressure exerted during the constitutional period assumed that Basque would be limited to family and religious life. In spite of the prohibition against its use and instruction in schools, the use of Basque in public notary services must have been frequent in those cases where the interested parties had to take the report of the monolingual Basque-speaking population. As long as no law prohibited it, the public notaries who knew Basque would use the language in the writing of wills, donations, etc. However, in the middle of the century, this area was also the subject of the glottophagous linguistic policy of the Spanish state, which prohibited the use of Basque and languages other than Castilian in public documents. Article 25 of the Notarial Law of 28 May, 1862 established that:

255. P. Dávila, *La política educativa...* op. cit. Pp. 56 ff.

256. P. Dávila follows the minutes of the inspectors' visits to the Basque schools in the last third of the 19th century, relating the work of the Educational Inspection to the evolution of the linguistic situation in the schools. He highlights that far from taking a passive stance, the inspection deployed a series of actions and controls with the goal of repressing the use of the Basque language. The warnings to teachers to use insist on the use of Castilian occur in Bizkaia and, fundamentally, in Gipuzkoa. See. P. Dávila Balsera, *La política educativa...* op. cit. Pp. 74-76, 86-93, 110-114.

257. For this period see, P. Dávila Balsera, A. Eizagirre e I. Fernández Fernández, «Leer y escribir en las escuelas de Euskal Herria, 1860-1990», in, P. Dávila Balsera (coord.), *Lengua, escuela y cultura. El proceso de alfabetización en Euskal Herria, siglos XIX y XX*. UPV-EHU, Bilbao, 1995. P. 48.

258. Agustín Pascual Iturriaga published in 1842 *Diálogos basco-castellanos para las escuelas de primeras letras de Gipuzkoa*; Luis de Astigarraga published in 1825 *Diccionario manual vascongado y castellano* (this work was distributed free in the schools through an agreement with the Juntas Generales de Gipuzkoa in 1840); José María Eguren published *Método práctico para enseñar el castellano en las escuelas vascongadas*, in 1867. In this book, the author states: "the general masses of the Guipuzkoan people usually speak Basque and it is therefore the first language that children learn"; the author himself expresses the goals of the Manual: "its principal objective is to teach Castilian and to contribute at the same time to improving the Basque language in everyday use, because in this way the students can more easily learn truly Basque words" (J.M. Eguren, *Método práctico para enseñar el castellano en las escuelas vascongadas*. Imprenta del Seminario Católico Vasco-Navarro, Gasteiz, 1876, p. 6).

Public documents will be composed in Castilian and will be written clearly, without abbreviations nor blanks.

The existence of a particular law in the Basque Country, such as the *Foral Law*, and its application in a mostly monolingual Basque-speaking society shaped the notarial functions (primarily in matters of private law) giving it certain singular qualities. *Foral* civil law found itself inextricably linked to the Basque language. And that is where the statute prohibiting the use of Basque in public documents hit the hardest. A prohibition that, as we will soon see, was softened by the Notarial Regulations, but it would be necessary to wait until the Second Republic (Statute of 1936) to see it achieved.

In what relates to the dynamic cultural life of the region, the relationship between theater, the people and the language is very intense. This relationship would be considered dangerous during the convulsive government of General Narváez, being approved by the Royal Order of 15 January, 1867, which stated:

In light of the report made to this Ministry by the acting censor of the theaters of the kingdom, dated on the fourth of the current month, in which he notes that a large number of dramatic productions presented to the censors are written in different dialects, and considering that this novelty cannot but influence the fomentation of their autonomous spirit, destroying the most efficient means by which to generalize the use of the national language, the queen has approved the disposition that hereafter the censors will not approve dramatic works that are exclusively written in any of the dialects of the provinces of Spain.

The text of the law is particularly revealing. The law demonstrates the idea that the use of languages other than Spanish, even in theatrical representations, poses a risk for the unity of the State. The law does not refer to the content of the plays, submitted to the censors, but to the language that they employ. The use of languages other than Castilian is conceived as politically dangerous. The “most effective” means “to generalize the use of the national language” is to prohibit the use of all languages but Castilian, even in theatrical presentations²⁵⁹. The enormous protests that this law generated resulted in the Government being obliged to cease to enforce it a short time later. Article 2 of the Royal Order of 23 September, 1868 declared that “the censorship of written works in any of the languages spoken in the provinces should be performed by persons designated by the Governors who will send a copy of each work, accompanied by a strict translation in Castilian authorized by the same and with its approval, to this Ministry so that they can be reviewed by the Censor of Theaters of the Kingdom”.

The Constitution of 1869 proclaimed freedom of religion in the Spanish state. Until then, personal data had been kept in the parochial Registers of baptisms, marriages and deaths, but the recognition of freedom of religion required the creation of a civil registry in which to note the data of all citizens, Catholic or not. Thus appeared the “provisional” law of 17 June, 1870, which implanted the civil register for the first time in the State, already with the general character it has today. Although titled “provisional”, it remained in effect until

259. Ferrer i Girones, *La persecució...* op. cit. P. 71 highlights the fact that at this time the theater was enormously important for the renewal movement in uniting all the levels of society.

being replaced by a new law in 1957 which came into effect in January of the following year.

Article 28 dealt with linguistic policy, stating:

When the documents presented are found to be written in a foreign language or a dialect of the country, a translation in Castilian will accompany them, having been certified authentic by the Tribunal or officer who legalized them, or in the Secretariat of the Interpretation of Languages of the Ministry of State, or by any other official who is competently authorized to do so.

Based on this law, documents composed in Basque were deprived of legal standing. The Notarial Regulation of 9 November, 1874 developed the Notarial Law, to which we have referred, and according to which it was deemed impossible to use languages other than Castilian in public documents composed by the notaries public. Article 62 of the Regulation states:

Whensoever it is necessary to insert a document, paragraph, phrase or word from another language or dialect, the translation will immediately follow, or there will be an explanation of what the author understands by way of the exotic phrase, word, or name.

In the case of paragraph 3 of Article 25 of the Law, the notaries will explain to the authors and witnesses the particulars of the text written in Castilian in their dialect, if there be any who does not understand that language.

In all cases, this law demanded the consignment of all public documents in Castilian. It is permissible, exclusively, to insert texts in Basque, while accompanied by certified translations in Castilian. It is interesting to observe, however, that the law requires notaries to express that which is written in Castilian to the interested parties in their own language. Evidently, the reason for this cannot be other than the fact that a large part of the population that spoke languages other than Castilian didn't understand that language, in spite of being the only one officially recognized for public purposes. The linguistic assimilation sought by the laws had not achieved its goals.

3.3. THE FORAL STATE AND THE BASQUE LANGUAGE (1872-1876)

The Carlist uprising took place following the (fraudulent) elections of 1872, and was affected by the undercurrent of the dynastic succession after the death of Carlos V. The Second Carlist War (1872-1876) had as its foundation the matter of the Basque Code of Laws and liberties. The Basque Governments demanded once again, through the use of force, the return of its laws and the repeal, in what pertains to the four Basque provinces (Araba, Bizkaia, Gipuzkoa, and the Kingdom of Navarre), of the group of laws and regulations generated on behalf of the Spanish state that were approved since 1812.

The establishment of the provincial regime, which took place in large part of the territory between 1873 and 1876, supposed, in fact, the assumption of the corresponding attributions of a federal Basque state, with its own currency and stamps, court of justice, public treasury, etc. In contrast with the centralist

politic that promoted linguistic uniformity, the Carlist regime recognized the important faculties of the Basque Provincial Government.

In the Basque Country, the educational politics propelled by Carlist authorities did not overlook the matters pertaining to linguistics, prioritizing the integration and use of Basque in the educational system. The development of the war did not impede the adoption of decisions relating to the establishment of a bilingual school system, although its effectiveness was limited due to the context of war and its short lifespan of existence.

The committees for the establishment of the *Regulation of Primary Education Schools of Bizkaia*, gave preference to “introducing and promoting the instruction of the Basque language in schools”²⁶⁰. The Superior Board of Public Education of the Seigniorship proposed the establishment of a bilingual school system, within a broader context that had as its ultimate aim the transformation of Basque into an official language. The report that precedes the committees in the creation of the Regulation of schools states *The honor of Bizkaia depends on conserving, cultivating and perfecting, in all aspects of its jurisdiction, and in making it [Basque] widespread through all social classes, until it has risen to the level of an official language, in substitution of, or at least equivalent to, Castilian, which has invaded even the most remote and tiniest villages [...]. This is why simultaneous and careful teaching of various languages has its place in the patriotic aims of this board*²⁶¹.

The politics of promotion of the use of Basque in education also appear in the Provisional Regulation of Primary Education Schools of the Province of Gipuzkoa, of May 13, 1875, establishing for itself as an objective, *the study and instruction of our rich and harmonious language, the fondness of the glorious traditions of the Basque Provinces, and above all the conservation and permanence of our simple and Christian customs*. Subsequently, by means of a Circular Letter, the Board of Education of Gipuzkoa determined that *in all the schools of the Gipuzkoa province be imparted the instruction of reading, first in the Basque and afterwards in the Castilian language*. As it has been stated previously, the context of that period limited the effectiveness of the linguistic regime that the Carlist authorities designed²⁶².

As J. Agirreazkuenaga explains, it would not be correct to identify Carlists and liberals, in the context of the XIX century, as two monolithic and opposing blocks: liberals and constitutionalists against the Code of Laws, and Carlists for them. Within the liberal block there existed ideological currents that were very varied, and the same can be said of the group formed by the Carlist block²⁶³. This idea, possibly, can also be transposed to the context of language.

260. Point 6^o of the Basis for the creation of the Regulations of the Schools of Primary Instruction of this M.N and M.L. Seigniorship of Bizkaia, of 1875. The text can be found in P. Dávila Balseira, *La política educativa...* cit. p. 237.

261. P. Dávila, *La política educativa...* op. cit. P. 67.

262. For a comprehensive view V. Garmendia García de Cortazar, «Los Carlistas y la defensa del Basque» in, *Noveno congreso de estudios vascos*, Eusko Ikaskuntza, Bilbao, 1983. P. 425 ff.

263. J. Agirreazkuenaga Ziorruga, «Ohizko foru sistema eta hego Euskal Herriko liberalen portaera ideologiko-politikoak (1835-1843)», in, VV.AA., *Jornadas de estudio sobre la actualización de los derechos históricos vascos*, Universidad del País Vasco, Bilbao, 1986. Pp. 85 ff. This work analyzes the different political-ideological and cultural tendencies that manifested among Liberals in relation to the *foral* or autochthonous political system of the country.

Nevertheless, broadly, Carlism defended the juridical, economic, organizational, linguistic and cultural peculiarities of the provincial territories, in comparison with the centralization and submission to the common and homogeneous regime represented by the liberal government. The measures undertaken in favor of the use of Basque, which the Carlist government promoted, must be understood as the clearest manifestation of one of the basic ideological assumptions of this ideology, as was the defense of the typical and particular aspects of the country, among which we can find, primarily, Basque and the historical municipal faculties in matters of education, in contrast to the centralizing and standardizing politics identified with the liberal Government.

In the middle of the war, once the Crown of the state was given to Alfonso XII after a coup d'état, the Decree of July 29, 1874 recognized the vast competencies of local Corporations (articles 4 and 5), although it did not recognize their ability to appoint teachers. The centralization of education was imposed through a hierarchical organization headed by the state Government. Article 3 of said Decree stipulates that:

It is the Government's business to manage the public establishments of education, dictating its plans, programs of study and literary and administrative regulations, and appointing its Directors, professors, employees and assistants according to the structure prescribed by the Laws and the Regulations themselves.

Approved during the war, this decree did not have normative force in the Basque states until the end of the War during the spring of 1876. Just as it had occurred during the First Carlist War (1833-1839), after the dispute, the Code of Laws, the laws of the four states, and all that would suppose an obstacle to the unity of the Spanish state.

The Law of July 21, 1876 definitively abolished the Basque Code of Laws, marking the beginning of a long period of repression and juridical centralization articulated through a "state of exception" declared in the Basque territories, and which would last until November 1879. This practice presents the beginning of a new period characterized by the rise of constrictive normative interventions that restrict the use of Basque in all spheres, especially in schools; a major centralization in educative matters, absolutely limiting the intervention of local entities (including in economic matters); an accelerated growth of the alphabetization of the Basque population in the Castilian language, which emerged out of the incipient industrializing process of the Basque coastal provinces; and the rebirth of a movement of Basque culture and language, whose political projection would mark the intromission of nationalistic ideology in the political scene. All these issues will be discussed in the next section.

4. *Eusko Pizkundera*, Sixty Years of Renaissance of the Basque Culture (1876-1936)

Eusko Pizkundera, the rebirth of Basque language and culture, constitutes a period of transition in the history of the Basque Country. Renouncing the defense of Basque liberties on the battle ground at the end of the Second Carlist War of 1876 gave way to the creation of the first Basque nationalistic parties, and to a period of defense of self-government through the state institutions themselves. A group of old Carlists and provincial chartist liberals, in their majority from Navarre, created in 1877 the *Basque Association (Asociación Eúskara)*, a Basque nationalist political party whose principal aim was precisely the defense of Basque identity, which they understood to be under serious threat due to the government's decision to abolish the Code of Laws. And this political conscience also traveled to America, where in 1877 the *eusko etxea* or Basque Center called *Laurac Bat* was created in Montevideo. The name 'Four in One', referring to the four southern Basque provinces, was carefully chosen. Articles by Estanislao Aranzadi Izkue, Arturo Campion, Hermilio Oloriz, Navarro Villoslada, Juan Iturralde y Suit, among many other members of the Basque Association were regularly published in its periodical magazine. After the events that transpired in Navarre in 1893, known as the *Gamazada*, in which parliament members from Navarre, supported by the entire population, opposed the fiscal standardizing reforms that Germán Gamazo, the Secretary of the Treasury, attempted to enact, Sabino Arana Goiri organized the *Eusko Alderdi Jeltzalea* or Basque Nationalist Party. This party determinedly supports independence, and it soon would obtain the majority of the Basque popular vote, whose majority it still holds to this day.

But, beyond the political movement, *Eusko Pizkundera* was itself a cultural movement, which gave the language and culture of the country distinguished figures such as the previously cited Arturo Campion, Resurrección María Azkue, Xabier Lizardi, Jose Ariztimuño *Aitzol*, Esteban Urkiaga *Lauaxeta*, Kepa Enbeita *Urretxindorra* and many others. Furthermore, Basque theater and literature also experienced a period of growth that would only be marred by the military uprising and subsequent dictatorial government of 1936. Obviously, the increase in production motivated a parallel increase in editorial production, which, in spite of the governmental limitations and prohibitions, grew exponentially during this period:

- Between 1850 and 1875, 309 books published (12,3 books per year)
- Between 1876 and 1895, 403 books published (21,2 books per year)
- Between 1896 and 1915, 426 books published (22,4 books per year)
- Between 1916 and 1935, 593 books published (31,2 books per year)²⁶⁴

Since the creation of the *Fedearen propagacioneco urtecaria* magazine one year after the end of the Second Carlist War (1872-1876), written in Basque and until 1936, year in which the publication of texts in the Basque language was completely forbidden, 120 magazines partially or fully written in Basque came to

²⁶⁴ Information obtained from, Torrealdai, Joan Mari, *Euskal idazleak gaur*, Jakin, Donostia/San Sebastián, 1977.

light. Among them some as emblematic as *Almanaca berrie eta Egunaria* created in 1879 by Arturo Campion, *Bizkaitarra* (1893) by Sabino Arana, *Euskaltzale* (1897) by Resurrección María Azkue, and *Euskal Eснаlea* (1908) by Gregorio Mujika.

This period also stands out due to the scientific study of the Basque language. Campion published in 1883 the *Essay about the phonetic laws of the Basque language*, and a year later the *Grammar of the four literary dialects of the Basque language*. Afterwards, Azkue published the *Euskal izkindea or Basque Grammar* (1897), the *Basque-Spanish-French Dictionary* (1905), the *Popular Basque Folk Songs* (1918), the *Basque Morphology* (1923) and *Gipuzkera osotua* (1935), an essay about the need to create a common literary dialect that would likewise serve as an official Basque language. All these are seminal works of Basque linguistics, dialectology and morphology.

Eusko Ikaskuntza, the Basque Studies Society, was created in 1918 in Oñati. Its promoter was Angel Apraiz, and his first objective was to create a Basque Language Academy that would be in charge of taking the necessary steps to normalize Basque and its scientific study. Because of this, a year later, in 1919, the *Euskaltzaindia*, academy of Basque language, came to light under the presidency of Azkue.

Four years before this however, an event of great importance to the history of the development of Basque took place: the creation in 1914 of the first school or "Ikastola" in which classes were exclusively imparted in the Basque language. The first Ikastola, *Koruko Andra Mari* of Donostia/San Sebastián, was created by Miguel Muñoa for students between the ages of 3 and 13. Following Muñoa's steps, between 1914 and 1936 hundreds of Ikastolas were created: Tolosa (1922), Errenteria (1928), Soraluze (1932), Bergara (1932), Iruñea/Pamplona (1932) or Lizarra (Estella) (1932). In 1932, with the goal in mind of confronting the pressure exercised by the central government, *Eusko Ikastola Batza*, the Association of Ikastolas of the Basque Country was created in Bilbao.

As for the Northern Basque Country, *Eusko Pizkundera* corresponds chronologically to the birth and death of the Third Republic (1870-1940), which is created and dissolved as a consequence of two terrible military defeats. This period is characterized, especially under the ministry of Jules Ferry (1880-1885), by an ostentatious exaltation of French nationalism, which would lead to grave consequences for the linguistic politics of the new regime. The defeats suffered on the battlegrounds stimulated a strong anti-German ideology, making the implantation of the French language both within and outside the borders of the Republic an important political mandate. As a consequence, the Basque language, just as all other national languages of the French state, continued to be denied official character or any other measure of legal protection. Along the same lines, during this period there was an abundance of legal texts and political manifestos that defended the eradication of national languages, especially Breton, German, Corsican, Catalan and Basque.

In the southern Basque Country *Eusko Pizkundera* represented a decisive historic period divided by three marked stages. The first phase, which encompasses the period from the end of the Second Carlist War in 1876 until 1923, was denominated in Spain with a clear political intentionality as the *Restoration* because in 1874 Alfonso XII Bourbon was placed on the throne of Madrid and the Spanish state changed from a republic to a monarchy. But in practice, the only

thing that was reinstated was the Bourbon dynasty because a new constitution was approved, although for certain different than the previous one. In this time period the political project of the Spanish state, as we understand it to be today, was decisively put in motion. Many of the legal dispositions that form the true political framework of the new state were approved, for instance the constitution or the most relevant administrative codes of the state, such as the Civil Code. But more importantly, the period of peace that was experienced – only blemished by the Cuban War and the definitive loss of the overseas colonies- made possible the enactment of these laws.

The second and much more dramatic phase (1923-1931) was branded by the fascist dictatorship of king Alfonso XIII, son of the previous monarch, whose government was headed for almost a decade by the general Miguel Primo de Rivera. As we will see, during this period the laws prohibiting the use of the Basque language were followed by fines, including the imprisonment and exile of those involved in one form or another with the world of Basque culture.

The third phase, despite being short was especially fertile. It spans from 1931, date in which the dictator was deposed and escaped to exile, until 1936, date which marks the start of the War of 1936, a war of dramatic consequences. After a coup with no bloodshed in 1931, Alfonso XIII was tried *in absentia* for the usurpation of the nation's sovereignty, and in 1931 the Republic was proclaimed. The new republican constitutions allowed for the creation of an autonomous Basque state whose materialization will not be made possible by the Spanish courts until October 1936, three months after the military insurrection. Under the auspices of this statute of autonomy of 1936, the first *Eusko Jauriaritza* or Basque Government under the presidency of Jose Antonio Agirre, member of the Basque Nationalistic Party, was created. And, for the first time since 1789, Basque was given the rank of co-official language along with Castilian. Under the protection of these ephemeral legal dispositions, already in the middle of the war, the first state official *Ikastolas* were created, and for the first time the use of Basque was regulated.

This was a complicated and tragic chronological period that culminated in the southern Basque Country with the rise to power of Generalissimo Francisco Franco in 1936 and the Nazi occupation of the Northern Basque Country in 1940, both regimes would impose a harsh military control over civilian life.

4.1. THE RESTORATION AND THE DICTATORSHIP OF ALFONSO XIII (1876-1931)

The existence of the Basque Code of Laws signified, in essence, the Basque ability to promulgate laws, to judge according to them and to have an independent government. After the Second Carlist War (1872-1876) the ancient laws were lost, which meant the subjugation of the Basque territories to the general juridical and organizational regime of the Spanish state, preserving certain specialities in economic matters, “the Economic Concert,” to which we will return later. Two of the areas in which the subjugation to the general unity of the monarchy was visualized with greater clarity were: in the military field, and in economic sovereignty. Up to that moment the Basque territories had been

independent in both areas, which supposed the capacity to organize, regulate, manage and enforce laws. It is precisely these two areas to which the Law of July 21, 1876 alludes, intending to abolish the Basque Code of Laws by decreeing:

Art. 1.- The duties which the political Constitution has always imposed on all the Spanish people to join in arms when the law calls, and to contribute in proportion to what they have to the expenditures of the State, will be extended, just as the constitutional rights are extended, to the inhabitants of the provinces of Bizkaia, Gipuzkoa and Araba and in the same manner that they are to all citizens of the entire Nation.

(...)

Article 3°. From the publication of these laws the provinces of Bizkaia, Gipuzkoa and Araba are equally obliged to pay, according to the corresponding proportion and assigned to the public expenditures, the contributions, rents and ordinary and extraordinary taxes that are consigned to the general budget of the State.

(...)

Article 4°. In accordance with the law of September 10, 1837 and that of August 16, 1841, and the decree of October 29 of that same year, the Government is authorized, giving notice when necessary to the Courts, to proceed and set forth, with the audience of the provinces of Araba, Gipuzkoa and Bizkaia if it deems it appropriate, all the reforms that are demanded of the old foral administration, for the well being of the Basque people and the good government and security of the Nation.

(...)

Article 6°. The government is endowed by this law with the all the extraordinary and discretionary faculties that demand its exact and swift enforcement.

By means of the Law of July 21, 1876, the Basque institutions were deprived of their legislative capacity, and consequently, of their exceptional status based on the *foral* administration. This made it impossible to invoke the right of non-application of certain states norms, something that had characterized its previous legal situation. If until 1876 they had been able to mitigate or elude the effects of state linguistic norms contrary to linguistic diversity, with the abolition of the *foral* system, the umbrella that protected the exclusive aspects of the Basque territories, including the linguistic ones, was lost. The juridical and political uniformity, symbolized by the abolition of the Basque Code of Laws, would ensue successively the effective application of a regime of linguistic uniformity.

The Law of July 21, 1876 that abolished the Basque Code of Laws meant the emergence of a scene characterized by a political will to create juridical, institutional and linguistic uniformity in the state. With the return of the Bourbon dynasty, republican, federal and Carlist political forces remained completely marginalized. The "Restoration," which was promoted by Cánovas del Castillo, would suppose the alternative of either moderate liberal governments as that of Cánovas himself, or that of Sagasta's progressive ones. The abolition of *foral* rights represented the subjugation of the Basque territory to the general regulations of the kingdom. The *Foral* Governments were substituted by the Provincial Governments, which had less capacity and were equal to the rest of the provincial governments of the state.

In matters of competency, the only exceptions pertained to the management of taxes, which was delegated to the new provincial Governments, and in the obligation that was imposed on them to contribute economically to

the Public Treasury. In fact, the preamble to the Decree of February 28, 1878 refers to the necessity of the Basque Provinces to enter into the “economic agreement” with the state, a term that would be adopted to refer to the tributary management system of the Basque territories. The norm stipulated that the exaction of contributions, rents and taxes, with the exception of those taxes whose administration was reserved for the central state, would be accomplished by means authorized to that effect, while the Governments surrendered the quantities the Royal Decree established should be raised according to diverse tax criteria. The quota would be renovated successively through the bilateral negotiation of future “economic agreements.”

But the loss of the Codes of Laws, which occurred in the last quarter of the century, did not imply that the Basque society accepted this new order, forgetting its past, and renouncing its historic rights. On the contrary, the end of the century would be characterized by an increasingly growing tension between centralizing tendencies, and tendencies founded on a cultural and self-identity substrate, which would demand with ever growing intensity the recognition of Basque identity, expressed through the *foral* reintegration, as well as a certain union between all Basque territories visualized through the Conference of Governments.

A cultural rebirth emerged in the Basque provinces due to the loss of the Codes of Laws. During this period a multitude of magazines and associations related to the Basque language surfaced. Estanislao Aranzadi, Arturo Campion and other relevant members of Basque culture founded in 1877 the first Basque nationalistic party, the Basque Association of Navarre, which would edit the *Revista Basque* (1878-1883); in Donostia/San Sebastián the *Euskal Erria* magazine (1880-1918) was published, in Bilbao the *Euskalduna* magazine fomented by Sagarminaga, founder of the *Euskalerría* society, and in the Northern Basque Country *Euskalduna* in 1880. Likewise, *Euskal Zaleen Biltzarra* is created, a society in which members of all the Basque provinces would participate. Beltza says that «in what refers to the rebirth of the linguistic, cultural and political interest about them, the Basque people that came before the nationalistic movement founded by Arana were living a resurgence. ‘Aranism’ did not emerge from the desert; it was a wide-spread collective movement»²⁶⁵.

The revival of Basque linguistic and cultural interests is associated with the new nationalistic forms of political expression. This political movement emerges in the decade 1890-1900. There are many factors, which fomented the development of the nationalistic political movement, among them: economic changes, social changes, crisis of traditional institutions, and the lack of capacity of traditional parties to respond to the new national interests²⁶⁶. Within the nationalistic ideology, language is placed at the heart of the concept of a Basque nation.

265. E. López Adán (Beltza), *El nacionalismo vasco 1876-1936*, Txertoa, Donostia/San Sebastián, 1976. P. 71. See also J. L de la Granja, *El nacionalismo vasco 1876-1975*, Arco, Madrid, 2000. Pp. 14-24, where the cultural and ideological coordinate in the apparition of nationalism is underlined. Also A. Elorza, *Ideologías del nacionalismo vasco 1876-1937*, Haranburu, Donostia/San Sebastián, 1978. Pp. 117 ff.

266. E. López Adán (Beltza), *El nacionalismo...* op. cit. Pp. 79 ff.; see also J. Real Cuesta, *Partidos, elecciones y bloques de poder en el País Vasco 1876-1923*, Universidad de Deusto, Bilbao, 1991; J.C. Larronde, *El nacionalismo vasco, su origen y su ideología en la obra de Sabino Arana-Goiri*, Txertoa, Donostia/San Sebastián, 1977; J. J. Solozabal Echevarría, *El primer nacionalismo vasco*, Tucá, Madrid, 1975.

At the end of the century the pressures regarding the *foral* reintegration would be constant throughout all the territories, as well as through the “Conferences” of the institutional representatives of the Governments. One of the most transcendent historical moments in this evolution constitutes the so called “Gamazada”, a denomination that refers to the popular revolt that took place in Navarre in 1893 when secretary of the Treasury, Germán Gamazo, made the proposal to impose in Navarre and the other three Basque territories the taxes and contributions that were enforced in the Spanish territory, what meant the suppression of the *foral* tax regime. Important demonstrations took place, including an armed revolt; finally the governmental project was not put into effect and the Basque fiscal regime was not altered. From a social perspective, a great boost was given to the political demand for the recovery of the autonomy of all the Basque territories united for a common cause²⁶⁷.

In the year 1898 the Governments agreed to put forward a joint demand before the Government, whose text said “the three Governments of Bizkaia, Gipuzkoa and Araba are gathered in conference at the Illustrious City of Bilbao, due to the great alarm that has spread throughout the country because of the actions carried out by the Civil Governor of Bizkaia, evidently undermining the recognized faculties of the Basque Governments in economic and administrative matters. We have, thus, unanimously agreed to raise a collective complaint to Your Excellencies about the offences against the Basque country, which are invading the sphere of action of its Governments, and creating a situation fraught with difficulties and dangers”. The message demanded the economic and administrative independence of the three provinces²⁶⁸.

In this context, the first ideas that were oriented towards the consolidation of an official status for the Basque language would emerge. Next we will analyze the linguistic regulation of the period that begins with the loss of the *foral* system.

The Constitution of 1876 did not introduce fundamental alterations to the legal status of languages, or in their instruction, giving continuity and drive to the centralized organization. Nonetheless, the loss of the *foral* guarantee of the Basque Governments did deprive them of the legal authority to act in defense of their own organizational and linguistic peculiarities, which had allowed the former *foral* states to manage everything pertaining to education until then²⁶⁹.

Article 12 of the Constitution established state competency over the bestowal of titles, as well as what was required to obtain them. Also, the normative competency over teachers’ functions and school organization remained with the state. Curricula would be uniform, and the administrative organization of

267. Cf. A. García-Sanz, “La insurrección fuerista de 1893. Foralismo oficial versus foralismo popular durante la Gamazada”, *Príncipe de Viana* 185, 1988, Pp. 659 ff. J. M. Jimeno Jurio, *Navarre y vascongadas (1917-1919). Reivindicaciones autonómicas y reintegración foral*, Pamplona, Iruñea, 2008, *in toto*; J. Andrés Gallego, “Gamazada”, *Gran Enciclopedia de Navarre*, Caja de Ahorros de Navarre, Iruñea/Pamplona, 1990, Pp. 250-252.

268. <http://atzoatzokoa.gipuzkoakultura2.net/atzo1/index.php>

269. J. M. Castells Arteché, «Peculiaridades vascas en el personal al servicio de las administraciones forales y locales», in VV.AA., *Cuestiones particulares del régimen foral y local vasco*, IVAP Bilbao, 1994, Pp. 86-87 where it states that during this period we can witness a «fight for exception» in which the four *foral* territories, through their representative branches, would try to reach said «exception» from the general regime.

education would be characteristic and specific, inaccessible to municipal and provincial powers. In what pertains to the local administration, article 84 of the Constitution of 1876 refers to the competencies of the City Councils of the Provinces by stating that they will govern and direct the particular interest of the people and the province. However, a possibility was established for the:

Intervention of the King, and, if necessary, of the Courts, to impede that the provincial Councils and the City Councils overstep their capacities to the detriment of general and permanent interests²⁷⁰.

This provision supposed, in practice, that state institutions were authorized to stop any autonomous action by Basque institutions, with the understanding that they could hinder general interests²⁷¹.

One example of (linguistic) repression of the Carlist postwar is found in the Order of September 30, 1880²⁷², which, addressing the Governors of the Basque provinces, decreed:

The S.M. Government is fully aware that some individuals belonging to the clergy in the provinces of Gipuzkoa, Alava and Bizkaia sometimes forget the sacred obligations of their ministry, and because they have the ability to speak the Basque language, in which they address the parishioners, from the pulpit they hurl exhortations with political tendencies that are contrary to the state Constitution and current laws.

...[the Government] has no other choice but to attend rigorously to the defense of the Constitution and the laws, in any form in which they are attacked, exercising, if it was unfortunately indispensable, the economic and defensive authority of the Crown...and without prejudice to the application of the Penal Code when necessary.

Starting from these considerations H.M. the King (may God protect Him) has decided that Your Excellency, should employ great zeal in investigating the cases of clergymen of this province in general, and in particular the sacred orators that preach in Basque... who transgress the Constitution or the laws of the Kingdom.

Everyone is aware of the position of the Basque clergy in general in favor of the *foral* cause. The norm is pronounced in the postwar context in which the winner applies its criteria on the defeated, supposing, in this case, one of the first cases of extension of the civil (and penal) jurisdiction to the religious realm. Preaching would be the object of censure in the Basque country and especially preaching in Basque. It is important to highlight that the Order refers

270. Art. 84.3 of the Constitution of 1876

271. To that respect, O. Díaz Hernández, *En los orígenes de la autonomía vasca. La situación política y administrativa de la Diputación de Alava (1875-1900)*, HAAE-IVAP, Oñati, 1995. P. 17, where he affirms that «we cannot forget that the Basque institutions enjoyed a fiscal and administrative power with barely any limits or supervision from the part of the supra-provincial powers. The Monarchy of Alfonso XII attempted to resolve this situation, just as it was announced in the third number of the 84th article of the Constitution».

272. *Gaceta de Madrid* n° 274, September 30, 1880.

to preaching in Basque as something that “is allowed” to priests. The idea that is given is that in this post-war context the winners allow the defeated the use of Basque in church. The linguistic freedoms are included within the availability of the governmental authority to which the people of the Basque country are subjected.

Similarly, the Law of Civil Trials was promulgated by the Royal Decree of February 3, 1881. This norm, as it is well known, regulates the procedure of the judicial process in civil matters. The linguistic regime of the judicial processes was not pervasively regulated, although article 601 did refer to the documents that were required at the trials, stipulating that:

Every document composed in a language other than Castilian will be accompanied by its translation and copies of both documents.

That article deprived the private documents composed in languages other than Castilian of validity and judicial effectiveness. From that moment on, purchasing agreements, transaction contracts, mercantile documents... in Basque would not count in judicial processes if they were not accompanied by their translation into Castilian.

Regarding schools, an area of great importance to the maintenance of a language, after the *foral* abolition, the Local council and Administrative body (Government) only possessed faculties regarding economic matters pertaining to the maintenance of educative centers.

In the context of the end of the 19th century, Basque demands went hand in hand with those that demanded the status of the Catalan language in Catalonia. During the last quarter of the century, linguistic issues would become one of the principal matters discussed in the parliamentary debates held at the General Courts of Madrid. As a point of departure we could cite the “Basis for the Regional Catalan Constitution” elaborated by a Catalanian Union in Manresa in 1892, in which they requested that Catalan be declared an official language. The presentation of these arguments in Congress produced a heated debate what would continue in further sessions²⁷³.

The demand regarding the reintegration of the faculty to name teachers was a constant message directed by the Basque local administrative bodies (Councils) to the Government starting at the end of the 19th century²⁷⁴. Along with this demand, it was also requested that professors that spoke Basque be appointed, so that they could teach classes to students that spoke Basque. Due to the initiative of the local Administrative body (Government) of Gipuzkoa, a project drawn up in 1896 would be adopted by the four Administrations, which in

273. Cf. F. Ferrer i Girones, *La persecució política de la llengua catalana*. Edicions 62, Barcelona, 1986. P. 78.

274. I. Estornes Zubizarreta describes the movement for institutional demands during this period in, «La construcción de una nacionalidad vasca: El autonomismo de Eusko Ikaskuntza (1918-1931)», *Eusko Ikaskuntza, Cuadernos de Sección. Historia y Geografía* nº 14, 1990. Pp. 76 ff. See also, J. M. Estecha Martínez, *Régimen político y administrativo de las provincias vasco-Navarrés*, Imprenta Provincial, Bilbao, 1918. Pp. 251 ff. Regarding the evolution of demands starting from this period see, J. M. Castells Arteche, *Reflexiones sobre la autonomía vasca*, HAAE-IVAP Oñati, 1986. Pp. 27 ff. Regarding the attempts to recuperate the integrity of the *foral* régime see, G. Monreal Zia, «Del municipio *foral* al municipio concertista» in a book by various authors, *Cuestiones particulares del régimen *foral* y local vasco*, IVAP Bilbao, 1994. Pp. 262 ff.

essence proposed to the Government that through precise normative reforms, it guarantee that -to exercise the teaching profession in the schools of the Basque-speaking zones of Araba, Bizkaia, Gipuzkoa, and Navarre- it was required to know and use the Basque language.

The Commission of Public Works, based on what has been related, thinks that Your Excellency must agree to address the local sister Administrative bodies (Governments) of Bizkaia, Araba and Navarre, soliciting their help, of mutual conformity, so that a respectful exposition can be raised to the Excel. Sr. Minister of Public Works, petitioning to order that when: vacancies arise in the public Schools of both sexes in the towns in which the Basque language is spoken, the teachers that will fill these posts be required, as an indispensable condition, knowledge of said language; and that far from conserving the absolute prohibition of the use of Basque which today governs in places of primary education, children begin to learn the official language through gradual translation exercises from Basque to Castilian²⁷⁵.

To accomplish these objectives, it aimed at obtaining the reestablishment of the faculty to appoint teachers in the municipalities, as well as the centralization of the tests to access teaching functions at the provincial level, including linguistic tests; in case the municipal faculty of teaching appointments was not reinstated, it proposed that the linguistic requirements be applied according to the provision of positions appointed by the Ministry or by the Rectorship of Valladolid²⁷⁶.

The *Diputación* or Government of Navarre sent to that of Gipuzkoa a communiqué “adhering to the idea of obtaining the compulsory teaching of our language in Basque-speaking territories”, whose text states:

This Government is aware of –and extremely pleased with- the erudite and patriotic report emitted by the Commission of Public Works headed by Your Excellency and approved in the session held November 12 of this past year, referring to the requirement that Teachers who are to man the Schools of the Basque country must have knowledge of Basque (...). (...). In terms of wider considerations, the State that claims the faculty of insuring the preponderance of one of the regional languages, even if it is the one adopted most widely within the nation, in detriment of the others, whose annihilation it jointly pursues, whether it invokes the benefit of a common culture, whether a poorly understood mechanical and external unity, it reduces to an instrument of unjust hegemonies and a notorious cause of offense to national brotherhood. This Government of Navarre, which intends to maintain the differential feature so traditional and this ancient, noble lineage that is the Basque language, has agreed to introduce to the Government of H.M. the request for compulsory

275. Provincial administrative body of Guipuzcoa. Judgment which was presented to said provincial administrative body by the Commission of Public Works and approved in the session held on November 12, 1.895.

276. The documents that display the demands that were realized in the year 1896 by the Administrative Bodies of Navarre, Bizkaia, Gipuzkoa and Araba, addressed to the Government in order to obtain the reintegration of the faculty to appoint teachers, as well as create their own university district can be consulted in G. Arrien, *Educación y escuelas de barriada en Bizkaia*. Bizkaiko Foru Al- dundia, Bilbao, 1987. P. 63. Says G. Monreal, «Origen de la Ley del Vascuence de Navarre », *Revista internacional de Estudios Vascos* nº 46-2, 2001. P 520, that «refers to a text of exceptional modernity, unique among the institutional pronouncements of the 19th century».

teaching of Basque in the schools of the Basque territory.

(...) With the formula that has been adopted, whatever may be the authority armed with the right to appoint teachers, authority that they have by customary law, the City Councils, the persons that will run the schools must be required, as an unavoidable condition, knowledge of the Basque language, that is precisely the laudable and patriotic motion of Your Excellence (...).

God save Your Excellence for many years. Pamplona January 11, 1896.— The Government of Navarre, and in its name, Ramón Eseverri.— Pedro Uranga, Secretary.— Excel. Provincial Government of Gipuzkoa²⁷⁷.

Similar demands were also sent from other territories to the Courts, requesting that in territories where a language other than Castilian was spoken, teachers should also know this language. The proposals were debated on August 14, 1896, to which the minister of Public Works replied:

I cannot dispense with the law, as Your Lordships must surely understand, ... I believe that it is of great detriment to the country, and a mark of grave danger, to find a region or one part of the territory in which the inhabitants cannot communicate with the authorities and with the rest of the country [in the same language]²⁷⁸.

The Decree of September 28, 1898, regarding the organization of regular teaching schools impeded the materialization of the approach fomented by the Basque *Diputaciones* or Governments. We must take into account that from 1888 the employment examinations for school teachers were performed in the capital of the university district, in this case Valladolid, to the detriment of the teachers of Basque territories who were forced to travel many kilometers to take these exams. This aspect also produced a considerable increase in foreign teachers destined for Basque schools, despite the fact that they did not know Basque. Due to this, in 1899 the demands of the four Governments, which gathered for a Conference in Iruñea, directed themselves precisely to soliciting the creation of a Basque-Navarrese university district. In the Message addressed to the Ministry of Public Works they requested: a) the concession of complete freedom to the City Councils to name teachers and b) establishment in Iruñea of a higher education school for teachers, with the faculty to issue degrees, in the same manner as the top district Universities. The ministry did not accept the request.

Again, in January of 1900, an intense debate took place in the Senate in relation to a Pastoral from the bishop of Barcelona that recommended the use of Catalan in schools. The minister of the Interior answered in the following terms:

It is problematic that not all Spaniards know the national language; but one cannot deny that it does not require more than a constant propaganda directed towards extending the knowledge of the official language, preventing that State schools teach another language besides Spanish, not allowing texts written in any other dialect, such as textbooks, and that the authorities adopt measures, as they have, towards that effect, and that will be applied by this Government as all previous Governments of Spain did before²⁷⁹.

277. Communication of the Excellent Foral and Provincial Council of Navarre addressed to that of Gipuzkoa, on January 11, 1896.

278. Excerpted from F. Ferrer i Girones, *La persecució política...* op. cit. P. 81.

279. *Diario de Sesiones del Senado* nº 111, 1900, p. 2046.

The will of the Government, manifested through the words of the Minister of Government, had continuity after the Court elections of May 19, 1901. The politics of persecution of the Basque language in schools was a reality during the beginning of the century, and it motivated a new stance on behalf of the Basque Governments with respect to education. The *Diputación* or Government of Bizkaia, agreed during the session of February 15, 1902 to send a Circular to the teachers in which it is recommended that they:

Keep in mind that in order to learn a language is not necessary to forget another, much less if the one forgotten is the language of the country that gave birth to them [...]. Recommending the indicated methods and procedures (those that are not degrading and are pedagogically sound [...]) for the teaching of the obligatory official language, especially where the Basque language is of common use. Warning them that they do not have the power to prohibit the use of Basque outside the school, since once the imperative portion of their mission during the hours of class has ended, only words of advice and warnings are admissible²⁸⁰.

The tension that is expressed by this stance from the Council grew when a normative reform that would torpedo the precarious situation of Basque was proposed by the government. Thanks to the efforts of the Count of Romanones, the Royal Decree of November 21, 1902 was approved. The preamble to the norm expresses its reasoning, conceiving of linguistic diversity as something negative and advocating monolingualism in name of “the unity of the country”,

If we educate today's generation without teaching them the fundamental principles of religion in Castilian, in the language of Cervantes, which served us in the New World to spread our faith and our civilization, tomorrow we would have citizens united by fraternity, lovers of a common nation and capable of serving and exalting it. It would also be a vain illusion to believe that the teaching of Christian doctrine in a language different from Castilian would not necessarily cause the lamentable ignorance of the national language with grave harm to the great interests of the Nation, whose language is its most prized vehicle of union between all the provinces of the kingdom, a vehicle whose strengthening matters most in schools, the most firm foundation of national education²⁸¹.

The Decree of November 21, 1902 stipulated that:

Art. 2.- Teachers of primary instruction that teach their pupils the Christian doctrine or any other subject in a language or dialect that is not Castilian, will be punished the first time with a reprimand on behalf of the provincial Inspector of primary education, who will inform the Ministry of the incident, and if there is a recurrence, after receiving the reprimand, they will be dismissed from the official teaching profession, losing all the rights which the Law originally recognized to them.

Art. 3.- In the Dioceses where catechisms written in Castilian approved by a prelate do not exist, the teachers may use as a text of Christian doctrine any other which, being written in the national language, have the approval of the Archbishop of Spain.

280. *Boletín Oficial de Vizcaya*, February 15, 1902, p. 169.

281. Paragraph 4 of the Preamble to the Royal Decree of November 21, 1902.

The Royal Decree affected the scholastic functions that were developed in Basque. The instruction of Christian doctrine that, until that period, had been performed in the Basque language, remained prohibited. Its use was persecuted and punished. The principal reserve for the use of Basque within schools was suppressed. The norm established a procedure of sanctions that were directed to the teachers that used a language other than Castilian. The linguistic politics of the state were aimed at prohibiting the utilization of these languages, including in the religious realm, punishing their use. This orientation is seen in the Circular that the Civil Governor of Navarre addressed to all teachers, dated on August 29, 1901:

Aware that in certain schools of the provinces in mountainous zones, some classes are taught in the native language of their inhabitants, I deem it necessary to address, as I am doing, the Teachers, reminding them that within the school space, there is no place for the teaching of any class in a language other than Spanish, since this is demanded in the interest of the nation, its very inhabitants, and it is categorically demanded by legal precepts. [...] This is the mission that is assigned to the school, and the person charged with fulfilling it is the teacher. To not answer this call, would be to commit a true crime; all those that to create less work for them or someone else, or are possibly obeying strange suggestions, are exposed to that risk; if you forget this fundamental duty and neglect or supplant with another the beautiful national language, the Spanish language, in which education must be spread, you are openly breaking the Law and causing grave harm to your students, who will later find great difficulties to sustain the necessary indispensable relations in the commerce of ideas and social interests. Thus, I remind our teachers and the authorities, of the exact enforcement of the law and I trust that under no circumstance, the good workings of instruction regulated through categorical dispositions will be perturbed. I am ready if this is not complied with, to demand punitive sanctions without hesitation²⁸².

The same linguistic policy appears to have been followed by some municipal corporations, as is evidenced by the notification addressed to a teacher by the City Council of Ituren on March 20, 1900, which stated:

Since Castilian is the official language of the nation and is typical of all Spanish regions, and furthermore the only one necessary for commerce, in the Army and in the educational establishment that by necessity will be were the children of this nation develop, we ask that you, in imitation of our predecessors, completely avoid the use of Basque, which you seem to allow, by not allowing that students, or you in your explanations, use in school any other language other than Castilian, since you well master it, and since it is the only one that is in our interest, as well as being mandated by current Laws²⁸³.

The Circular of the Civil Governor from the Province of Lérida, issued during that same period, prohibits the use of the Catalan language in schools (Circular from March 27, 1900):

282. J. M. Torrealdai, *El libro negro...* op. cit. p. 42.

283. Also gathered in J. M. Torrealdai, *El libro negro del euskera*, Ttartalo, Donostia/San Sebastián, 1998. P 45.

Civil Government of the Province of Lérida. Provincial Committee of Public Education. This Committee has news that some individuals, school teachers of the Province, provide elementary education utilizing the Catalan language [...]. The expressed reasons have forced this Provincial Committee to warn, by means of this Circular, the teachers of the province to abstain from using for instruction a language other than Castilian [...] making them aware that the inobservance of what is stated in this circular will give rise to a governmental inquiry to establish the ensuing responsibility for the disobedience²⁸⁴.

As was to be expected, the Royal Decree of November 21, 1902 provoked a great social and political reaction. On November 24, 1902, a heated debate took place in the Chamber of Representatives due to an interpellation addressed to the Count of Romanones. The representative J. Cañelas, in reference to the situation in Catalonia said: *Although up to now the number of schools that taught in the Catalan language has been reduced, if the decree of Your Excellency is maintained, I can anticipate and assure you that Catalan will be taught in all the schools of Catalonia because the movement that has begun there is supported by all*²⁸⁵. Representative Rusiñol rejoined: *It does not affect those that are pro-Catalonia, it affects all of Catalonia, it affects our personality, our old nationality, that which is most loved by us, the ability to learn religion and direct our prayers to God in our language*²⁸⁶. The debate that took place in Congress continued in the press and other forums. This matter, along with other political problems, forced the Government to resign after a few days, celebrating elections on December 9, 1902.

There are many assessments that can be made from these dispositions. The unity of the state is conceived of as uniformity, viewing diversity as something contrary to the idea of the state. The prohibition probably produced an effect that was contrary to that which it desired, rekindling the demands for complete autonomy carried out from the Basque Country and Catalonia. But, moreover, it is of interest to observe the sociolinguistic reality of the students of this period, characterized in great part by the lack of knowledge of Castilian. The use of Basque is prohibited and that of Castilian is imposed as the single and exclusive language of education in a context in which the students do not understand this language. Under these conditions education cannot be practiced, and the transmission of subject matter is impeded. These reasons were not sufficient to abolish the norm, which continued in force with the next conservative Government. Regardless, social influenced without a doubt the explanation of the effects of the Royal Decree of November 21, 1902, made through the Royal Decree of December 12, 1902, when it stipulated:

Due to the doubts that have been brought up as a result of the implementation of the Royal Decree of November 22 of this year and of the increased queries brought to the attention of the Ministry by various primary school Inspectors [...] it is necessary to distinguish between fixed and precise guidelines, so that

284. The text of the circular can be found in the documents compiled by S. Petschen, *Las minorías lingüísticas Documentos (1492-1989)*, V. I, Eusko Legebiltzarra/Parlamento Vasco, Gasteiz, 1990. P. 146; also in, F. Ferrer i Girones, *La persecució política...* op. cit. Pp. 87-88.

285. *Diario de Sesiones del Congreso* n° 55, 1902. P. 1404.

286. *Diario de Sesiones del Congreso* n° 58, 1902, 1497.

they can know what to expect regarding such a delicate subject. It should be noted, above all, that the main duty of primary school Teachers is the instruction of the Spanish language, and especially in those provinces that are under Monarchical jurisdiction that preserve local languages or dialects [...] Thus, it is the Inspectors' unavoidable duty to contribute by making frequent visits, and if it were necessary, by giving warnings, so that no teacher can be exempt from the complete fulfillment of that fundamental duty [...] In view of the aforementioned, H.R.H. the King (may God protect Him), according to the Council of Ministers, has ruled:

1 That primary school Inspectors must not cease from watching over the exact complete fulfillment of the obligation to which teachers are subjected to teach Spanish, and to account for to this Ministry of the deficiencies that may result from this very important aspect of teaching.

2 That they are to comply with the assignment of books for the teaching of Christian doctrine in Schools, according to the regulations of article 87 and 92 of the current law of public instruction.

3 That when a teacher addresses students that do not yet speak Spanish, he will not be held responsible, if he uses a language that is not the official language as a means or a way for instruction.

4 That the responsibilities to which the last article, n. 2 of the Royal Decree of November 21 referred to, will only be enforced, given the situation, if the Teacher uses a language which is different from the official one, addressing students that are Spanish speakers²⁸⁷.

The regulation involves a certain general clarification of the imposition of the Spanish language in schools, even if later, it does not lift the sanction for using Basque to explain religious doctrine. The state made use of the *ius puniendi* in order to guarantee a monolingual system of education. Besides prohibiting the use of Basque for religious instruction, the regulation limited transitional bilingualism, which was used in Basque schools up to the time it lost its Codes of Laws. The use of Spanish was imposed in school, by sanctioning the use of Basque. Use of the student's native language will result in disciplinary action for teachers, as they can be dismissed from teaching.

As we know, the authority to appoint teachers had been taken from the local administration. According to the Moyano Law, developed by the Royal Decree of October 26, 1901, the appointment of teachers in the Basque Country is the responsibility of the Ministry of Public Education and Fine Arts or by the Rectorate (of Valladolid) depending on whether it refers to high or low salaries²⁸⁸.

The public local powers had seen that their important authorities faded concerning educational matters, leaving them only with certain executive competencies, since, as is known, the local educational sectarian organization ignored municipal powers. However, regarding the basis of the economic

287. Article 4 of the Real Orden of December 12, 1902.

288. The Royal Decree of 26 October 1901 stated in article 23 that: The appointment of public school teachers and teacher's assistants, who have tenure or not, will correspond to: for schools with a yearly salary of 1,000 pesetas or more, to the Ministry of Public Education and Fine Arts; and for schools with salaries that are less than 1,000 pesetas, to the respective Rectorates.

competencies, the town councils had retained some influence in the appointment of teachers, thus allowing the presence of Basque in the classroom²⁸⁹.

The next step in this evolution meant relieving municipalities of their competence in education matters. The Royal Decree of July 21, 1900 determined that the material and personnel expenses incurred for primary instruction were to be paid by the state:

Article. 1.- Personnel and material responsibilities of primary public schools have been shouldered up to now by the municipalities; but, from now on, the payment of these personnel and material responsibilities will be the responsibility of the State, by way of a previous deposit, which will amount to the necessary funds to cover such expenses.

This regulation means that the state assumed the complete financial responsibility of primary school teaching. The organization and management of instruction was completely separated from Basque public powers. Economic competencies, the refuge of the provincial law regime, now in agreement, were completely limited. Obviously, the Royal Decree of July 21, 1900 caused a strong reaction from part of the Basque Governments. Consequently, a process of negotiation took place between Basque institutions and those from the state in order to try to overcome the differences about the foundation of the special economic regime (the Economic Agreement)²⁹⁰. The outcome of the agreement was presented in the Royal Decrees of October 25, 1900 and of October 26, 1901. The first one stated that:

Town Councils of the Basque Provinces and Navarre are authorized to directly assist teachers from municipal Public Schools with such obligations regarding personnel and the materials, uncompliance with the last part of article 3 of the Royal Decree of July 21; and to the Governments of the above (Basque provinces and Navarre), so that they can agree on the means to guarantee the complete payment of such attention²⁹¹.

The provision was to be confirmed a year later by the Royal Decree of October 26, 1901:

The salaries of teachers from primary public schools will be paid by the State, and charged to the Ministry of Public Instruction and Fine Arts. With the exception of

289. J. M. Castells Arteché, *Fueros y conciertos económicos. La liga foral autonomista de Guipúzcoa (1904-1906)*, Haranburu, Donostia/San Sebastián, 1980. P. 26, where he highlights that the capacity of economic intervention regarding the foundation of the system of the Economic Agreement will grant it some administrative clout.

290. This time marks the third Economic Agreement (1894-1906). "Regarding this period, Clavero states that «the process negotiation is consolidated, between governments, looking a lot more like this type of Government that enjoys economic and administrative Independence, as acknowledged, between the Provincial Government and the State Government, they are continuing to endorse these treaties without any control from Parliament... And the administration based on the Agreement that was also extended to tax matters, which up to now had been overlooked, already appears as 'a state based on the rule of law', and not as transitional or provisional [...]. The regime has seeped through to the institutions". B. Clavero Salvador, *Fueros vascos. Historia en tiempos de Constitución*, Ariel, Barcelona, 1985. P. 47.

291. Article. 1 of the Royal Decree of October 25, 1900.

the salaries for teachers in the Basque Country and Navarre, while an Agreement of Provincial Administrations is reached, but the organization of these schools and the appointment of those teachers will conform to the dispositions stated in the present Decree²⁹².

It is interesting to note that the regulation, although it introduces an exception to the general guideline, is careful to highlight that the system of school organization and the system that appoints teachers will adhere, in the future, to the general regulation. As stated, the Romanones Royal Decree of October 26, 1901 carries out the final nationalization, so to speak, of primary teaching services.²⁹³ Nonetheless, the fortress of Basque provincial law acted as a guarantee to face the economic centralization of teaching from the beginning of the century, insuring the implementation of certain peculiarities. In short, "the history of the progressive degradation of provincial law is the history of the conservation of a remainder, and its judicial expression is the 'beginning of exception'. This has been appealed to by lawyers from the Basque Country, as well as recognized by the legislators and the Administration in Madrid through the many additional reiterated regulations that are temporary and can still be repealed; since nothing is more revealing than the permanence underlined by repeated"²⁹⁴.

Only Navarre was able to attain the restitution of the municipal faculty to appoint teachers, which also grants them the possibility to take into consideration the linguistic ability of the candidates²⁹⁵. The Royal Decree of April 8, 1914 will acknowledge its right in these terms: *The schools from Navarre will appoint teachers by way of competitive examinations or public competitive examinations or as planned by the rest of the established Laws and Regulation procedures. City Councils in towns where vacancies take place will present the selection of one among the candidates that have passed the competitive examination, and the appointment of those proposed will be carried out by the Ministry, the General Director, or the Rector in their respective public offices*²⁹⁶.

Participation of town councils from Navarre concerning the appointment of teachers that recognizes this regulation is substantially similar to that which will be implemented under exceptional circumstances in all of the Basque territories during the provincial law regime, even after the passing of the Moyano Law. This is an exception which has already been referred to, and that in its later context to the abolition of provincial law would only be applied to the territory of Navarre. The

292. Article 10 of the Royal Decree of October 26, 1901.

293. E. García de Enterría, *La Administración española. Estudios de ciencia administrativa*. 6ª edic., Madrid, 1999, p. 137.

294. B. Clavero, *Fueros vascos...* op. cit. P 19. In a similar way, M. Herrero de Miñón, *Derechos históricos y Constitución*, Taurus, Madrid, 1998. P 249, states: «to his judgment, it is enough to say that historic rights refer to the make up of a differentiated political community as its jurisdictional name. Thus, it is not about a tradition of competencies, but of a different political body, which in its nature will act in a different manner". Also, see, E. Nieto Arizmendiarieta, «La esencia de los derechos históricos», *Revista Vasca de Administración Pública* n° 58, 2000. P 246, where he refers to the historic titles of legitimacy as essence of the historical rights.

295. Cf. V. M. Maeztu Esparza, "Apuntes sobre la historia del nombramiento de maestros y el derecho de propuesta en Navarra", *Príncipe de Viana* n° 2003, 1994. Pp. 650-651.

296. Article 1 of the Royal Decree of April 8, 1914.

regulation of the appointment of government-employed teachers was standardized, except in Navarre.

At this stage, an important demographical increase is produced due to industrialization, mainly in the coastal provinces. The Economic agreement system was a key factor in the industrialization process²⁹⁷. Industrial development causes strong migratory movements and important social changes in Bizkaia and in Gipuzkoa²⁹⁸. The policy for the creation of new education centers that began after the 1880s²⁹⁹ results in a Basque school population made up of a considerable number of centers, as shown in the surveys that were taken at the turn of the 20th century³⁰⁰. The rate of Spanish literacy continues to increase. Araba continues to rank high in the state regarding its literacy percentage, and the remaining provinces are ranked among the first places.

As a result of the loss of the provincial law right to appoint teachers, in the beginning of the 20th Century there was an increase of foreign teachers in schools in the Basque Country, therefore, unfamiliar with the Basque language, and they were higher in percentage in Catalonia and in Galicia. According to the studies that were done, in 1912 there was a high percentage of teachers born outside of the Basque Country, more than half of them, exactly 62%, while in Catalonia and in Galicia the percentages were considerably lower: 19% and 18%, respectively³⁰¹.

Towards the beginning of the 20th century, telephone and telegraph communications in Basque were prohibited. Insistently, chambers of commerce, town councils, and delegations had required that the Government lifted the language prohibition, which was done, not without first establishing important reservations through the Royal Decree of June 20, 1904³⁰².

Article 2. With regards to correspondence that is not of a private Nature and in the official communication, or concerning matters of an administrative,

297. C. Postigo, *Los conciertos económicos*, Haranburu, Donostia/San Sebastián, 1979. P 87, where he refers to the support of the Decrees by the ruling classes of the Country, thus contributing to the industrialized process: "the permanent imbalance of the direct taxes and direct contributions (with a much higher rate of indirect taxes) confirms that the fiscal autonomy of the powerful social classes contributed in its manner to the forming of the great Basque fortunes and of the economic gain of local capitals along with the capital gains that were obtained during the industrial productive take-off".

298. Regarding this topic see, E. López Adán (Beltza), *Del carlismo al nacionalismo burgués*, Txertoa, Donostia/San Sebastián, 1978. Pp. 35 ff.; L. Castells, *Modernización y dinámica política en la sociedad guipuzcoana de la Restauración 1876-1915*, Siglo XXI / UPV, Madrid, 1987; M. González Portilla, *La formación de la sociedad capitalista en el País Vasco*, Haranburu, Donostia/San Sebastián, 1981.

299. Regarding this see, G. Arrien, *Educación y escuelas de barriada...* op. cit. P 86.

300. See, P. Dávila Balsera, *La política educativa y la enseñanza pública en el País Vasco (1860-1930)*, Ibaeta Pedagogía, Donostia/San Sebastián, 1995. P 99; P Dávila, A. Eizagirre e I. Fernández, «Leer y escribir en las escuelas de Euskal Herria, 1860-1990», in, P Dávila Balsera (Coord.), *Lengua, escuela y cultura. El proceso de alfabetización en Euskal Herria, siglos XIX y XX*, UPV-EHU, Bilbao, 1995. P 49. Also see, J.L. Guereña & A. Viñao Frago, *Estadística escolar, proceso de escolarización y sistema educativo nacional en España*, EUB, Barcelona, 1996. Pp. 234 ff.

301. P Dávila, *La profesionalización del magisterio en el País Vasco (1857-1930)*. Universidad del País Vasco. Donostia/San Sebastián, 1993. Pp. 135-136.

302. *Gaceta de Madrid* nº 1114, June 21, 1904.

governmental, or judicial nature, Spanish only will be allowed.

Article 3. Nor will they be allowed to communicate, but in Spanish, through the Ferrocarril Company that does not use the Morse telegraphic system.

In sum, the use of Basque in strictly private interactions is allowed as *long as in one of the stations that are used for communication purposes there is personnel capable of understanding the language being used*³⁰³, but the employee in charge must make sure that the text does not contradict the current laws. Therefore, it pertains to private communications that are subjected to strict guidelines, and only through the Morse code. With regards to the rest, the use of Basque in telephone and telegraph communications will continue to be a prohibited practice. The decisions that were taken by Basque town councils, and governments... can under no circumstance be transmitted through the most modern communication media of the time. The use of Basque in the public sphere was the object of a new restrictive measure.

The Regulation of the Mortgage Law was passed on August 5, 1915, which included a precept relative to the use of languages. In accordance with article 48:

The documents not written in Spanish may be translated, for Registry purposes, by the Office of Language Interpretations or by competent government employers that are authorized in virtue of laws, international agreements, and, where appropriate, by a notary public, who will be responsible for the accuracy of the translation. Those written in Latin, and dialects from Spain, or written in old spelling, or that are illegible for the Officer of Civil Records, they shall be accompanied by the translation or a copy done by a Senior Member of the Department of librarians and people who are in charge of archiving documents or by competent government officials.

It is interesting to note that of the two paragraphs that this article is comprised of, the first one refers to foreign languages, called language, and the second one refers to the "dialects of Spain", in which they would be included with other languages different from Spanish along with Latin. They demand its translation in any case, but what attracts our attention is that in the second paragraph this is entrusted to librarians and to people who are in charge of archiving documents, which is a special consideration given to old languages. In any case, it should be kept in mind that the documents that are going to be registered, except in such cases regarding documents that are authorized by government employers of Public Administrations, should have been drawn up by notary publics. As we know, notary publics were forced to write all public documents in Spanish since the Notarial Law of 1862, including, where appropriate, a translation in Spanish of the sentences or paragraphs that were written in languages other than Spanish, according to article 62 of the Notarial regulation of 1874.

A new Notarial Regulation was approved in April 6, 1917, in which article 210 referred to the linguistic regime in these terms:

303. Article 1 of the Royal Decree of June 20, 1904.

In the case where a document, a paragraph, a sentence or a word from a different language or dialect were to be added, a translation will be done immediately, or the grantor will have to explain what they understand as the meaning of the exotic sentence, the word, or the name. Exempt from this prescription, are Latin words that are used in the court of law as well as in common language usage, and are familiar and their meaning is known.

Notary publics may also testify to the production of documents in Latin or in any other language; but in this case, it should be understood that it only refers to the accuracy of the literal transcription of the words and not to its meaning.

Concerning the third paragraph, article 25 of the Law, notary publics will explain to the grantors and witnesses in their respective dialects the Spanish text; if there were to be anyone who did not understand Spanish. If they find it necessary, notary publics may make use of other people from the surrounding area to help them with "inter vivos" certificates where the document is authorized, and appointed by the grantor, and, being a Spanish speaker, may speak the dialect of the grantors or the witnesses.

The new Notarial regulation does not mean that there will be significant changes with respect to the previous one. Spanish is solely the language in which public documents are to be drawn, allowing only for translations of sentences, documents or words that are in other languages. The need for notary publics to explain to the grantors that speak Basque and do not understand in Spanish the meaning of public documents still stands. If the grantors do not understand Spanish, it should be the notary public's responsibility to explain it in their language; however, the Regulation of 1917 included a prescription, not included in the previous one, referring to the possibility that the notary publics make us of bilingual locals in order to guarantee the right of those to which it corresponds. This possibility is only considered with respect to the certificates *inter vivos* (bills of sale, etc.), but not with regards to the certificates of *mortis causa* (wills...).

After the second decade of the century, a very interesting phase takes place for the Basque Country, from the point of view of linguistic rights. A short phase that exhibits its own singularities and that will end with the coup d'état in September 1923, will give way to the dictatorship of Alfonso XIII.

The restitution of the faculty of appointing teachers on behalf of municipalities that was achieved in Navarre in 1914, fueled new recognitions in the same way as on behalf of the rest of the Basque districts³⁰⁴. However, due to the corruptive nationalist ideology, municipality recognitions concerning provincial law reintegration were incorporated in others that were broader and political in nature. These also included the conferral of official status to the Basque language, and the interest in recovering the management of teaching, particularly, by promoting teaching in and of Basque. In December 1916, the Basque Nationalist Communion made of teaching the main focus of their political agenda. In addition, during the Provincial elections in Bizkaia of April 1917, Basque nationalism gained, for the first time, majority rule in the administrative district.

304. J. Urrutia Bilbao, «Factores jurídico-legales que inciden en el proceso histórico del euskera», in, Euskaltzaindia, *El libro blanco del euskera*, Elkar, Bilbao, 1977. Pp 439 ff.; also see, G. Arrien, *Escuelas...* op. cit. pp. 105 ff.

Throughout this period, there was considerable interest in the proposals from Catalonia, requesting the official status of Catalan³⁰⁵. The Catalanian Council members paved the way for Basque Provinces to draw up the Message from the Basque Provinces to the Government of H.R.H. in December 17, 1917. In the message, it was required for the government of the state to:

Adopt, pass, or propose to the Courts of the Kingdom [...] those legislative dispositions that are necessary so that those demands are met through the reestablishment of the provincial law regime or, as a last resort, with greater autonomy.

The text has a fundamental importance, assuming the direct and expressed demands of the territorial autonomy, which recognizes a series of matters that are of sole sovereignty of the Spanish state³⁰⁶. The document demands, alternatively, the traditional claims of provincial law reintegration, or the recognition of a political autonomy.

Among the autonomous claims that are included in the Message of December 17, 1917, a reference is made to *“the faculty to settle on its own the matters that pertain to the promotion of teaching at all levels”*. The participation of Basque municipalities was important to this respect. When town councils were informed of the Provinces' intentions to send a message to the Crown, a municipal assembly was celebrated on August 9, 1917, in which the Provinces were urged to ask the Government for:

The broadest faculties and specifically those that pertain to teaching, with the intention that a contradiction in terms does not arise, i.e. the one contradicting the most elemental pedagogical principles: that a child be taught in a language which he does not understand, which makes it impossible to teach him those notions which are the reason why he goes to school in the first place.³⁰⁷

The plan of recognition will be paralyzed due to successive governmental crisis. A year later, on October 25, 1918, Basque nationalist council members and senators sent the President of the United States, Woodrow Wilson, a manifest referring to the free determination of the nationalities, which during that time started to gain importance as the beginning of international rights in Europe after World War I. It stated:

To the honorable President of the United States of America. Washington. On the 79th Anniversary of the annulment of the independence of the Basque country by the Spanish Government, we, Council members, and Senators from the Spanish courts, endorse, on behalf of all Basque citizens that are conscious

305. The proposal for the free use of Catalan, as it had been used previously in Catalonia, was presented to Congress on July 8, 1916. A copy of the text can be seen in Ferrer i Girones' book, *La persecució...* op. cit. P. 131, which also includes the debate that resulted from it.

306. J.L. Castells Arteche, *Reflexiones sobre la autonomía...* op. cit. P. 28. What fueled the expansion for economic advancement is found in the Catalanian advances toward the achievement of their autonomy. Véase del mismo autor «El idioma en la política estatutaria» in Euskaltzaindia, *El libro blanco del euskera*, Elkar, Bilbao, 1977. Pp. 450 ff., which makes reference to the Message of the Basque Governments to the Crown of December 17, 1917.

307. Taken from G. Arrien, *Escuelas...* op. cit. P. 115.

of their nationality and wish and work toward their freedom of expression, we greet the President of the United States of America. After establishing the foundations for future world peace, he has established them on the right of all nations, big or small, to live as they wish; these are foundations that if accepted by belligerent Nations, we also hope to see them implemented shortly in order to witness the greatest fulfillment of what individual and collective justice and liberty demand.

José Horn y Areilza, Arturo Campión, Pedro Chalbaud (Senators from Bizcaya) Ramón de la Sota, Domingo Epalza, Antonio Arroyo, Anacleto Ortueta, Ignacio Rotaetxe (Members from the Government of Bizcaya) José Eizagirre (Members from the Government of Gipuzkoa), Manuel Aranzadi (Member of the Government of Navarre).

Within the context of this period characterized by 'autonomist' tendencies, the first attempt to regulate the co-official status of Basque, takes place. The liberal Government, headed by Count Romanones, named an Extra Parliamentary commission for the drafting of the Basque statute (and also the drafting of the Catalanian statute)³⁰⁸. In 1919, an address of the Special Parliamentary Commission required the return of public provincial law powers (*foral* powers), according to the plan of provincial law reintegration, and secondly, it required the acknowledgement of autonomy through the sole reestablishment of the provincial entities (*fueros*). Concerning language, article 5 of the Basque statute project from the address stated that:

In the territories of the same provinces (of Álava, Guipúzcoa and Vizcaya) they will use Spanish and Basque, recognized both as official languages. All of the government employees from the State that work in the judicial or fiscal or notarial system, judicial secretaries, and clerks, and officers of property records, should know Basque.

According to Castells, although somewhat rudimentary, a new view of the Basque language takes place in reference to the eternal question of Basque use in schools³⁰⁹. The project acknowledges the possibility of parallel use of both Spanish and Basque in schools but, "due to the difficulty and the different localizations of the Basque language", it is established that the teacher has the obligation to explain in Spanish what he had said in Basque before to those students who did not understand (Article 9 of the Ruling). This Statute project never came into effect. The Special Parliamentary Commission, created by the Royal decree of December 18, 1918, by which the Basque address report was drafted, did not accept the text. The address kept its report and popular vote. Romanones' Government presented Congress with a Project of Autonomous law, based on the project from the Special Parliamentary Commission. In Catalonia, a Statute was later approved on behalf of the Catalanian Community. While, serious social unrest occurred and Romanones left office in April 1919. The period open to autonomy also came to an end.

308. Royal Decree of December 18, 1918.

309. J. M. Castells Arteché, «El idioma...» op. cit. P 451. By the same autor, *Reflexiones sobre la autonomía...* cit. pp. 204 and 209, and also, «Integración de Euskal Herria en el Estado español», in, *La institucionalización jurídica y política de Euskal Herria*, IVAP/Sociedad de Estudios Vascos, Donostia/San Sebastián, 1997, pp. 55 ff.

Subsequently, demands of a similar nature would again be sent to Madrid. This is the case of the Report of the Gipuzkoan Province to the Military Directory, passed on December 29, 1923. Article 9 of the Report addressed language, including Spanish and Basque, indistinctively, in schools, but “due to the difficulty and different localizations of the Basque language”, it was established that the obligation of the teacher to give in Spanish the explanations that he had already given in Basque to those students who did not understand them. Bizkaia did not support the text and the Military Directory did not carry out the matter in question³¹⁰.

Due to the state's refusal to negotiate a public statute and of the impossibility to come to an agreement, after 1917 the Basque Provinces started, in an autonomous fashion and unknown to the state government, a school policy targeted towards organizing a network of schools that were supported, partially or completely, by these provinces (it fundamentally comprised schools from marginal districts and rural areas)³¹¹. Within that school system, Basque literacy gained preference. Schools from marginal districts and rural areas attempted to fulfill two of the country's main concerns: on the one hand, to combat rural illiteracy, and on the other, to introduce Basque in schools, allowing student to become literate in Basque. Different linguistic plans were designed that were implemented according to the predominance of Spanish and Basque in those populations³¹².

The contribution of the Society for Basque Studies in its theoretical definition of the schools' linguistic plan should be underlined. This was later promoted by the Provinces of Bizkaia and Gipuzkoa. The first Conference of the Society of Basque Studies, celebrated in Oñati in 1918, set the foundations for the “Basque school”, of which we will highlight the following: First, the Society stressed the need to take on the sole management of teaching. Thus, the first conclusion of the Article on Education determined that:

It is essential that primary instruction be organized on behalf of the country; this means that it will be done by the Governments and Town Councils. Basque Provinces [...] must first, eagerly manage and spend without qualms, so that the instruction and its technical and administrative organization is completely under the country's responsibility, without the intervention of the State³¹³.

Concerning the use of the spoken language, its linguistic zoning model was implemented. In the Basque-speaking area, Spanish or French would be the spoken language, and Basque would be studied in school. In the mixed and Basque-speaking areas, the spoken language would be Basque, and French and Spanish would be studied in school. Regarding the knowledge level of Basque, which would guarantee the education system, it stipulated that in all

310. Cf. J. L. Castells Arteché, *Reflexiones sobre la autonomía...* op. cit. P. 209.

311. Regarding school productivity, the Provinces and schools from marginal areas, cf. the monograph by G. Arrien, *Educación...* op. cit., especially Pp. 131 ff.

312. P. Dávila, A. Eizaguirre e I. Fernández, «Leer y escribir...» cit. p. 59.

313. Eusko Ikaskuntza/Society for Basque Studies, *Primer Congreso de Estudios Vascos, Oñate, 1918*, Bilbaína de Artes Gráficas, Bilbao, 1919. P. 940.

of the Basque Country it was necessary that there be an absolute and perfect knowledge of Basque³¹⁴.

Relating to the linguistic training of teachers, the following was proposed:

It must intangibly coincide in the teachers [...] knowledge of the language [...] requiring, for it, the faculty of the municipalities of appointing and dismissing teachers with a previous justified investigation [...] having the municipalities the right to choose the teachers among those that are in possession of the corresponding degree³¹⁵.

On the other hand, in order to face the lack of Basque school staff, it was suggested that the Governments have competitive public examinations in order to hire Basque teachers³¹⁶.

The theoretical foundations of the Basque school were later formulated by E. Landeta in the Project for Elementary-Primary Schools, which was presented in the General Meeting of the Society for Basque Studies in 1922³¹⁷. It deals with the theoretical foundations in consonance with the tendencies regarding international rights of this period, especially, and it guaranteed protection for the linguistic minorities that had been implemented in neighboring states during World War I. With this project, the criteria that determined the spoken language, were not based on territorial zoning, but on the native language of the majority of the students (article 1 and 4). However, the project specified in article 5 that “the linguistic minorities in schools were going to be the object of a special article within the same school, if they are not too large in number, which would require a separate school, to which the same economic resources of each area would be used”. It is interesting to see that the linguistic system that had been planned attempted to guarantee the schooling of students in their native language. This linguistic policy was aimed at the preservation of the Basque and Spanish linguistic groups, equipping itself with a segregational system. Basque literacy is limited to the Basque-speaking students.

Based on these theoretical foundations, the management of the Government from Bizkaia and, in particular, of the Board of Public Education of this Government, stands out concerning the establishment of the new status of Basque in education³¹⁸. The Regulation of the Board of Public Education of the Government refers to the linguistic school policy in article 7:

Likewise, it will be the concern of this Board, not only to try to preserve the Basque language (Euskera), but also to provide the practical means that we find to be appropriate; so that this becomes a vigorous language, and its knowledge and use is extended throughout Bizkaia; nevertheless, this should be done without neglecting the teaching of the Spanish language.

314. 16^a conclusion, op. cit., p. 944.

315. 17^a conclusion, op. cit. p. 945.

316. 19^a conclusion, op. cit. p. 945.

317. See E. Landeta, «Proyecto de escuela primaria elemental», in *Boletín de la Sociedad de Estudios Vascos*, 17, 1923. Pp. 18 ff.

318. The Board of Public Education was founded by the Province in its meeting on December 5, 1918, and its organization was approved in the meeting of March 21, 1918 (published in the Official Bulletin of Bizkaia, on March 6, 1919).

It is about generalizing educational bilingualism by influencing primary education centers that are subsidized (by the municipality), as well as those that the Province would create, which is a consequence of the school building policies that was launched after 1919³¹⁹.

The "Regulation for the implementation of the Regulations by those educational establishments of primary education that apply for or receive subsidies for this Corporation" was to be approved by the Province in the meeting of July 26, 1918, which is a proposal by the Board of Primary Education. The third regulation establishes that the Government or Board of Education does not intervene in the plans, methods, management, and internal life of the subsidized Centers; but it will be demanded of them, as a correlation to the subsidy that they receive, that they provide a specific type of instruction. This instruction will be as follows:

- a) In places of the Basque Country where Basque is predominantly spoken, the amount of instruction in Basque will depend on the Board's specifications regarding the minimum, which will consist of using Basque in readings, prayers, songs and arithmetical concepts.
- b) In those places of the Basque Country where Euskera is not spoken or Spanish is the predominant language, Basque will be taught, along with its writing and songs. The remaining places that incorporate this program into their school curriculum will teach in Spanish³²⁰.

Linguistic policy is put in practice based on the determination of linguistic zones. In *zone A*, a zone where Basque is predominantly spoken, the spoken language would be Basque, and Spanish would be studied in school. In *zone B*, a zone where Spanish is predominantly spoken, instruction would be in Spanish, and Basque would be studied in school. The system is symmetrical and it oversees the instruction of those students that live in the territories that belong to these zones.

In addition, a linguistic policy is designed targeted at the staff that works in schools. This is supported by two pillars. On the one hand, Basque is introduced for the first time in Teacher Training Schools, *Escuelas Normales*, with the objective to guarantee a high level of proficiency in Basque of future teachers. The Board of Public Education from the Government of Bizkaia, created in 1918 the first Chair in Basque in the *Escuela Normal de Mujeres of Bilbao*. Instruction was free and voluntary until by Order of the General Governor of Bizkaia in December 21, 1923, the Chair and instruction would be discontinued.

On the other hand, public powers determined the level of linguistic proficiency, which was required for teaching purposes in the military. Linguistic requisites were put in place in order to qualify for a teaching job. During this time, public examinations for provisional teaching positions for *zone A* included, as a

319. In the meeting of November 26, 1919, the Government of Bizkaia approved an initiative, by the member of parliament, Gallan, which was a motion that started a policy for the construction of schools located in the marginal areas of Bizkaia.

320. Official Bulletin of Bizkaia of 9 August 1918. The whole text may also be found in I. Trebiño, *Administrazio zibileko testu historikoak*, HAAE-IVAP Oñati, 2001. Pp. 681 ff. The system has a territorial basis, differentiating itself in two zones in which linguistic rights and obligations in school would be different, mainly in reference to the use of spoken languages. The right to choose is not acknowledged.

requirement, to be proficient in Basque. The public competitive examination for teaching positions that was published in the BOV in April 9, 1921, concluded that:

Announcement for the general competitive examination for five positions for teachers from category A to teach in the schools of the barrios of Bizkaia that meet the following conditions: [...]. Third: In addition, given the category of the schools for which the competition is celebrated, the candidates must be proficient in Basque in any of its literary dialects, and preferably in "Vizcaino"³²¹.

In addition to the latter, the Province undertakes a policy that encourages the purchase of school books in Basque³²². This linguistic policy, which had tried to generalize the study of Basque and of its use in certain geographical areas, did not last long. The decline started in Bizkaia, because the majority of the nationalist groups in the Provincial Governments lost the provincial elections in 1920, and thus the Monarchic League gained access to power. This was made up of liberals, conservatives, and *Mauristas*. Arrien refers to the gradual loss of ground that the Basques would suffer in education: first, due to the institutional encouragement of the study of Spanish grammar in schools belonging to *zone A* after elementary school, imposed by the Rectorate of Valladolid; and, secondly, due to the curriculum amendment that was approved by the new majority in the Provincial assembly on October 11, 1921, which excluded the study of Basque³²³.

Once more, however, linguistic policy that had favored bilingualism in education was abruptly halted as a result of the coup d'état that took place in September 13, 1923. After the coup, Alfonso XIII Bourbon, became chief of state, and general Primo de Rivera was named by him President of the Military Directory. This annulled the Constitution of 1879, and dissolved the political parties³²⁴. The new dictatorial regime was characterized by its desire to quash "regional separatisms". A few days later, after the coup, the Royal Decree of September 18, 1923, was approved, which contained the first measures to be taken against separatism; this included the use of different languages in school and for official matters that were different from Spanish. Article 2 of this regulation reads:

To express oneself or to write in languages or dialects, through song, dance, customs and regional dress, is not prohibited; but during official acts of a national or international nature, people who are vested with authority will not be allowed to use another language other than Spanish, which is the official language of the Spanish state; this prohibition does not affect the internal workings of local or

321. See also the public competitive examination published in the Bulletin on December 24, 1924.

322. The Province of Bizkaia agreed on June 14, 1918, that publishing a public competitive examination was intended to subsidize the creation and publication of textbooks in Basque (BOV from 22 June 1918); thus, establishing as a requisite that «6) The volumes submitted for this competition must be written in Basque, in any of its dialects and orthography; the edition of the winners, however, will be written in the Bizkaiaian dialect, using Arana Goiri's orthography».

323. See G. Arrien, *Educación...* cit. pp. 143 ff.

324. See M. García Canales, *El problema constitucional en la Dictadura de Primo de Rivera*. Centro de Estudios Constitucionales, Madrid, 1980. Pp. 123 ff.

regional corporations, but their official ledgers, or registries or records must be kept in Spanish, even when the notices and communications not addressed to the authorities have been written in regional languages.

The fight against regional separatisms will be the obsession of Primo de Rivera's government³²⁵. Languages would become once again the object of persecution, because it was understood that their use, except in allowed contexts, implied a separatist attitude, and was therefore punishable. According to that regulation, the military courts were responsible to judge such offenses. Just as using Basque in official places or writing administrative documents in Basque was prohibited, the following was also established:

Raising or displaying another flag, other than the notional one, is prohibited on warships, buildings, whether they are from the State, the Province or the Municipality, nor in any other places, with the exception of Embassies, Consulates, Hospitals or Schools, or other centers that belong to foreign nations.

During the dictatorial regime, the idea that using other languages was separatist was targeted by the Royal Decree from March, 17, 1926: "regarding governmental and judicial sanctions that will be applied to those who disrespect the Spanish language", and stipulating the following:

Article 1. When Civil Governors find out about any refusal, disobedience, active or passive, by those who belong to board organizations from official or private associations, to comply with orders or instructions from the Government, or from any other authority, that are related to the use and respect for the Spanish Language, for the Spanish flag, for the national anthem or national emblems, they will use the faculty that is vested in them by article 41 from the Provincial Statute, which can result in fines up to 25,000 pesetas.

The new linguistic policy will harshly attack the use of Basque in schools. Regarding the linguistic demands for public functions, in 1924, the adjustment of the Municipal Statute by Calvo Sotelo in the Basque Provinces, allowed the Town Councils to demand their secretaries and administrative employees to use "the common language that is used in such regions". In 1922, the Bizkaia Province has approved the Regulation of municipal secretaries, in which linguistic abilities were required to apply for certain jobs, which provoked the reaction of the Civil Governor, who stopped the publication of the Official Bulletin when he considered that:

The above-mentioned regulation demanded certain conditions for entering public service (the Basque language), which contradicted Municipal law.

325. L. Sánchez Agesta, *Historia del Constitucionalismo español (1808-1936)*, Centro de Estudios Constitucionales, Madrid, 1984. P 452: «disintegration of regional separatisms [...] is his constant preoccupation, in search of an element of unity, of integration, of synthesis; of a united Spain».

The issue was later settled when the Minister of Government authorized its publication. This incident was debated in the Chamber of Deputies³²⁶. However, during the dictatorial period, the prohibition to keep official ledgers and the book of records in Spanish would be newly established (this time by General Berenguer) through the Royal Order of June 9, 1930, which, after establishing that local and regional Corporations could use regional languages and dialects in their carrying out internal business, prescribed that:

They will keep official ledgers and registries in Spanish, and they will employ this language in all of their official communications addressing the Government or people that are vested with authority, and in all writings that accompany such communications³²⁷.

The interest in eradicating the use of Basque during the Dictatorship of Alfonso XIII, was extended to multiple aspects, even to those one would not suspect. Thus, the Circular from the General Management of the State Monopoly on Matches of 1924 stipulated that:

Government official and stores where tobacco is sold are advised of the recall of matchboxes packaged with writings written in another language but Spanish; and thus, when this order has been carried out, the officials will keep a tally of the number of boxes recalled, which will be exchanged for new ones³²⁸.

During Primo de Rivera's dictatorship, the education system once again became the main object of political persecution against the use of Basque and of all of the languages that were different from Spanish, by prohibiting their use. The Circular from the General Management of Primary Education of November 5, 1923 stipulates:

Exhaustive knowledge of Spanish in all of the Spanish provinces is the main aim of education, thus the teaching of this language has always been the fundamental duty of primary education teachers, especially in those regions or counties preserving languages and dialects that are different from the official language, and whose residents find it to be their legitimate right to use them. In those regions there is a greater need for the teachers to put forth more effort to instruct the pupils of the essential means of communication among their compatriots, and of the powerful element of culture conveyed by the instruction of a patriotic language. Hence, the General Directorate reminds teachers of their obligations as stipulated by this regulation of instruction, and of the necessity that they fulfill this duty, as there will be inspections, and teach Spanish in their respective schools; and they are all to teach in the same language, and abide by what the Royal Order of 12/19/1902 stipulates regarding this matter³²⁹.

326. Cf. I. Agirreazkuenaga, "Cooficialidad lingüística en la Administración Foral y Local del País Vasco", in *Cuestiones particulares del Régimen Foral y Local Vasco*. IVAP, Oñati, 1994, p. 47 ff.

327. Article 3 Royal Order from June 9, 1930. *Gaceta de Madrid* number 161, from 06/10/1930

328. Taken from Torrealdai, *El libro negro...* P. 71.

329. Circular Letter from the General Management of Primary Education of November 5, 1923.

The effectiveness of the repressive linguistic policy was enforced by a system of inspections with broad powers. Regarding this, the Order by the Ministry of Public Instruction and Fine Arts of February 12, 1924, stipulated that inspectors must oversee that the state's regulation is followed in all of the centers, thus taking the necessary measures, including closure of schools, in situations where love for the country and its unity is not clearly present in their instruction. It especially stipulates:

First: That Primary education inspectors regularly visit voluntary municipal schools, thus informing the Rectors and this Ministry of the manner in which those schools teach, and of the anomalies that their organization finds; this will result in measures that their zeal and patriotism will suggest
[...]

Third: And that, likewise, they should proceed with the suspension of national or municipal teachers that do not abide by these dispositions regarding instruction "in Spanish", or that their explanations present doctrines that are contradictory to the unity of the country, or are offensive to religion, or are damaging to one's character, or that acted with such weakness that it can be assumed that there is a tendency in character to go against sacred principles.³³⁰

The regulation of the dictatorial regime imposed monolingualism in schools throughout the whole state and it suppresses those school activities that are done in languages that are different from the official one. The Royal Order from June 11, 1926 stipulates:

Article 1. National teachers who, in their schools, exclude, abandon, or get in the way of teaching in the official language in those regions in which another native language is preserved, will be subjected to disciplinary action; thus, resulting in the suspension of their job and salary for one and up to three months.

Article 2. In case they relapse, it could be agreed upon their voluntary transfer by the Ministry of Public Education and Fine Arts to another province where no other language is spoken but the official one, in an area with similar characteristics.

Article 3. Concerning schools of Public or private primary education, whose Teachers are not referred to in the previous articles, they could be closed down temporarily or permanently.

Repression and punishment is associated with the school's use of languages that are different from Spanish, and it also covers school materials that are written in those languages, whose use would be expressly prohibited. The Royal Order of October 13, 1925, stipulates in article 2 that:

Primary school inspectors will examine the texts used in the schools they inspect, and if they are not written in Spanish, or of they contain doctrines that are contrary to the unity of the country [...] they will remove them immediately from the children's hands, and they will proceed by taking disciplinary action against the teacher suspending him from his job and reducing his salary in half³³¹.

330. The whole text can be found in Euskaltzaindia, *El libro blanco...* op. cit. P 391-392.

331. Article 2 from the Royal Order of October 13, 1925.

The prohibition was carried out in a vigorous fashion; however, as seen in previous periods, the prohibition to use Basque in instruction clashed with the need to educate children who did not speak Spanish. Thanks to this, i.e. the sociolinguistic reality of certain areas of the country, Basque continued being the language of instruction, in spite of the formal prohibition, but only for those students who did not speak Spanish, as a means for them to learn it. Regarding this matter, the Regulation of Instruction in the Bizkaia Province was amended as follows (article 57):

In response to the distribution of schools districts belonging to categories A and B, as established in article 26, teaching in both areas will take place entirely in Spanish; but in those belonging to category A, the teacher will be required to use the Basque language as a means of instruction, considering the number of students who are not Spanish speakers, and that the teacher's mission is precisely to teach it.

The policy about creating new schools implemented in the Basque Provinces during the first decades of the 20th Century was meant to be an interesting experience, especially in areas where Basque was the main language (zone A), since the literacy of Basque-speaking students was initially started in that language. However, under the dictatorial government of General Primo de Rivera, it had the opposite effect. That is to say that the proliferation of schools in rural areas where Basque was predominant favored the linguistic policy of assimilation that was put into practice during this time.

4.2. THE AUTONOMOUS BASQUE STATE (1936-1937)

After a century of political persecution against the Basque language, during the Second Republic (1931-1939), for the first time in its history the Spanish government recognized the Basque language as an official language. This gave it equal status to that of Spanish, supporting the Basque Country's statute of autonomy. Despite the promotion of the statute by the Basque Provinces and city councils since 1931, the regulation was not approved by the Assembly of Representatives until October 1936. This regulation was in force for a mere eight months, until the fall of Bilbao into the hands of General Franco's rebel troops in June 1937. There was not enough time, in the middle of a war, to implement truly effective linguistic policies. On the other hand, the statute left Navarre out, while Araba was rapidly occupied by the rebel forces, which caused these territories to be largely left out of legal initiatives enacted with the assistance of the aforementioned legal text. Also, as we will see, during the short period of the Republic, they established important precautions and limits for the country's full linguistic development.

On April 14, 1931 the country was formally declared a Republic. The Constituent Courts formed after the June 28, 1931 elections, named a Parliamentary commission to produce a constitutional text. This was definitively approved on December 9, 1931. After having been tried as the head of state during the dictatorship, Alfonso XIII of Bourbon was exiled by the Republican

Courts in Madrid, with a trial *in absentia*, that declared him an enemy of peace and a usurper of national sovereignty for having installed a fascist and therefore dictatorial regime.

The Republic politically configured itself as an *integral compatible state with autonomy for its municipalities and Regions* (art. 1). One of the main characteristics of the 1931 Constitution is the part related to the anticipated autonomy for the “regions,” a term that would come to refer to the nations included in the Spanish State, such as the Basque Country, Catalonia and Galicia. Now, the new territorial configuration was not intended as a general reconfiguration of the regime, but as a more individualized, regional one. Varela confirms that with the formulation of the integral state, a global reorganization of the Spanish state was not attempted. Rather a more modest attempt was made, to satisfy the federalist aspirations of the Catalans without unraveling the unity among Spanish republicans and socialists, united in a majority³³². Castells stated that the “autonomous region” would eventually signify a response given from the center to claims of national entities that were anticipated including the constitutional revision itself³³³. The Catalanian and Basque question became the center of the regional discussion.

Article 11 of the Constitution opened the possibility to the neighboring provinces with common historical, cultural and economic characteristics, to organize themselves as an Autonomous Region, so that the four Basque territories, Araba, Bizkaia, Gipuzkoa and Navarre could form a regional autonomous entity. The Province framed itself as an administrative option opposite the political option that the Region represented³³⁴. The adopted form for the republican state defined itself as “Integral State.” A concept that tried to find equidistance between the united state and the federal state, just as Jiménez de Asua was to declare it³³⁵. It created a hybrid formula that was not completely clear, a product of the interaction of various different political forces. The amendments related to the

332. Vid., S. Varela Díaz, *El problema regional en la segunda república española*. Unión editorial, Madrid, 1976, p. 50. See also, L. Sánchez Agesta, *Historia del constitucionalismo español (1808-1936)*, Centro de Estudios Constitucionales, Madrid, 1984, p. 490, where it says “there was no general formula for the organization of the state, but rather a form of organization that satisfied the autonomist pretensions of one or various regions.”

333. J. M. Castells Arteche, *El estatuto vasco. El estado regional y proceso estatutario vasco*, Haranburu, Donostia/San Sebastián, 1976. Pp. 13 & 28. See also A. Torres del Moral, *Constitucionalismo histórico español*, Átomo, Madrid, 1988, p. 181.

334. B. Clavero, *Manual de historia constitucional de España*, Alianza, Madrid, 1989, p. 186. The Province is conceived of as a normal balance of administration connected directly to the central power as underlined by L. Sánchez Agesta, *Historia del constitucionalismo...* op. cit. p. 490.

335. Jiménez de Asua, in his speech presenting the Constitution Project, he stated: “This is what the Commission has been doing and has been intending to do: a State with complete authority. After the authoritarianism of the useless unified Spanish state, we want to establish one great State with full authority. In this the regions are compatible with a great Spain and making it possible in this integrated system, for each of the regions to receive the autonomy that they deserve for their culture and progress. [...] We do not accept as such these terms, unitarism and federalism, which are in frank and definite opposition.” (*Diario de Sesiones*, Sesión de 27 de agosto, nº 28, p. 645).

establishment of a federal system were rejected³³⁶. Sovereignty was maintained in the state, even though the constituents did not use the term “nation”³³⁷. Despite the fact that it does not express a national formula, neither for the autonomous Regions nor for the state, it does not mean that the effects of the traditional national concept are no longer in effect³³⁸. The regulation surrounding the Republic’s language is, as will be seen, proof of this hybridized position.

The recognition of the regional autonomy of the nations was articulated through Statutes of autonomy. Once the General Courts approved the Statute of regional autonomy, this rule was converted into a basic law for the political and administrative organization of the Region³³⁹. The drawing of jurisdiction boundaries between the state and the Autonomous Regions would be established in the Statute itself, within the fixed framework of the Constitution.

In a related format to that of the recognition of autonomy policies, for the first time in the constitutional history of the Spanish State a Constitution would regulate the status of language. The linguistic regime was established in articles 4 and 50 of the 1931 Republican Constitution. The first referred to the official status of Spanish in these terms:

Spanish is the official language of the Republic.

Adding, immediately afterwards, that:

Every Spaniard has the obligation to know it and the right to use it.

The rule did not declare any other languages as official, repeating the regulation of their status as “provincial or regional languages,” the subsequent “laws of the state,” implicitly reference the Statutes of Autonomy. The constituents tried to guarantee a preeminent position for the Spanish language through this plan. Regarding the establishment of a constitutional obligation of

336. The amendment of Assemblyman Orozco was favorable to the federal Constitution which was rejected. See *Diario de Sesiones. Sesión de 22 de septiembre*, nº 42, pp. 1056-1058. Also those that would defend Franchy, Ayuso y Guerra del Río, which signaled that the Republic was in a State of complete authority with federalist leaning. (*Diario de Sesiones. Sesión de 25 de septiembre*, p. 1256 ff.). See, M. V. García Atance, “Parliamentary Chronicle about the Spanish Constitution of 1931”, *Revista de Derecho Político*, nº 12, 1981-1982. Pp. 295 ff. About the parliamentary debate related to the form of the State and the existing positions. S. Varela, *El problema regional...* cit. pp. 65 ff.; C. Álvarez, *El Estado integral de las autonomías según la Constitución de la II República*, Ed. Dosbe, Madrid, 1982; A. Blas Guerrero, “The doctrinal debate about the autonomy in the Constituent Courts of the Second Republic,” *Historia contemporánea*, nº 6, 1991. Pp. 119 ff.; G. García Voltá, *España en la encrucijada ¿La Constitución de 1931, fórmula de convivencia?*, PPU, Barcelona, 1987; A. Hernández Lafuente, *Autonomía e integración en la Segunda República*, Ed. Encuentro, Madrid, 1980. Pp. 26 ff.

337. J. Solé Tura & E. Aja, *Constituciones y períodos constituyentes en España 1808-1936, Siglo XXI*, Madrid, 1977. P 100, where they mention that the lack of explicit expression of sovereignty in the Republican Constitution, was indirectly caused by Catalonia’s national claim. See also, F. Tomás y Valiente, *Soberanía y autonomía en la Segunda República y en la Constitución de 1978*, Generalitat de Catalunya, Barcelona, 1996. P 35.

338. B. Clavero, *Evolución histórica del constitucionalismo español*, Tecnos, Madrid, 1984. P 124.

339. See, A. Hernández Lafuente, *La Constitución de 1931 y la autonomía regional*, Fundación Juan March, Madrid, 1978. P 46.

knowledge³⁴⁰, or to be more precise, of learning, a guarantee that was imposed upon the Autonomous Communities, then limited their freedoms to create a corresponding education system. That is the historical antecedent of the “duty to know Spanish” from article 3.1 in the 1978 Constitution.

To be exact, article 50 of the 1931 Constitution expressed the most elevated position of the Spanish language in relation to bilingual education, by ordering the following:

Art. 50.1.—The autonomous regions can organize the teaching of their respective languages, in agreement with the authority granted to them by the Statutes. The study of the Spanish language is obligatory, and will be used as the medium of instruction in all primary and secondary educational institutions in the autonomous regions. The State will be able to maintain or create teaching institutions in them, for all levels in the official language of the Republic.

The “obligation of knowing Spanish” from article 4 connects directly to the guarantee of a predetermined form of education in art. 50. In this precept, what stands out is the reference to the Autonomy Statutes for the final articulation of the powers over educational materials. The precept, partially takes on the Catalan and Basque requests, as it recognized the Autonomous Regions (a.k.a. Provinces) ability to organize their own education systems, but, at the same time, it declared the ability of the state “to maintain or create instructor institutions in them for all levels.” This final ability binds them to the guarantee that the official language of the state will also be the language of education. This is how a form of compromise was reached that was more towards the interests of the center than those of the vernacular languages themselves³⁴¹.

Behind the linguistic debate, there is an important underlying question: the scope of the abilities of the state and the Regions in terms of educational materials³⁴². The Regions maintained that all levels of education should exclusively depend on the Autonomous Region, yet the state did not want to renounce the management of the education system. Article 48 of the Constitution declared that *the service of culture is an essential role of the State, and it will be given through educational institutions by having a unified education system*³⁴³. Culture appears as a primordial function of the state that has been extended to the entire population. The unified education system reveals the will

340. J. M. Castells Arceche, «Administración pública y doble oficialidad lingüística en la Comunidad Autónoma Vasca», in, Cobreros, E. (Coord.), *Euskararen Lege araubideari buruzko Jardunaldiak/ Jornadas sobre el régimen jurídico del Euskara*. HAAE-IVAP, Oñati, 1990. P 76. See also L. Sánchez Agesta & J. Prieto de Pedro, «Artículo 3. Lenguas de España», in, O. Alzaga Villamil (Dir.), *Comentarios a la Constitución española de 1978*, T I, Cortes Generales / Editoriales de Derecho Reunidas, Madrid, 1996. P 244.

341. J. M. Castells Arceche, «El idioma en la política estatutaria», in, *Euskaltzaindia, El libro blanco del Euskara*, Elkar, Bilbao, 1977...» op. cit. P 456.

342. Qualified as «an especially thorny problem» within the Constituent Commission by L. Sánchez Agesta, *Historia del constitucionalismo...* cit. p. 493.

343. See, F. de Meer, *La Constitución de la II República: autonomías, propiedad, iglesia, enseñanza*, EUNSA, Iruñea/Pamplona, 1978. P 182, when he states that “it is significant how this ‘state-oriented’ version fused the old liberal political parties with the members of the socialist (marxist or revisionist). Catholic MPs on the other hand conceived of the function of the state as supporting the different initiatives in the field of education”.

to guarantee maximum control over the education system. The intention to limit Catholic oriented education was also apparent³⁴⁴. In this regard, the position of the Basque-Navarre minority around the Catholic Church distanced itself from the vision of the Republican majority.

Definitively, education was configured as a complex matter of division among public powers, in that the cultural contribution of the state is bound to the unified education system, which particularly impacts the secular aspects of society. Issuing academic titles and the regulation of the conditions to obtain them is also determined by the state. The power of the Autonomous Regions is more limited by the school system's dependency. The authority of organization, direction and management is formally organized separately to make a double network of educational centers possible, one regional and one state dependent³⁴⁵: one in Spanish, dependent on the central administration and generalized throughout the country, and the other bilingual in certain autonomous regions.

In any case, the Republican Constitution determined the basic lines for the possible linguistic education model to apply to the Regions, as well as a guarantee for education fully in Spanish in the education centers run directly by the state. The Constitution established the obligation that the Regional educational system would include the study of the Spanish language as a subject, just as it would be used as the language of instruction. The students would receive instruction partly in Spanish and partly in the other official language of the Region. Catalonia, despite the open-ended possibilities resulting from the Republican Constitution's article 50, avoided creating two public school systems, one state dependent and the other region dependent. This attempt to regulate multilingualism tried to combine the centralist tradition with a partial recognition of the extant regional diversity³⁴⁶.

Educational bilingualism was temporarily set up in Catalonia. The same month in which the Republic was established, the provisional government on April 29, 1931 passed a decree that controlled the Catalan linguistic education system. However, in the Basque speaking regions a similar regulation would not be passed, despite demands that developed from the regulation that came into

344. The religious question caused a significant crisis in the Constituent Assembly. Azaña was in favor of the most radical theories concerning religion (Diario de Sesiones, October 13, n° 55, pp. 1667 ff.) that prevailed in the end. The final text of articles 3 and 26 of the final text of the Constitution caused 37 Catholic MPs to leave the Lower Chamber, among them the Basque-Navarrese, who were to issue a manifesto against those principles. Alcalá Zamora and Maura resigned from the Government, with Azaña being nominated as President of the Provisional Government. On the religious question see J. M. Castellés Arceche, *Las asociaciones religiosas en la España contemporánea. Un estudio jurídico-administrativo (1767-1965)*, Taurus, Madrid, 1973. Pp. 376 ff.; F. de Meer, *La cuestión religiosa en las Cortes Constituyentes de la II República*, EUNSA, Iruñea/Pamplona, 1975. Pp. 15 ff.; M. C. de Frías García, *Iglesia y Constitución. La jerarquía católica ante la II República*, Centro de Estudios Políticos y Constitucionales, Madrid, 2000. Pp. 363-375. F. Astarloa Villena, *Región y religión en las Constituyentes de 1931*, Fadrique Furió Ceriol, Valencia, 1976.

345. M. Gerpe Landin, *L'Estatut d'autonomia de Catalunya i l'Estat integral*, Edicions 62, Barcelona, 1977. P. 315.

346. López Guerra, «La distribución de competencias entre el Estado y Comunidades Autónomas en materia de educación», *Revista Española de Derecho Constitucional* n° 7, 1983. Pp. 201 ff.

effect about Catalan in the field of education³⁴⁷. The reason for this is found in the vicissitudes that the definitive approval of the Basque Statute of Autonomy received, which will be discussed next.

A short time after the proclamation of the Republic and prior to the enactment of the Republican constitution, the Basque statutory process seemed to be developing in a parallel form to that of Catalan. The Project of the General Statute of the Basque State, was written by the Commission of autonomy studies of the Basque Studies Society, and was approved by its Permanent Board on May 31, 1931³⁴⁸. Nationalists, traditionalists and republicans were all involved in the writing of this project³⁴⁹. The project also had the support of the municipal movement. In the first moments the Nationalists and Carlists took the political initiative to claim responsibility for the Statute. Once the project was presented, the Basque political forces positioned themselves behind it. The main right wing parties (PNV and Traditionalist Communion) and left wing ones (PSOE) introduced conflicting amendments about fundamental questions³⁵⁰. Reaching an agreement became impossible, this produced a division between the two big blocks present at the elections for the Constituent Courts on June 28, 1931 with two different projects.

The Project of the Society of Basque Studies was presented at the Basque municipalities General Assembly, which took place in Estella (Lizarra) on June 14, 1931. The modifications introduced resulted in the statutory project known as the "Estella Statute." This project reports what the Society of Basque Studies wrote, which introduces qualitatively important variations. Among these what stands out is related to the authority of maintaining the connection between the country and the Catholic Church, announcing a Concordat with the Vatican. This produced certain rifts in the consensus that had been reached among political parties (including the Basque-Navarre Socialist Federation). The political unit supporting a unified project was broken.³⁵¹ At this point with a certain historical perspective, *Lehendakari* or President Jose Antonio Agirre himself, wrote that "the amendment about the Church-State connection could have had its plan for adaptation"³⁵².

Pertaining to the linguistic policy, the Statute plan named Euskara as the *national language of the Basque people*, recognized as *equally official as*

347. Al respecto véase J. A. Rodríguez Ranz & J. Unanue López, *Hizkuntz politika Autonomi eta Euskal Administrazioan. Hizkuntz Eskakizunak Gipuzkoako Toki Administrazioan II. Errepublikaren garaian*, HAAE-IVAP Gasteiz/Vitoria, 1994. Pp. 115-122, where the texts sent to the Ministry of Public Instructions are collected that request the enforcement of the Decree on bilingualism applied in Catalonia also within the Basque territory.

348. About the creation of the Preliminary Project for the Basque Statute in the Society of Basque Studies see I. Estornes Zubizarreta, «Génesis del Estatuto General del Estado Vasco de Eusko Ikaskuntza» in the monograph entitled «La Sociedad de Estudios Vascos y el Estatuto de Estado Vasco de 1936», *Eusko Ikaskuntza. Cuadernos de Sección. Derecho* nº 4, 1984, pp. 97 ff.

349. See, J. L. de la Granja, *El estatuto vasco de 1936*. IVAP Oñati, 1988. P 19, where the Commission's effort to lay aside the most conflictive topics are highlighted, so as to reflect society's political pluralism.

350. J. L. de la Granja, *El estatuto vasco...* op. cit. p. 20.

351. J. M. Castells Arteche, *El estatuto...* op. cit. p. 52.

352. J. A. Agirre Lekube, *Entre la libertad y la revolución. 1930-1935*, Verdes Achirica, Bilbao, 1935. P 74.

Spanish (art. 16). The new plan also established a territorially based educational linguistic system, with article 17 which stated:

In the Basque Country's schools the Basque language will be used as the language of instruction, Spanish will be taught as a subject in all grades; while in Spanish speaking territories Spanish will be the language of instruction and Basque will be a subject taught in all grades.

The rapid approval of the Statute was a way to influence the constitutional text itself, guaranteeing Autonomist Basque claims. But, with the lack of consensus, finally the opposite would occur: the approval of the Constitution of the Second Republic, which caused the structure and general principles of the Estella Statute to be in contradiction³⁵³.

In December, 1931 The Permanent Mayors Committee met with the Interim Provincial Government Committee in Bilbao, so they could agree upon the steps necessary to obtain a Statute. A Mixed Committee is charged with directing the project using republican, socialist, and nationalist representation. The drafting of the "Basque-Navarrese Country's Statute" was completed on March 11, 1932. The project, part of what The Society of Basque Studies and of what Estella presented, introduced the necessary adjustments to accommodate the Republican Constitution³⁵⁴.

The project experienced various modifications before reaching its final approval. The decree of December 8, 1931 established the procedure for approval, which developed the 12th article of the Constitution. The first phase organized the municipalities into assemblies in each Province to make a decision between the Unified Statute or the Separated Statute³⁵⁵. The response issued by the Town Councils in their respective capitals on January 31, 1931 favored the Unified Statute. This was also the case at the assembly in Iruñea/Pamplona, even though they agreed with the final decision made by the general assembly of the four provinces about the Statute project, the votes from Navarre were actually computed separately. The project was presented by the Interim Committee and was brought to a vote at the General Assembly on June 19, 1932³⁵⁶. The combined voting of all the municipal representatives assumed that the majority required by the 12th article of the Constitution would be reached, but the separate count of the Town Councils of Navarre gave the opposite result,

353. The Decree of December 8, 1931 regulated the procedure for the approval of the statutory text. The regulation entrusted the Provinces' Managing Commission in the four provinces to oversee the process.

354. In order to analyze contents, internal organization, powers and general organization, please see J.M. Castells Arteche, *El Estatuto vasco...* op. cit. Pp. 62 ff. & J. L. de la Granja, *El Estatuto...* op. cit. pp. 34 ff.

355. The Explanation of Motives of the Decree of December 8, 1931 is significant: «The Government must not pre-judge if that autonomy should be legalized in a uniform statute for the three Basque Provinces and Navarre or if each province will have its own statute, corresponding to the particular, traditional legal systems collected in the Codes of the Charters (*fueros*) of Araba, Bizkaia, Gipuzkoa and Navarre». Complete text printed in, M. Escudero & J. Villanueva, *La autonomía del país vasco desde el pasado al futuro*, Txertoa, Donostia/San Sebastián, 1976. Pp. 171 ff. (apéndice III).

356. The complete report of the Assembly held in Iruñea/Pamplona by Basque municipalities on July 19, 1932 can be found on-line: <http://www.gipuzkoakultura.net/ediciones/atzo/c2273>

of 123 to 109 that voted in favor and 35 abstentions. Navarre was separated from the shared Statute project.

A new Statute would be written, almost the same as the previous one, but without the references that were made about Navarre. On August 6, 1933 a new municipal assembly was created in Gasteiz/Vitoria in which the municipal representatives from Bizkaia, Gipuzkoa and Araba participated. This assembly accepted the project that would be advised popularly on November 5, 1933. The favorable result exceeded the two thirds of the census of the Regions required by the Constitution³⁵⁷. The project was then pending parliamentary approval.

The Statute project was sent to the courts coinciding with the 1933 parliamentary elections. The new center-right majority in the courts showed a less favorable attitude towards the autonomous territories than the constituent courts had. The Statute project would not get through Parliament until February 1936, when the Frente Popular (Popular Front) won the elections. On April 16th the new Statutes Commission was formed³⁵⁸, thus beginning the procedures to obtain the approval for the Basque Country project. Right in the middle of civil war, the Statute for the Basque Country's Autonomy would finally be approved in a plenary session on October 1, 1936³⁵⁹.

The text approved by the General Courts was significantly amended as it went through parliament. It went from 53 popularly consulted articles to 14, which by the final proceedings of their final approval, presented an almost exact copy of the Catalan Statute that was approved in 1932. The Statute of 1936 has the honor of being the first regulation approved by the General Courts that legally articulates, from a global perspective, the coexistence of the two (official) languages in the country, which is seen from a qualitative point of view.

The articles with linguistic content from the Statute of 1936 are articles, 1, 3 and 7. The third paragraph of the first article of the Statute declares that:

The Basque language will be, like Spanish, an official language in the Basque Country, and, as a consequence, the general official regulations that come from the autonomous powers be written in both languages. When relating to the Spanish state or its authorities the official language will be Spanish.

Basque became the official language, together with Spanish. The power to regulate "the co-official status of Spanish and Basque" is given to the Basque Country (art. 7.1), even though the responsibility to determine the "Basque-speaking" zones is given to the Provinces' local governments, which is what is referenced in articles 7 and 3. The last one, covers the consideration of the knowledge of Basque as a reason for preference to give certain judgeships in this particular area.

357. J. L. de la Granja, *Nacionalismo y II República en el País Vasco*, CIS / Siglo XXI, Madrid, 1986. P 396, where it is underlined that favorable votes were an 84% of the regional electorate, it is to be underlined that Araba had a high percentage of abstentions. In this territory only 58% voted (26.015 in favor, 6.695 against, and 109 abstentions).

358. See, J. L. de la Granja, *El estatuto...* op. cit. p. 50, where it is mentioned that Prieto, president of the Statutes Commissions marked the guidelines that had to be followed by the Commission in order to facilitate its fast approval by the Courts: simplify the text, which had to be much shorter than the one in the referenda, focusing on the extent of autonomy and leaving the regulation of the Basque Country's Powers to the Provinces elected after the coming into force of the Statute.

359. This is the Law about the Basque Country's Statute of October 6, 1936. Published in the Madrid Gazette, Official Publication of the Republic, October 7, 1936.

Article 7 references a rule in favor of Basque public authority in order to regulate the co official status of Spanish and Basque. In spite of this, the article stipulates certain guiding parameters to the subsequent rule-based development. The analysis of the multiple isolated items of this article lead to the conclusion that there were two criteria for the statutory regulation of the language: the criteria of free choice of co official languages for interactions with public employees and the criteria of linguistic zoning so that linguistic rights can be guaranteed³⁶⁰. The general regulations had to be written in both languages (art. 1.3) and linguistic rights in regards to interactions with public authorities with power over the territory would have to be guaranteed (art. 7.b).

The statutory regulations for language in school was not exhaustive, it was only determined as follows in art. 7.e that:

The Basque country ... e) will regulate the use of the languages Spanish and Basque for instruction, in accordance with what is decreed in article 50 of the Constitution.

Even though this precept does not contain more specific parameters other than the mention of article 50 in the Constitution, it can be concluded that the orientation of the linguistic policies for schools would not differ from that which was established. The previous statutory project established policies toward general provisions such as zoning, which had already been object of a referendum. The authority of the Basque country to create and maintain instructional institutes of all grades and specializations, "including university level", was recognized. But, it was also determined that "the state will be able to maintain the educational institutes that are already in existence and create new ones in the Basque Country if it is considered necessary in service to the overall culture" (art. 4.1).

The possibility of a dual educational system with separate state and local supervision also progressed. The regulation of academic and professional titles remained under state control and in terms of their issuance, article 4.2 of the Statute stated that there would be "a state final exam in the university, if it's created". The Statute referred as well to the eventual creation of the Basque University. As differentiated from what had been established by the popularly consulted Statute, the University now would not be the guiding element of the entire education system in the Basque Country. Education would not function around a single law-based system integrated into all of the instructional institutes found in the region. The Basque University is not conceived of as the nucleus of the system. In any case, in that moment the creation of the Basque University is understood as a political necessity of the utmost importance³⁶¹. A few days after the publication of the Statute, one of the first measures taken by the provisional government of the Basque Country³⁶² would be the approval of the Decree of

360. See, I. Urrutia, *Derechos lingüísticos y Euskara en el sistema educativo*, Lete, Iruña, 2005. P 139 ff.

361. 402. J. L. Orella, *La Universidad vasca*, Itxaropena, Zarauz, 1977, pp. 47 ff.

362. About the activity of the first Basque government, see J. M. Castells Arteché, «Aplicación autonómica del Primer Gobierno Vasco», *Revista de Administración Pública* nº 84, 1977. Pp. 121 ff.

October, 9, 1936³⁶³. This required the creation of a commission in charge of establishing the foundations upon which the Basque University would set itself up. Subsequently, the Decree of November, 17, 1936 proceeds to the creation of the University, opening one lone faculty, the School of Medicine.

During the administration of the first Basque Government, and due to the war developing at the time, the transfer of power in favor of the region in terms of the functions whose execution directly corresponded to the state was stated legally.³⁶⁴ Starting with this as a base, the Decree of the Provisional Basque Government's Presidency was approved on December 7, 1936. It dealt with the authority over teaching materials, decreeing that:

According to the decreed in the separated section b of the Statute of Basque's Autonomy's article 10, this Basque Government's Presidency should assume and as such, take on the representation of the State in those functions whose execution directly corresponds to the central power [...].³⁶⁵

Previously, the Order of the Justice and Culture Department of December 4, 1936, authorized the Department's General Director of primary education to decide about matters related to the creation and addition of schools. This would also include appointing teachers that would need to be managed. The assumption of the state educational responsibilities by the December 7th Decree, supposed the Basque Autonomous Region's full management of the entire education system.

Another key piece to the Basque's legal regime in the Second Republic's statutory process is that which relates to the linguistic requirements³⁶⁶. It was precisely the large portion of the Basque population's ignorance of the Spanish language that motivated the statutory project writers to insist on this topic. That's why, the requirements for knowledge of the Basque language are connected to the Government employees, as they come into the most direct contact with the population, particularly instruction professionals, Judicial employees, City Council secretaries, much like notaries and Recorders of deeds.

The rigor and intensity with which the statutory projects treat the question of establishing language requirements to perform certain public jobs got progressively lessened. That is how the preliminary draft of the Society for Basque Studies and the subsequently approved in Estella, show a clear vocation to generalize linguistic knowledge as a condition to gain public employment or render services in the Basque-speaking zone, in reference particularly to

363. *Diario Oficial de Euskadi*, October 12, 1936.

364. J. M. Castellés Arceche, *Reflexiones...* cit. p. 95.

365. Complete text in S. Martín-Retortillo, L. Cosculluela, E. Orduña, *Autonomías regionales en España*, Instituto de Estudios de la Administración Local, Madrid, 1978. P. 1240.

366. This was tinged with polemical nuances at this time, as the clear constitutional reference in the third paragraph of art. 4 of the 1931 Constitution points out: "Except for what is established by special laws, no one will be expected to know any regional language". The regulation was aimed exclusively at public functionaries, but it introduced a possible exception to a common law concerning linguistic needs. 'Special laws' says the third paragraph, not 'State laws' to which the second paragraph refers, to establish the status of a 'provincial or regional' language.

becoming members of the Administration of Justice and Notaries.³⁶⁷ It was generally established that:

All of the employees, administrative as well as legal, that render services in the Basque-speaking territories should know how to speak Basque³⁶⁸.

There is a complete agreement between both texts with respect to requiring the knowledge of Basque to be allowed to perform Government roles in the Basque-speaking zone. The statutory text that finally came into effect clarified the possibility of establishing linguistic requirements.³⁶⁹ The statute stipulates in article 7. letter f):

Art. 7.– The Basque Country [...] f) will have the ability to require knowledge of the Basque language for all of the employees that render services in the territory where Basque is spoken, except for those that were acting at the time of the implementation of this Statute, they will be respected in their situation as well as their rights acquired.

The imperative nature of the original text “they should be experts” was substituted with “require knowledge of the Basque language”, including the reference in regards to the “acquired rights”. The Statute was limited to planning the eventual requirement of the knowledge of Basque, respecting, in any case, the situation of the previously employed functionaries.

Despite the juncture of war in which the first Basque executive council developed, the practical application of the plan outlined in the 1936 Statute was articulated through the Decree made by the Presidency of the Provisional Basque Government. The December 7, 1936 Decree was about the authority over educational materials; it reads:

For the purpose of unifying criteria and brotherhood, the goals that motivate the present Decree, it is necessary to take into consideration the authority attributed to the Basque Country in article 7 letter f) of the new autonomous Regime, as related to the knowledge of Basque. The knowledge of Basque is required of all of the functionaries that render services in Basque-speaking territories, all of this without damage, not only out of the obligatory respect that is necessary to have for all of those that were already acting at the time of the Statute's implementation, but also the demarcation that, in its day, the Councils should carry out in regards to the territories that should be considered as Basque-speaking.

367. The sixth paragraph of art. 14 Preliminary Project of the Society for Basque Studies stated: «It is necessary to know Basque as ascertained by a board appointed by the Academy of the Basque Language and accredited by the Academy to issue such certifications for the posts of Judge, Magistrate, District Attorney, Secretary, Officer, Substitutes, and other Auxiliaries thereof of the above-mentioned Courts, except for the Territorial Courts and the Supreme Court, as well as Judges of specific areas, and Circuit Court judges where Castilian is spoken exclusively». The seventh paragraph established the same requirements for notaries public and similar functionaries, with the same exception.

368. Art. 17.1 concluding the Preliminary Project of the Society for Basque Studies, whose text is reproduced in art. 17.2 of the Project of the Statute of Estella.

369. On the matter, see, N. Alcalá-Zamora in *Los defectos de la Constitución de 1931 y tres años de experiencia constitucional*, Civitas, Madrid, 1981. P 277.

The process of linguistic normalization in public duties fell to the newly entered staff.

In spite of the extensive statutory process, the implementation of Basque public authority during the time of the Second Republic, was not impeded by the lack (or the delay) of basic normative references³⁷⁰. In practice, the public powers of the Basque Country enforced linguistic policies that guaranteed the legitimate right to exercise linguistic rights. And for the first time in history, the public powers of the state would actually recognize these rights.

Nevertheless, the military uprising of July 1936, lead by General Franco thwarted this effort in one fell swoop. This is what will be covered next.

4.3. THE BASQUE LANGUAGE IN THE THIRD FRENCH REPUBLIC (1870-1940)

The Third Republic rose out of a terrible military defeat in the course of the Franco-Prussian war (1870-1871) and the brutal repression of the of the Paris Commune by the hands of General Mac Mahon that finished off with around 20,000 executions of *communards* in the capital. The period concluded as well with a new spectacular military defeat after the German invasion in May-June, 1940. As opposed to the previous period, this stage is not familiar with the excessive succession of constitutional texts and laws, which permitted a more accelerated assimilation process for the minorities of the state. As a consequence of this the Basque language began to deteriorate at an even faster pace.

It is necessary to mention that the military recruitment for the war in 1870, by the colonial adventures initiated by the Jules Grevy government, and finally, by the World War I (1914-1918), caused a Basque emigration to America without precedent. This was motivated in good part due to the refusal to perform military duty for the French army and, as such, from the socioeconomic imbalances stemming from the complex historical process that the Basque nation has endured for the entirety of the 19th century. It is important to note here that the rate of desertion and registered refusals to serve in the military in the Basque Country are among the highest of the French state and that the emigration to America came to such a level that even the French authorities had to intervene with the intention of slowing down or even prohibiting the exit of Basque citizens to the new continent.

After practically seven years in the presidency of the Republic and, therefore, close to the end of his term, Mac Mahon tried a coup in May, 1877, but since it failed, he was obligated to resign and was substituted by Grevy, who satisfied the republican forces and the anticlerical members of the assembly. Jules Ferry was named as the prime minister, the republic will be known under his direction (1880-1885)³⁷¹, a period of exaltation of French nationalism that

370. See, J. A. Rodríguez Ranz, & J. Unanue López, *Hizkuntz politika...* op. cit. p. 87.

371. First period (September 23, 1880 – November 14, 1881) and second period (February 21, 1883 – April 6, 1885).

will have its impact in colonial politics as well as in the linguistic politics of the new regime. Ferry will be one of the first ideologues of the French implantation beyond the borders of the state, in the colonies, as a medium for the propagation of the French language at an international level in conflict with English that was unrelentingly gaining ground,

Il a montré qu'il comprenait bien qu'on ne pouvait pas proposer à la France un idéal politique conforme à celui des nations comme la libre Belgique et comme la Suisse républicaine; qu'il faut autre chose à la France; qu'elle ne peut pas être seulement un pays libre; qu'elle doit aussi être un grand pays, exerçant sur les destinées de l'Europe toute l'influence qui lui appartient, qu'elle doit répandre cette influence sur le monde, et porter partout où elle le peut sa langue, ses mœurs, son drapeau, ses armes, son génie (applaudissements au centre et à gauche)³⁷².

Nationalist and anticlerical, Ferry approved the *loi du 27 février 1880* through which the public instruction committee was reformed as a first step toward the secularization of education at all levels. The educational reform program included as well the June 16, 1881 and March 28, 1882 laws, through which elementary education would be obligatory, free and secular up front. In a speech given at the beginning of his term, on September 23, 1880, Ferry left no doubt about his principal mission of educational reform,

Pour que l'école se fasse aimer et apprécier de tous, il faut qu'elle s'approprie aux convenances locales, qu'elle se plie aux circonstances et aux traditions, qu'elle joigne à la fixité qu'elle doit garder dans ses caractères essentiels comme institution nationale la souplesse et la variété dans les formes secondaires, sans lesquelles elle cesserait d'être une institution vraiment communale. Aussi convient-il que chaque conseil départemental reste maître d'adopter pour son ressort, sous réserve de la sanction du conseil supérieur, toutes les mesures qui, sans être contraires aux règles communes, lui paraîtront répondre à des besoins particuliers³⁷³.

In accordance with this ideology, on June 7, 1880 the ministry of public education approved a *Règlement scolaire modèle* designed to serve as a guide for the writing of relative departmental rules for the public elementary schools. The regulation followed the working guidelines of previous ones dictated by other governments and even other distinct regimes, such as the *loi du 28 juin 1833* (Guizot law of primary education), the *loi du 25 mars 1850* (about the freedom of instruction), the *loi 10 avril 1867* (about the organization of services for elementary instruction), and the *statut des écoles primaires du 25 avril 1834* (about instructional materials). All of these tend toward making a uniform education system.

In any case, the ministry of public education approved a new *Règlement scolaire modèle* on January 6, 1881, which included the usual plan, *le français sera seul en usage dans l'école*. And, on July 18, 1882 the same ministry approved another *Règlement modèle scolaire pour servir à la rédaction des règlements*

372. Robinquet, Paul (Ed.), *Discours et opinions de Jules Ferry*, A. Colin & cie, Paris, 1897. P 220.

373. Chanet, Jean-François; Ozouf, Mona, *L'école républicaine et les petites patries*, Aubier, Paris, 1996. P 206.

départementaux relatifs aux écoles primaires publiques that included the same plan in article 12 this time.³⁷⁴ As such, French would continue to be the only language allowed in school.

In view of the *circulaire du 17 août 1851 relative aux projets de règlement pour les écoles primaires*, and the *circulaire de 18 novembre 1871* from the war minister about the instruction of horse-back riding and the operation of a gun to students in primary and secondary schools. The board of education published *Arrêté* (order) in June 7, 1880. Article 14 of the aforementioned regulation established in an unequivocal form and for the umpteenth time that, *le français sera seul en usage dans l'école*.³⁷⁵ After being published in the state's bulletin, the order came into effect one day later.

The ministry of education still considered the advancement of French in the Basque Country to be quite deficient. In view of the *Rapport d'inspection générale sur l'Académie de Bordeaux* of 1880 by *monsieur Pécaut*, it became necessary to attract the Basque people to the *moral French civilization*,

Cet état fâcheux de l'instruction dans le Pays Basque a préoccupé tous les inspecteurs chargés de visiter les écoles de notre département. La situation a été examinée à fond dans le remarquable rapport de M. Pécaut et nous ne saurions mieux faire que de citer ici quelques extraits trop longs pour trouver place dans le texte même de notre travail. «Le Pays Basque mérite une étude spéciale. La situation scolaire y est exceptionnellement mauvaise; elle tient à la langue, aux traditions, à la religion, à l'état social, qui concourent à isoler cette charmante race de ses voisines; mais à son tour elle rend en quelque sorte incurable ce qu'il y a de mauvais dans l'état moral et social... Il faut observer de près cet état de choses pour comprendre à quel point il empêche les communications de tout genre entre nos concitoyens basques et nous, et, si j'ose ainsi dire, leur annexion à notre civilisation morale³⁷⁶.

Stressing the idea that it was the language that had plunged the people into superstition; the Basque language was described by Pécaut as the national Basque language, medium of communication for emotions, beliefs, hopes, resulting naturally in making its eradication far more difficult,

La langue nationale est à peu près la seule dont ils fassent usage; c'est la langue des besoins vulgaires et journaliers, ainsi que des sentiments de famille; c'est surtout celle de la religion, c'est-à-dire de tout l'ordre de croyances, des traditions morales, des règles de conduite, des hautes espérances et des plus intimes émotions. Là est évidemment le grand obstacle. On parle, on pense, on sent en basque, dans un idiome qui n'a rien de commun avec nos idiomes occidentaux; on ne lit ni livres, ni journaux français excepté dans les villes³⁷⁷.

Pécaut was in complete agreement with the author of a previously published report, he agreed in affirming that another obstacle of introducing French was that the catechism was being taught in Basque. The local parish

374. Rendu, Ambroise, *Code de l'enseignement primaire obligatoire et gratuit: commentaire de la loi du 28 Mars 1882: Manuel pratique à l'usage des instituteurs...*, G. Pedone-Lauriel, Paris, 1883. P. 297.

375. Block, Maurice, *Dictionnaire de l'administration française: supplément général 1878 à 1884*, Berger-Levrault, Nancy & Paris, 1885. Pp. 232-234.

376. Bulletin de la Société des Sciences, Lettres et Arts de Pau, 1880-1881, 11e série, Tome 10ème, Pau, León Ribaut, 1881. P. 24.

377. Ibid.

priests were against the diffusion of a language that was considered foreign in their land, *le plus grand obstacle à la propagation de la langue française*,

Les curés prêchent et enseignent en basque, beaucoup des garçons n'apprennent par cœur que le catéchisme basque et c'est là le plus clair de leur instruction [...]. Sur ce point le concours du clergé est indispensable, mais il est douteux qu'on l'obtienne de sitôt, car ainsi que le fait observer M. Pécaut, "il est éminemment national et doublement Basque, peur favorable à la diffusion du français qui est à ses yeux le véhicule des idées étrangères et suspectes, de l'esprit d'insubordination et d'incrédulité"³⁷⁸.

In closing, the inspector recommended special legislation for the satisfactory introduction of the *langue de la patrie* in Euskadi,

Pour remédier à tous ces inconvénients, M. Pécaut propose pour le pays basque une organisation pédagogique spéciale dont nous ne pouvons retracer ici les détails. Les divers moyens qu'il énumère, les prescriptions du nouveau règlement religieux, sont de nature à amener une connaissance plus étendue du français dans nos cantons basques. Nous le souhaitons vivement, car selon une parole éloquentes qui s'élevait il y a peu de jours, à la tribune "la langue française s'appelle la politique, l'histoire, la philosophie, la lumière, elle s'appelle la patrie"³⁷⁹.

And that was how it was done. Teaching the catechism in Basque was prohibited by *monsieur Combes* in 1902,

M. Combes a tout simplement considéré que les petits basques étant aussi de petits français, il était indispensable pour eux et utile pour la France qu'ils connussent notre langue nationale. Le Président du Conseil a voulu mettre un terme à cet isolement dans lequel l'ignorance du français tient la classe

populaire basque. Ce peuple si intéressant ne vit pas à l'unisson du reste des français³⁸⁰.

The *loi no 11696 du 8 mars 1882 rendait l'enseignement primaire obligatoire en France*, produced a new tentative reform of the educational system that faced the challenge of assimilating the more than 600,000 students who were not educated. Within the line marked by the anticlerical government of Jules Grevy, the ministry of public instruction replaced the subject of ethics or morals with a *moral and public education*. In reference to the process of linguistic assimilation, this regulation does not change the previous regulations in any way, but it adds measures to guarantee the dissemination of French where it still had not arrived, particularly in the rural villages. Education in French is imposed as well as made a mandatory subject with a school load of two hours daily. The law establishes a series of punitive measures intended for those parents that would not take their children to school, with the goal of guaranteeing attendance to school of all boys and girls who are school-aged. In view of this first article of the

378. Ibid.

379. Ibid.

380. Goyhenetche, Manex, *Pays Basque Nord, un peuple colonisé*, Elkar, Baiona, 1979. P 89.

law, the mandatory subjects would be the following,

L'enseignement primaire comprend:

- L'instruction morale et civique;
- La lecture et l'écriture;
- La langue et les éléments de la littérature française;
- La géographie, particulièrement celle de la France;
- L'histoire, particulièrement celle de la France jusqu'à nos jours;
- Quelques leçons usuelles de droit et d'économie politique;
- Les éléments des sciences naturelles physiques et mathématiques, leurs applications à l'agriculture, à l'hygiène, aux arts industriels, travaux manuels et usage des outils des principaux métiers;
- Les éléments du dessin, du modelage et de la musique;
- La gymnastique;
- Pour les garçons, les exercices militaires;
- Pour les filles, les travaux à l'aiguille.

By virtue of the principle of obligation, the *loi* required studying French of all students, French citizen or not, that were enrolled at a French state school³⁸¹. Moreover, in article 31 of title four of the decree from February 13, 1883 about the implementation of the *loi du 28 mars 1882*, the exam to obtain the certificate of studies for indigenous inhabitants in the colony of Algiers had to obligatorily include oral and written tests in the French language.

The curriculum derived from article 16.5.2 of *Arrêté du 27 juillet 1882*, would only be taught in French, a subject to which at least two hours daily had to be dedicated, which had to include, *exercices de lecture, lectures expliquées, leçons de grammaire, exercices orthographiques, dictées, analyses, récitations, exercices de composition*³⁸².

French was not only imposed in education, the state administration was also not permitted to use any other language. For example, the regulation of internal correspondence from the post office (included in the decree of April 24, 1881) imposed in article 2 that the telegrams should be written in clear and comprehensible language and be written in one of the official languages of Europe or in Latin. But, the regulation also stated, that those not written in French should include a translation. In virtue of the sixth article, the direction and any other indicative about the recipient should, without exception, be written in French.³⁸³ The same is worth saying, in general, of any disposition related with the public management of the state. The Ferry era was sealed in the way as it was started, with a speech of an explicitly xenophobic tone,

Messieurs, il y a un second point, un second ordre d'idées que je dois également aborder (...): c'est le côté humanitaire et civilisateur de la question.

381. Rendu, Ambroise, *Code de l'enseignement primaire obligatoire et gratuit: commentaire de la loi du 28 Mars 1882: Manuel pratique à l'usage des instituteurs...*, G. Pedone-Lauriel, Paris, 1883. P.88.

382. Rendu, Ambroise, *Code de l'enseignement primaire obligatoire et gratuit: commentaire de la loi du 28 Mars 1882: Manuel pratique à l'usage des instituteurs...*, G. Pedone-Lauriel, Paris, 1883. P.36.

383. Block, Maurice, *Dictionnaire de l'administration française: supplément général 1878 à 1884*, Berger-Levrault, Nancy & Paris, 1885. Pp. 422.

(...) Messieurs, il faut parler plus haut et plus vrai ! il faut dire ouvertement qu'en effet, les races supérieures ont un droit vis-à-vis des races inférieures... [Rumeurs sur plusieurs bancs à l'extrême gauche.] Je répète qu'il y a pour les races supérieures un droit, parce qu'il y a un devoir pour elles. Elles ont le devoir de civiliser les races inférieures³⁸⁴.

A year after the fall of Ferry at the head of the executive, a reform of the educational system promoted by his successor Rene Goblet, the *loi du 30 octobre 1886 sur l'organisation de l'enseignement primaire* (known as *loi Goblet*) did not alter the linguistic issue. And, like colophon, *Règlements organiques de l'enseignement primaire* approved by the *Conseil supérieur de l'instruction publique* in the session of December 1886 to January 1887, returned to adopt the formula of the model regulation of 1852: *le français sera seul en usage dans l'école*³⁸⁵.

Given the slowness with which the French language penetrated society and, in virtue of the complaints of the inspectors of the various parts of the state that the native languages were spoken in class, the authorities of the ministry of education promoted the appointment of non-native professors that did not know the vernacular languages for the diverse territories of the republic. In this sense J. Dosimont, of the Finistere department declared in 1897 that, as a general rule, *paraît aujourd'hui très catégorique: "un principe qui ne saurait jamais fléchir: pas un mot de breton en classe ni dans la cour de récréation"*³⁸⁶.

Obviously, the only way to force a boy or a girl that does not know how to speak but in their own maternal tongue to speak in another language (that they do not know), was through sanctions, corrective punishment. Besides the well-known strokes and other disciplinary methods of physical character – consubstantial to the system of that time –, the most common punishment, in the French state as in the Spanish, was that of the imposition of the iron ring or any other sign that would identify the student who had uttered a word in their maternal tongue. The sign or anathema assumed the abolition of certain *benefits*, for example, playing during recess with the rest of the kids. Also, during the quarantine, the student should remain completely isolated, and no one could approach him. It was common practice to hang on the school walls a sign with the following inscription: it's prohibited to spit on the floor and speak *patois* (*Il est interdit de cracher par terre et de parler patois*).³⁸⁷ All of these measures were adopted from the penitentiary system of the XIX century and applied to elementary education.

Among the multiple reports of the same tenor of the *Correspondance générale de l'inspection primaire* of the year 1893, we find this reference to the punishments imposed on the children that spoke in their native language, since they did not know French, something that the inspector labeled as *fâcheuse*

384. *Annales de la Chambre des Députés*, séance du 28 juillet 1885. P 1066. In, Robiquet, Paul (Ed.), *Discours et opinions de Jules Ferry*, A. Colin & cie, Paris, 1897. Pp. 210-211.

385. *Règlements organiques de l'enseignement primaire: Session de décembre 1886-janvier 1887 du Conseil supérieur de l'instruction publique*, Ministère de l'instruction publique, Imp. nationale, Paris, 1887. P 311.

386. Labouysse, Georges, *Histoire de France, l'imposture!, l'imposture! De la négation des peuples de France au nationalisme de l'Etat franco-gaulois «un et indivisible»*, Institut d'études occitanes, Puylaurens, 2007. P 91.

387. Le Bris, Michel, *Occitanie: volem viure!*, Gallimard, Paris, 1974. P 220.

habitude, encouraging the use of this method in other areas,

Le patois est le pire ennemi de l'enseignement du français dans nos écoles primaires. La ténacité avec laquelle, dans certains pays, les enfants le parlent entre eux dès qu'ils sont libres, fait le désespoir de bien des maîtres qui cherchent, par toutes sortes de moyens, à combattre cette fâcheuse habitude. Parmi ces moyens, il en est un que j'ai vu employer avec succès dans une école rurale de Haute-Provence [...] Le matin, en entrant en classe, le maître remet au premier élève de la division supérieure un sou marqué d'une croix faite au coteau [...]. Ce sou s'appelle le signe. Il s'agit pour le possesseur de se signer pour le «signeur», comme disent les élèves, de se débarrasser du sou en le donnant à un autre élève qu'il aura surpris prononçant un mot de patois. Je me suis pris à réfléchir au sujet de ce procédé [...]. C'est que je trouve, à côté de réels avantages, un inconvénient qui me semble assez grave. Sur dix enfants, je suppose, qui ont été surpris à parler patois dans la journée, seul le dernier est puni. N'y a-t-il pas là une injustice? J'ai préféré, jusque-là, punir tous ceux qui se laissent prendre; et je suis heureux de les voir en général peu nombreux³⁸⁸.

In the beginning of the century and, after many and fruitless petitions to this effect, a very timid advance was achieved in the introduction of local languages into the educational system, perhaps as a reaction to *les temps de Jules Ferry*. The introduction of the vernacular language into education was obviously out of the academic program and was therefore only aimed at eliminating the punishments imposed on the young students that could not speak French. Thus, the school rules of the *Basses Pyrénées* stated in article 15 that while the French language was the only official and mandatory one and the only one in which classes could be taught, in extraordinary cases and with the only objective of making it easier for students to learn French, could Basque be used as a means to make the lessons more understandable,

Le français sera seul en usage dans l'école excepté dans les arrondissements de Bayonne et de Mauléon où il pourra être fait des exercices de traduction de basque en français et du français en basque, dans les limites de nécessaire et uniquement en vue d'enseigner aux enfants la langue française³⁸⁹.

But things were far from changing. In 1902 the government banned the Flemish and Breton priests from teaching catechism in these languages. The ban was imposed following a patriotic speech from the state's sub-secretary for the fine arts Léon Bérard who congratulated himself for implementing, *notre belle langue française à la place des patois locaux à l'ombre dequels [...] le mensonge [...] cherche encoré à égayer les malheureux*³⁹⁰. This same character, transformed into Bearn minister of education, would exclaim in December 1921 that, *Je considère qu'un enseignement du dialecte local ne peut être donné qu'en*

388. Montaclair, Florent, *L'épreuve de français aux concours pour adultes: Méthodologie de l'épreuve écrite. Résumé de textes, dissertation, note de synthèse*, Presses Univ. Franche-Comté, Besançon, 2007. P 14.

389. Sarpoulet, Jean-Marie, *Les débuts des reclaims de Biarn e Gascogne, revue occitane en Gascogne (1897-1920)*, Presses Univ de Bordeaux, Bordeaux, 2005. P 198.

390. Sarpoulet, Jean-Marie, *Les débuts des reclaims de Biarn e Gascogne, revue occitane en Gascogne (1897-1920)*, Presses Univ de Bordeaux, Bordeaux, 2005. P 199.

*proportion de l'utilité qu'il offre pour l'étude et pour la connaissance de la langue nationale*³⁹¹. In 1903 the inspector of the Danzter Academy proposed to the *Conseil Général du Morbihan* that the best way to improve the Breton race was by eliminating their language, *créons, pour l'amélioration de la race bretonne, quelques-unes de ces primes que nous réservons aux chevaux, et faisons que le clergé nous seconde en n'accordant la première communion qu'aux seuls enfants parlant français*³⁹². In 1910, Gaston Doumergue, would sign that, *La France est une, il n'y a qu'une France. Ses pensées, ses sentiments, ses traditions s'expriment par une seule langue, la langue française. C'est elle qu'on enseigne dans les écoles, et tous les patriotes comprennent que, pour la grandeur de la patrie, c'est avec la langue française qu'on doit élever les enfants*³⁹³.

Perhaps one of the best examples of the spirit that dominated the French public education of those times was the minister of education Anatole de Monzie, who affirmed on July 19, 1925 in the course of the inauguration of the Britain pavilion in the Universal Exhibition that, *pour l'unité linguistique de la France, il faut que la langue bretonne disparaisse*³⁹⁴. And obviously, he refused to introduce local languages into the educational system.

391. Lendresse, Pierre A., *Léon Bérard, 1876-1960: le combat politique d'un avocat béarnais*, J. et D. Éditions, Pau, 1988. P. 152.

392. Chaliand, Gérard, *Les Minorités à l'âge de l'État-nation*, Fayard, Paris, 1985. P. 84.

393. Abalain, Hervé, *Le français et les langues historiques de la France*, Editions Jean-paul Gisserot, Paris, 2007. P. 114.

394. Lacorne, Denis; Judt, Tony, *La politique de Babel: du monolinguisme d'état au plurilinguisme des peuples*, Karthala Editions, Paris, 2002. P. 46.

5. A Somber Period of Repression (1937-1975): Postwar and Dictatorship

After the July 18, 1936 military uprising, a war broke out in the Basque Country, which ended with the occupation of Bilbao on June 19, 1937. What follows is a recap of the founding of a dictatorial regime: infringement and violation of basic human rights, summary judgments and imposition of indiscriminate sentences, confiscation of goods and media, persecutions, creation of concentration camps and mandatory work squads, exile, executions, and mass murder. Even though the numbers are only approximations, overall we can estimate that around 200,000 Basques went into exile and thousands of people were murdered by the regime in the Basque Country between 1936 and 1937. In addition to these victims, we must add those that lost their lives fighting on either side. As well as those who were victims of the aerial attacks made by the Spanish Nationalists. They bombarded open cities and towns that had no strategic value (Otxandio, Elorrio, Durango, Gernika...) causing a large number of casualties among the civilian population. Just in the month of April 1937 the Basque government calculated that 2,445 deaths were caused by the bombardment of the Condor Legion at the service of the rebels. The exile of 32,000 children under 17 years of age between the months of April and August 1937 was particularly distressing. This was due to the persistent attacks by the Francoist aviation on defenseless villages, hindering the possibility of saving those under age and with a great number of casualties among them.

The repression that followed the war was equally brutal. Thousands of Basque war prisoners were detained, given arbitrary sentences, incarcerated, tortured, executed with no trial, or were imposed exorbitant fines and had their possessions confiscated by the new authorities; thousands went into exile. These are only some of the forms of harshness the regime used to repress those that showed loyalty to the *Government of Euskadi*; this statelessness was caused by the Law of Political Responsibility.

In the area that concerns us, the first steps taken by the regime ended up being as simple as they were effective: there was to be only one official language (Spanish) and the use of any other language was to be banned and prosecuted. Using other languages could lead to a fine or imprisonment, or even, as in the symbolic cases of Jose Ariztimuño Olaso *Aitzol* or Esteban Urkiaga *Lauaxeta*, to the death penalty and execution. Between 1916 and 1935, about 593 books (an average of 31.2 books annually) were published in Basque; from the time when the military *Junta* took over until 1945 the average amount of books published in Basque decreased to 10 books a year, most of which were published in the Northern Basque Country (after the liberation in 1945) or in the Americas.

The situation in the Northern Basque Country was not much better between 1940 and 1944, when the country was occupied by Nazi troops. Thousands of Basque refugees in the Basque Country had to go into exile to America. Most of them escaped through Marseille between 1938 and 1941, but some of them were captured by the Gestapo, handed over to the Spanish authorities and executed, such as the former Minister of Governance, Julian Zugazagoitia, or the President of the *Generalitat* or Government of Catalonia, Lluís Companys. As the refugees, the Basque language had to seek refuge in the American exile. Key figures of the Basque culture like Nicolas Ormaetxea *Orix*e, Jokin Zaitegi or Telesforo Monzon –among many others- wrote and published their literary works during the postwar era in the Americas. In 1942 Andrés Irujo and Ixaka Lopez Mendizabal created the Basque Editorial *Ekin* in Buenos Aires (Argentina), which published close to

150 titles throughout 40 years of exile. Antonio Ruiz de Azua *Ogoñope* likewise created the *Editorial Vasca* in Mexico. In 1943 the *Department of Basque Studies* was created at the University of the Republic of Uruguay under the direction of Bingen Ametzaga, professor of Basque language and culture between 1943 and 1955. In 1949 Jokin Zaitegi began publishing the first literary journal written solely in Basque in exile, *Euzko Gogoa* in Guatemala. Once World War II came to an end and after thirteen years of dictatorship in the Basque Country, a group of patriots from the Northern Basque Country organized the first *Euskara Eguna* (Day of the Basque Language) in 1949 with two basic objectives: to denounce the situation of systematic violation of the basic rights of the Basque people and to raise funds to finance activities related to the revitalization of cultural, literary, and educational activities in Basque through the formation of the *Euskaltzaleak* groups (lovers of the Basque language) in Europe and America.

After 20 years of dictatorship, in 1955 the Spanish regime was admitted into the United Nations, which meant the prolongation of the regime until the death of the dictator in November 1975. This event, which had great political repercussion, caused a resurgence of the anti-francoist political resistance, as well as a revival of the cultural activity. Indeed, from the beginning of the 60s the cultural activity began to recover its strength in the Basque Country, where the first illegal *Ikastola* (Basque school) was established under the direction of Elvira Zipitria in Donostia/San Sebastián in 1944. Zipitria's was the first *Ikastola* opening its doors since 1937, when they had been closed by the Spanish regime. This event was reinforced from the exile with the creation of the first official *Ikastola* in Caracas (Venezuela) in 1962. The *Ikastola Euzkadi* of Caracas remained open until the end of the 70s; but meanwhile multiple *Ikastolas* were being created throughout the Basque Country: Bilbao (1957), Iruñea/Pamplona (1963), Gasteiz/Vitoria (1966), and Baiona (Bayonne) (1969). By 1969 there were so many *Ikastolas* that the *Gipuzkoako Ikastolen Elkarte* or the 'Federation of *Ikastolas* of Gipuzkoa' was created to address all the problems these schools were encountering since they were illegal, and therefore subject to continuous searches, fines and closures. Despite all this, in 1964 it is estimated that there were 596 students in these *Ikastolas*, while in 1970 this number had grown to 8,255 students.

In The Northern Basque Country, the liberation gave birth to the Fourth French Republic (1944-1958), of which we should mention, particularly, the *loi 51-46 du 11 janvier 1951 relative à l'enseignement des langues et dialectes locaux*, known as *loi Deixonne*. In effect, by the end of World War II, the actions of the members of the resistance in the Basque Country, Brittany, and Occitania, promoted a productive political debate, which gave rise to the previously mentioned *loi Deixonne*. Even though this refers to a very limited and restricted regulation in the educational sphere, it was the first law that regulated the study of national languages within the French state. Otherwise, the French language would continue to be the only official language of the Republic, and therefore, the only language of the state administration.

In 1968 the Basque language took a step forward through the definite normalization of the Basque language in the course of the congress that took place in the Franciscan monastery of Arantzazu (Gipuzkoa), sponsored by *Euskaltzaindia*, the Academy of the Basque Language. The model of standardization defined by Resurrección María Azkue, the *Gipuzkera osotua*, later known as *Euskara*

batua (unified and standardized Basque language) that was adopted by Zaitegi, Ibiñagabeitia, Orixe, Ametzaga and other authors and translators in exile, was defended and adopted as the future official Basque in the historic congress of Arantzazu by the academics Koldo Mitxelena and Luis Villasante. One year later, in 1967, the Center for Basque Studies was created at the University of Nevada thanks to the impulse that Williams Douglass and Jon Bilbao gave to this initiative. And this Center is still a paragon of Basque culture worldwide.

But in spite of all these advances and the strength and tenacity of the Basque resistance, the Basque language was monotonously and inflexibly prohibited and its use severely punished all along the 40 years of Spanish dictatorship. It was not until 1980, in the Basque Autonomous Community and 1986 in the Chartered Community of Navarre (*Comunidad Foral de Navarra*), that the Basque language was considered an official language. Until that date the linguistic rights of Basque speakers were completely infringed upon.

5.1. GENERAL FRANCO' DICTATORSHIP (1937-1975)

The military uprising headed by Generalissimo Francisco Franco against the democratic system of the Second Republic, led the country into a war. The National Movement, a name adopted by the league of political parties, institutions, personalities and ideologies, which promoted the coup d'état of July 1936, was a heterogeneous conglomerate, which grouped members of the Nazi party, fascists, falangist (members of the Spanish *Falange*), monarchist, Carlists (monarchic in favor of returning to the ancient *foral* laws), and other ultra-conservative groups. The ideological foundation of the Spanish Falangism was based on the idea of the cultural uniformity of the Spanish state. This ideology, known as National-Catholicism, would become the core that sustained all of the diverse types of totalitarian ideologies. On account of National-Catholicism, the unity of the Spanish state was considered to be a dogma of faith. The Basque, Catalan, and Galician nationalisms were consequently considered heretic movements opposed to Christian faith. From the ideological perspective of the Spanish nationalism, the Spanish state was not made up of various nations, but it was a nation in itself, "without internal divisions", as Cardinal Isidro Gomá was to say³⁹⁵.

Spanish nationalism made the tolerance towards pluralism by the Republican Constitution into its main enemy. This pluralism was articulated in the Statutes of Autonomy of the nations that made up the state, and Spanish nationalism retaliated with the most radical uniformity, expressed through the slogan "Spain, One, Great & Free". From this point of view, homogeneity was the solution for coexistence of the historical, economic, social, cultural and linguistic realities of the state. The concession of the statutes of political autonomy to the nations of the state, such as the Basque Country, Catalonia, or Galicia, was considered –together with communism– the worse political crime. Consequently, the acknowledgement of linguistic pluralism was also considered an attack on

³⁹⁵ Cardinal Gomá was the highest authority of the Spanish Catholic Church, and one of the main leaders of the conspiracy against the Republic.

the unity of Spain and, therefore, something to be eradicated in the name of the unitary idea of the state. Within the totalitarian fascist state, there was no place for other languages but one, Spanish, and there would only be room for one identity, the Spanish one. The fact that languages other than Spanish existed, was understood to be contradictory to the idea of a united and uniform Spain.

During the republican period, the fascist ideology had already revealed its future goals, as shown by these words that were pronounced during a meeting of the Spanish Falange in Valladolid on April 1935, as a result of the approval of the Basque statute of autonomy:

Comrades, know that there are formidable objectives that await our action. Therefore, the first revolutionary conquest that needs our attention today is to declare and regain the unity of Spain. You all very well know where the separatists find support, strength, and where they entrench their arguments. Their protection is the Official Constitution of the State, which cowardly ignores its responsibility, and allows them to once again attack the integrity of our nation. This attack coincides with the Basque statute, and this, I repeat, without the audacity or the irresponsibility of the creators of the Constitution, but with the cold, sarcastic and cowardly gesture of maintaining that they are simply abiding by the law.

But we know that Spain is the first modern nation that was established in history, and that during its four centuries of unity during which it carried out the most decisive tasks present in world history, it is the most formidable and imperious execution of unity that can be presented as an emblem against criminal separatists.

But if we are told that those historical justifications are not sufficiently valid, because against those arguments there are others that are more solid, then, comrades, we must in effect abandon that part of history and claim that first of all, Spain will be invincible and one, because we want it, and because we are imbued and controlled by the firm and tenacious will to maintain it as a uniform and indivisible country³⁹⁶.

Fascist ideology was fueled by the identification of the use of languages other than Spanish and the acknowledgement of the autonomy of regions as a separatist action. Thus, they attacked linguistic identity, cultural plurality, and the political aspects of the republican constitutional system. The defense of the Basque language, education, and press, and the official uses of Basque in the socioeconomic realm and in the social one had to be eradicated. The use of Euskara (or Catalan or Galician) was considered a separatist choice.

In the name of this concept a harsh persecution against the Basque people and their language was about to be unleashed. Falangist ideology and its supporters not only encouraged a radical attitude in carrying out their objectives, but they also adopted it in their methods. Public interventions by their leaders encouraged these autonomous expressions to be fought off by using violent methods without renouncing an armed military confrontation against the Republic's democratic political powers. José María Areilza, the mayor of Bilbao

after the occupation of the city by the fascist forces in 1937 explained it as follows:

³⁹⁶ JONS, *Antología y prólogo de Juan Aparicio*, Editorial Nacional, Barcelona, 1939. P 64; also found it in, J. Benet, *Cataluña bajo el régimen franquista*, Blume, Barcelona, 1979. P 79.

This is how people's feelings were when the 20th Century began in Catalonia, and in the Basque Country. Therefore, the great problem of the separation of these two regions was devised, perhaps the most influential in Spain. Thus, force became the only solution. It was a "Gordian knot" affair; the most clear-sighted people were able to perceive it, even though it really was not that difficult to see. The problem is that they did not want to believe it³⁹⁷.

In this sense, the words that José Calvo Sotelo pronounced in a speech, eight months before the military uprising, at the Urumea Basque pilota court in Donostia/San Sebastián, are also familiar:

I say: between a red Spain and a broken Spain, I prefer the first one, which would be a temporary phase, while the second one will go on forever³⁹⁸.

Despite the fact that the level of regional autonomy recognized by the central state to the autonomous regions was moderate, the fascist ideology labeled it as being schismatic and separatist; thus, trying to present it as a reason for military uprising. Franco himself announced it as follows:

Spain is organized in an ample totalitarian concept, through national institutions that ensure its totality, its unity and continuity. The character of each region will be respected, if it does not threaten national unity, which we want to be absolute, with one language, Spanish, and with only one identity, the Spanish one³⁹⁹.

The war –a prologue of World War Two- finally broke out after the military uprising of July 18, 1936. It was a war that would last several years, and which resulted in dramatic episodes in the Basque Country, such as the bombings in Durango and in Gernika carried out by Adolf Hitler's Luftwaffe, Franco's ally, targeting civilians. After 1937, a new somber period would begin for the Basque people and humanity.

Soon after the conquest of Bilbao in June 19, 1937, the first regulation stipulated by the fascist regime was the Law-Decree of June 23, 1937⁴⁰⁰, whose objective was to void the economic agreement of the regions of Bizkaia and Gipuzkoa, but not those of Araba and Navarre. The fiscal and administrative autonomy represented by the *foral* regime of the ancient Codes of Laws, was abolished in the so called "traitor provinces", i.e. those that betrayed the fascist regime:

Many of the recipients of favors so generously dispensed by the public authorities forgot this preferential treatment, thus Gipuzkoa and Biskaia undertook an armed fight against the National Movement that started this past July 17. They thus betrayed that exceptional generosity despite Spain's attempts to convince

397. *El correo español-el pueblo vasco*, Edition from January 28, 1939; also included in, J. Benet, *Cataluña bajo el régimen franquista*, op. cit. P. 86.

398. E. Vegas Latapie, *El pensamiento político de Calvo Sotelo*, Madrid, 1941. P. 173.

399. *Palabras del Caudillo (19 de abril 1937-31 diciembre 1938)*, Ediciones Fe, Barcelona, 1939, 2 Ed. P.202.

400. BOE or Official Bulletin of the State number 247, June 24, 1937.

them to desist. It is therefore unfair that those privileges continue to exist in those regions, when the others cooperated towards the triumph of the Army from the beginning with enthusiasm and sacrifice, respecting those basic, compulsory rules of justice that inspire the new State

The individuality of the fiscal and administrative regime in some provinces, as in the very loyal Navarre, has increased the feeling of union within the nation and the fervor for the Country's common destiny; in other provinces, however, it was used to carry out the most clumsy anti-Spanish politics. This situation, which repeated itself over and over, leaves no option, but forces the country to put an end to the *fueros*, a system which they used as means to cause such serious damages. [...]

First article. From the first day of the coming month of July, management and the collection of all contributions, rents, or general and special taxes from the State, will take place in the provinces of Gipuzkoa and Bizkaia, in accordance with the present common method and in the manner established by the Public Ministry of Treasury, as part of the general regulations set by the National administration. Thus, after this date, the system that was agreed upon between the provinces and their councils regarding economic matters that was presently in effect, becomes void.

Second article. The services that are of a general nature and that were carried out by the named Corporations instead of the State, if continued, will be carried out and paid for by the State in the same way that it has been doing in the rest of Spain, which is subject to the general system. [...].

Fourth article. The economic agreement [...] will remain, maintaining its integrity in the rest of the province of Araba. The Council of that province will thus continue in its present role with faculties vested in it by the State.

It may come as a surprise, but the first regulation after the military conquest stipulated the reduction of Basque self-government and did not repeal the Autonomous Basque Statute at once, as it occurred in Catalonia⁴⁰¹. The first regulation repealed the local *foral* system instead. This demonstrates the importance of the *foral* law system as grounds for the acknowledgement of Basque freedom and self-government. The new mayor of Bilbao, José María Areilza, referred to precisely this fact, in a speech on July 8, 1937, in which he paid tribute to the Spanish military for their conquest of the capital of Bizkaia (a symbol of military conquest in the Basque country),

It should be made clear that: Bilbao has been conquered by the military. No pacts or posthumous gratitude. This is the law of harsh, virile, inexorable law. There have been, of course there have been, winners and losers! The free, great, and united Spain has triumphed; that is to say, the one that belongs to the Traditional Falange. That horrible atrocious nightmare called Euzkadi, which resulted from prietista socialism and "vizcainarra" (Biscayan) stupidity, has been defeated [...]. You have been defeated forever, miserable, resentful, despicable upstart of Basque nationalism. You, who thought you played a significant role during the eleven months of crime and theft in which you clenched to power [...]. Up to now, friends, the polemicists may argue in their sterile dialects regarding Biscay's supposed rights and of its own autonomy and government. From now on, there is a reason, which is placed above all of the historical ruses, and all of the lawyer-like papers. The reason is the blood that was shed. Biscay is once again a piece of Spain due to pure and simple military conquest.

401. Law-Decree of April 5, 1938. (BOE or Official Bulletin of the State of April 8).

The basis for this repression was that having served in republican institutions, having taken part in national political parties or remaining loyal to the government of the Republic were all considered as criminal and antipatriotic. One of its characteristics, besides the systematic ignorance of human rights, and the most basic rules of democracy, would be to try to eliminate, not just politically, but also culturally all traces that differentiated the Basque Country from Spain⁴⁰². A policy of total repression was established against any manifestation of Basque culture by prohibiting the use of the Basque language and punishing its use⁴⁰³.

One of the first measures taken by the regime was to establish agencies “of purging”, with the aim of examining whether or not public employees had belonged to the Frente Popular or any Basque nationalist political parties or associations; they also examined their religious convictions, and their loyalty to the new fascist regime. The introduction of the new regime demanded that they be able to count on public employees to show their loyalty. The Order of July 3, 1937, stipulated that:

The brilliant liberation of Biscay requires, as was done in other regions that were conquered by our glorious Military, to undergo a thorough examination regarding the behavior that took place, in relation to the National Movement, by those people that belong to the Department of Public Court. This purging should be carried out in accordance with the regulations stipulated by Decree number 66 of November 8, and by the Order of November 10 from last year; although, the special circumstances that arise in those provinces may advise to change some of the details that are of procedural nature. Based on the aforementioned, in view of the Circular Letter from April 30, issued by the Rector of the University of Valladolid, and proposed by the Commission of Culture and Education, I stipulate:

Article 1. Public employees in the education sector of Biscay are suspended, provisionally, from their jobs, whether they are from the State, the Province or the municipality, regardless of whether they belong to the teaching, technical, administrative or subordinate ranks.

Twenty days after the publication of this order, they are to request a reappointment; those public employees that wish to do so, by presenting a documented request addressed to the Rectorate of Valladolid, and in order to do this, it must be mailed to Bilbao: Ibañez St., Bilbao nº 22. It must give a detailed description of the duties they performed, the type of post they held, the associations and political parties to which they have belonged in the past, and the specific activities that have taken place since the start of the National Movement; and they must indicate the names of people who can, with absolute guarantee, assert the above facts. [...].

Article 3. The Rector will put the application-requests with all of the information

402. I. Lasagabaster e I. Lazcano's thoughts, «Derecho, política e historia en la autodeterminación de Euskal Herria», M. Gómez Uranga, I. Lasagabaster, F. Letamendia & R. Zallo (Coord.), *Propuestas para un nuevo escenario. Democracia, cultura y cohesión social en Euskal Herria*, Manuel Robles-Arangiz Institutua, Bilbao, 1999. P.184.

403. J. L. Pérez Francesch, «El marco constitucional del pluralismo. Especial consideración al plurilingüismo», in, *Cuadernos de Cátedra Fadrique Furió Ceriol* nº 3, 1993. P.30, where it refers to the *franquista* uniformity, “which is channeled mainly through Spanish, and that considers pluralistic perspectives dangerous, a dissolution of the State, especially with respect to linguistic matters”.

and the data he obtains, and he will pass it along to the corresponding Purging Commission.

Purging Commissions will act in a manner as determined by the orders from November 10 and December 7, 1936, January 4 and 28, and February 17, as long as they do not go against the regulations of this Order, and in view of the reports that were provided by the Rectorate, which is referred to in this last paragraph; and by those who find it convenient to request it, thus bringing the proposals to the corresponding Commissions of Education and Culture, with preference given to those public employees that the commission finds no reason to bring charges against which could result in disciplinary measures.

Teachers' loyalty toward the new regime was tested by the purifying commissions, which examined the background record of every public employee. Those who did not pass the purging test were punished or transferred away to other places within the state. Every public education employee that was accused of having shown sympathy to the Basque Government, or toward the Basque language, was 'purged', as well as those who did not demonstrate nationalist fervor, or who were not committed to teaching it to their students. Many Basque teachers had no option but to go to exile or to resign from their teaching posts. Many more did not overcome the purging process. The Circular from the President of the Culture and Education Commission, dated April 7, 1936, gave instructions to the members of the purging commissions, indicating the corresponding sanctions:

Transfer of those who, having been professionally and morally impeccable, have nonetheless sympathized with the Basque, Catalan, Navarre, Gallego, etc. political nationalist parties, without having participated neither directly nor indirectly with the separatist-communist subversion, and permanent dismissal from their jobs for all of those who have been politically active in the Frente Popular parties or Secret associations, especially after the revolution in October, and in a general way, those who, belonging or not to those groups, have sympathized with them or oriented their teaching or professional behavior, in the same damaging way as that which is supported by such groups.

The same treatment that was applied to teachers was also applied to the rest of the public employees. They were subjected to the "purging" process by way of the Order from June 2, 1937, which stipulated:

Once Biscay is conquered by our Glorious Military, it is necessary to carry out a true purging of personnel from public offices and, in consequence, I have named D. José María Rollo Villanova, Regional Inspector Engineer from the 7th demarcation, General Inspector of the referred province of Biscay, so that he can personally, with the help of the public employees that he may require, carry out the investigation on behavior of all personnel sympathetic to the services from Public Works in relation to the Movement to Save Spain⁴⁰⁴.

Resigning or simply disobeying the new regulation would be reason enough for punishment; likewise, the act of covering up or of reporting those people who were more engaged with the republican regime or with nationalist political parties, was seen as a punishable cause. Reporting these people was

404. Official Bulletin of the State n° 248, June 25, 1937.

seen as a patriotic act, and the arbitrariness of the authorities' decisions were not controllable by any agency. Through persecution and fear, they were trying to promote feelings of rejection toward Basque politics, and their native condition and, consequently, Basque became an underground language.

Vacant posts in schools were taken by "national teachers" or non-Basque and non-Basque speaking public employees that were sympathetic toward the regime as a means of forcing 'hispanization' on the people.. This was part of the so called "patriotic education". In exaltation of the idea of a uniform Spain and of fascist slogans, they were put at the core of the education that would be given to boys and girls, in particular:

Popular songs and patriotic anthems are to be sung by the children in all of their classes in School. Bibliographies, newspaper readings, commentaries on news events that are worth discussing due to their national importance, will be studied. Programs, Schools and Teachers, are to feel the presence of Spain at all times⁴⁰⁵.

Children and adolescents were forced to sing these falangist anthems daily while raising their arms. Education was shaped in service to the totalitarian state, in accordance to the Falange's program. It was about education in a totalitarian state that viewed teachers as a means to disseminate the new fascist regime. The use of the Basque language was prohibited; also, the existence of books written in Basque was prohibited in schools. Books in Basque were immediately "removed", making the responsibilities that could arise from not carrying out this duty very clear. In Tolosa, after taking over the city, fascist troops burnt books from Lopez Mendizabal's Press in a public pyre.

In the place of the burned or confiscated books, new books and primers became obligatory. In the so-called Patriotic Spanish Catechism, students were forced to learn things as the following:

Spanish will be the civilized language of the future because English and French, which might have joined Spanish in this capacity, are such used-up languages that they are already on a path to extinction. Do we speak other languages in Spain other than Spanish? It may be said that in Spain we speak only Spanish, since aside from it there is only Basque, which, being such an isolated tongue, is spoken in only a few Basque villages and has been reduced in function to a dialect due to its linguistic and philological deficiencies⁴⁰⁶.

In the same way, public schools, private educational institutions and the instructors who worked in them would become objects of "purging" by the fascist authorities, as stipulated by the Order of July 3, 1937, which read:

The province of Biscay having now been liberated, it is necessary to subject to revision all of the authority conceded to its institutions of learning, given that, unfortunately, these organizations have not always been free of the corrosive virus of anti-Spanish sentiment, the damaging effects of which have been a

405. Circular letter with the order of March 5, 1938, from the Director of the National Service of Primary Education. Included in J. Benet, *Cataluña bajo...* op. cit. P 313.

406. A. Menéndez-Reigada, *Catecismo Patriótico Español*, 3 edic. Salamanca, 1939. P 11.

fundamental cause of the epic and victorious fight carried out by our heroic combatants.

Private education was also subjected to an iron fist, instituted by means of inspections, and requiring tutors to comply with the founding principles and values of the fascist movement in order to continue teaching.

For the fascist authorities, Basque first names functioned as symbols of separatism and anti-Spanishness, hence one of the régime's first measures was to prohibit the inscription of Basque names in the Civil Registry. The Order of the May 18, 1938 stipulated:

It should also be pointed out that the morbidly exaggerated regionalist sentiment of some provinces has caused anomalies in the Registries such that certain of them contain a large number of names that are not only in a language other than the official Spanish but that also imply defiance to the Unity of the nation. Such is the case in the Basque provinces, for example, with the names Iñaki, Kepa, Koldobika and others that indisputably suggest separatist sentiment; nevertheless, it should also be recorded that certain names may only find genuine and adequate expression in Basque or Catalan or some other tongue, such as Aránzazu, Iciar, Montserrat, Begoña, etc. and that these can and should be accepted as distinctly Spanish names that are in no way at odds with the expression of love for the singular Nation of Spain.

Franco's Spain cannot tolerate aggression against the unity of its language, or the admission of names that challenge its new political constitution or the doctrine laid out in article 34 of the aforementioned Ordinance. It is therefore necessary, when naming newborns, to impose a return to the traditional meaning of names, with appropriate variations [...] To this end I stipulate:

Article 1. In every case involving Spaniards, the names shall be recorded in Spanish. [...]

Article 3. On birth certificates in which Spaniards' names were previously inscribed in a language other than the official Spanish, the names will be replaced by their Spanish translation.

This rule established the language in which, from that time forward, names were to be entered in the Civil Registry⁴⁰⁷. At the same time, certificates from the Registry would be required to use only the Spanish translation of a Basque name. Nevertheless, the authorities were not yet satisfied and proceeded to pass a more radical directive scarcely three months after the previous one. The ministerial Order of August 12, 1938 stipulated:

The arbitrariness, illegalities and anomalies perpetrated by separatism and Marxism in the Civil Registries that have been confirmed directly by the Headquarters of the National Registry Service and the Notary in a recent inspection, demand urgent corrective action, insofar as it affects both the validity of the rolls as well as the formality of the regulations necessary to guard public safety. Consequently, I have decreed that in all civil registries within the reconquered zones, and in those that our Glorious Army subsequently liberates, all

407. Also collected by, J. M. Torrealdai, *El libro negro del euskera*, Ttartaló, Donostia/San Sebastián, 1998. P 132-133. This work results from an obligatory consultation to analyze the normative and contrary ideology towards the Basque language across the centuries. See also, Euskaltzaindia, *El libro blanco del euskera*, Elkar, Bilbao, 1977. *In toto*.

functionaries, entrusted with immediate vigilance, are to carry out the following norms:

Article 2. Inscriptions made in a language or dialect other than the official Spanish are to be considered null and of no legal value.

By virtue of this rule, baptismal names registered in Basque would be considered null and void and would have no legal standing. From that day forward, all names registered in Basque ceased to have official significance. Legally, they no longer existed, creating a situation of radical uncertainty on a judicial level that would affect deeds of property, the incorporation of businesses, documents of identification, record books concerning savings and bank accounts, etc. The Basque anthroponomy was prohibited simply because it was considered "separatist." The right associated with being human, bearing a name and in particular one that encompasses a clear linguistic component, was obstructed for the 40 years of dictatorship. The impact of the prohibition was enormous, as was the rigor with which it was enforced, as evidenced in the Circular issued by the Governor General of Gipuzkoa to the region's mayors on October 30, 1940, which reads:

I have learned from various sources that the custom, having fallen into disuse since the incorporation of Guipúzcoa into liberated Spain, of naming or calling people by "Basque" names, a creation of despicable Basque separatism, is beginning to reappear in some areas of that province, occasioning protests by Spanish elements that under no circumstances will they consent to the rebirth of a custom that, in addition to wounding patriotic sentiments, also serves as a reminder of the forbears who, with their doctrines, caused such damage to the Basque country.

I recommend to you and to all personnel of this Municipality, that you exert extreme vigilance to assure that acts of this kind do not occur, and that you turn into the authorities any person who has recently adopted or given to a family member such names, as well as those who call themselves by such names in public, in an attempt to extricate completely this custom that is so contrary to the Unity and postulates of the New State.

It is not only the registration of Basque names that was prohibited, but also the public usage of first names in Basque. Only Basque names that appear in the calendar of saint's days or that had no Spanish translation would be tolerated. It is interesting to note that, despite changes within the regime during the 1940s as it tried to shift from a personal dictatorship to an institutional one and to stimulate economic liberalism, linguistic repression continued unchanged. The Decree of November 14, 1958, in which the Regulation of the Civil Registry Law was established, stipulated in article 192 that *foreign or regional names are permitted. If a Spanish translation of the name exists, it alone must be recorded.* In registries and in all other documents, names were to be recorded exclusively in Spanish, unless, after having consulted the calendar of saint's days, no Spanish translation of the name was found to exist.

As proper names in Basque were outlawed, it was prohibited for mortuaries to publish the Basque names of the dead. It was even required that the Basque names on headstones be replaced by names that adhered to the regime's linguistic norms. The Civil Governor of Bizkaia issued a communiqué to the mayors of the territory, dated October 27, 1949, informing them that:

It is required that the family members and owners of tombs or cemeteries in which inscriptions appear in the Basque language remove the tombstones and replace them with ones in which the citations are inscribed in Spanish.

By order of the authorities under Franco, and encouraged by the Falangist press, from the first moments of the military conquest, notices were placed in restaurants, cafés, shops, and even on the French border, emblazoned with the slogans: "Spanish, speak Spanish," or "Spaniards should speak Spanish." Newspapers and journals in Basque would be prohibited. Newspapers were shut down and taken over and the machinery requisitioned in the service of the Press of the (National) Movement. A system of radical censorship was instituted in order to control all types of publications. In April of 1937, the military Governor of San Sebastian published an edict about the use of language that began:

SPEAK SPANISH!

His Most Excellent Military Governor of this Locality has issued the following edict:

It should be the concern of every branch of authority to eliminate causes that tend toward the disunity of the people. And if this is done in normal times, it should be done all the more in the unusual times in which we find ourselves. No one is unaware of the differences that have existed among the various regions of Spain and, without going into in-depth analysis, I do consider it my responsibility to take advantage of these moments of cohabitation among people from all different regions in order to smooth over these differences and, for the benefit of all, to unite us as brothers in exalted love for our Mother Spain, who holds all her children in a tight embrace. To this end, one of the best ways to demonstrate mutual understanding and the exchange of kindness and ideas is to employ a common language.

To carry out this mission in the Proclamation of the Military Governor, the Circular of May 29, 1937 decreed that:

Any person who infringes on the prohibition against speaking languages or dialects other than Spanish will be reported. This headquarters has received a communiqué from His Most Excellent Military Governor charging the Civil Guard with the task of exacting compliance with the dictated provision prohibiting all nationals from the public use of languages and dialects other than Spanish, requiring that the violators be reported to the highest local Military Authority. I consider it appropriate to remind the public ahead of time of this edict and inform it of the communiqué I have received, in the hope that, for the good of our beloved country as well as for their own good, the patriotism of the citizens will prevent them from giving cause for such punitive action to take place. Arguments in favor of this advice are not required. It is sufficient to point out the evident obligation to faithfully obey the orders of authority [...]. It is therefore necessary that any sporadic case of abuse of the prohibition against the use of languages or dialects other than Spanish be radically and immediately halted. To repeat my warning, if, by some misfortune, offenders should surface, they should not be surprised to suffer the full force of the punishments imposed by His Most Excellent Military Governor⁴⁰⁸.

408. J. M. Torrealdai, *El libro negro...* op. cit. Pp. 105-106.

In addition to the rhetoric and the warnings, the Francoist authorities instated an organization to detect, repress and punish citizens' use of Basque in public streets called the *Guardia Civil* (Civil Guard), whose Chief issued an edict or internal missive in order to enforce effective compliance with the Military Governor's instructions, which read:

In terms of the organization of service in the public thoroughfare, the Civil Guards, to be chosen not by this Headquarters but rather from amongst themselves, should form groups of no less than four who will patrol, not together, but rather spread out: the first, upon hearing in the streets, squares and cafés, etc. a conversation in languages or dialects other than Spanish, are to courteously warn the offenders and, if the warning is heeded, continue on their way, and upon issuing the warning, always show the badge that they should be wearing on their lapel. A second Civil Guard, without the regulation beret and at a convincing distance from the first, shall casually observe if the first warning was ignored and will continue on his way, discretely signaling the last two Civil Guards who will follow at a convenient distance to ascertain if the conversation in the prohibited language or dialect is continuing; these two, after showing their respective badges, shall inform the offenders that, having ignored the polite invitation to obey made to them moments earlier, they are to show their identification documents, from which their addresses shall be recorded and passed on to this Headquarters. At this point the second two Civil Guards should join with the first two in order to act as a group. Should the offenders utter words of disdain or of refusal to comply, the Civil Guards shall detain the offenders using whatever means necessary, including the use of public force, should the numbers or strength of resistance of the guilty parties so require, but with the final result being that my subordinates shall deliver the detainees to the office of the Police (Civil Government) where they shall report the crime for the corresponding official report⁴⁰⁹.

The sophisticated system created by the Francoist authorities to punish the use of the Basque language is indicative of the level of linguistic repression they enforced. The simple act of speaking Basque was persecuted, punishable by fines ranging from 100 to 500 pesetas, or by outright arrest. Further, the use of Basque in religious services was also punishable, as evidenced in the following gubernatorial resolution:

Having learned that last Sunday, during a service held in the Loyola monastery, after giving the blessing of the Holy Sacrament, you publicly read the prayers and blessings in Basque, and given that it is stipulated by military command that all prayers, orisons and sermons be given in Spanish; for having failed to comply with said orders, I find it necessary to impose upon you a fine of 500 pesetas, payable to the Carlist War Committee of this town within the next forty eight hours⁴¹⁰.

Another example of the severity of repression against the use of the language is found in the prohibition of the word *agur* ("goodbye"); a term used frequently by Basque and non-Basque speakers alike. The use of this word would be prohibited by the Proclamation of the Military Commander of Estella, issued on September 25, 1936, which read⁴¹¹:

409. T. Llorente, *Los valencianos en San Sebastián*, Valencia, 1942. P. 48. See also, J. Benet, *Cataluña bajo...* op. cit. P. 159.

410. Father Feliciano Etxaniz was fined by the Military Commander, in Loyola, January 26, 1937. In, J. M. Torrealdai, *El libro negro...* op. cit. P. 91.

411. Collected by Torrealdai, *El libro negro...* op. cit. Pp. 85-86.

I make the following known: within forty eight hours of the publication of this proclamation, all nationalists shall turn into the Military Headquarters, any objects or garments (including articles of clothing) of a separatist character, books, newspapers, maps and portraits of the man known as Sabino Arana, as well as busts or statuettes representing him or any other separatist ringleader. In addition, anyone in the possession of books or any other type of object related to the defunct Basque school; documents, objects, insignias of nationalist societies and, in a word, everything pertaining or in any way related to these societies, shall turn them in.

In certain regions of the Basque provinces and in our beloved Navarre it is common to use the *chistu*⁴¹² and its corresponding instruments in their dances. In the Basque provinces the use of patriarchal customs may continue; but in Estella, this is as an exotic, unknown plant introduced by those whom we all know. The "gora euzkadi"⁴¹³ has ended, we are in the era of LONG LIVE SPAIN, and as such, anyone in possession of such things shall turn all such instruments in within the aforementioned period of time.

In addition, the word "Agur" is prohibited, imported in by separatists to be used in the place of the genuinely Spanish "Adiós" [goodbye]. The motive for the publication of this proclamation should be abundantly clear to everyone, as well as its punitive consequences.

If, after the forty eight hour time period has elapsed, this Authority suspects that the items that have been requested have not been turned in by any individual or Entity, searches of residences shall be carried out, and appropriate punishment will be applied to the offenders.

The possession of objects, garments, books, newspapers, maps and portraits were prohibited if they were judged by the fascist authorities to have Basque connotations. Also schoolbooks, documentation from nationalist groups, and even musical instruments such as the *txistu* were considered subversive, and were ordered to be turned in and, failing that, were to be seized.

In June of 1937 an Order of Military Headquarters restricted the use of the Basque language in churches, requiring the mayors recently named by the fascist authorities to communicate to the priests their obligation to use only the Spanish language in all acts of worship. Nevertheless, it was stipulated that *it was permissible to use Basque in the first masses before 8 o'clock*⁴¹⁴. To ensure that the prohibition was obeyed, the Order of the Council for Public Order of Gipuzkoa issued a decree to the First Chief of the Headquarters of the Civil Guard of that province, dated December 17, 1937, which read: *it is hereby ordered that those under my command shall not tolerate the use of any language other than Spanish by any cleric in his speeches or sermons to his parishioners, and that any infraction shall be reported to my authority*. Along these same lines, the Military Commander from Durango issued a communiqué to the region's mayors, dated March 30, 1938, requiring that they:

Also keep in mind that it is prohibited to preach in Basque in churches, and that only if, in your judgment, the majority of the parishioners and attendees do not understand Spanish, you may authorize ten minutes of talk in Basque in order to summarize that which had been formerly preached in our language⁴¹⁵.

412. *Txistu*, Basque flute.

413. *Long live the Basque Country*, in Basque.

414. Order of Military Headquarters (*Orden del Comandante Militar*), June 1, 1937.

415. J. M. Torrealda, *El libro negro...* op. cit. P. 125.

The prohibition of the use of Basque in churches provoked protest on the part of the Basque priests, who responded by means of the “Norms for Holy Sermons,” issued under the auspices of the Apostolic Administrator of Gasteiz/Vitoria on March 1, 1938, which stipulated:

Fourth. The form of the discourse and the language in which one must preach, should, in all cases, accommodate the abilities of the listeners. Fifth. When the congregation of the faithful uses Spanish as its everyday language, then Spanish should be used in order to preach the divine word. Sixth. When the congregation of the faithful, in its vast majority, is unaccustomed to any language other than Basque, then Basque should be used in order to preach the divine word. Seventh. After any and all sacred functions that have been delivered in Basque, a very brief summary shall be offered in Spanish.

The linguistic regulations sanctioned by the ecclesiastical authorities clashed with the prohibition against the use of Basque established by the Military authority. The Minister of Public Order himself would waste no time in making this known, ratifying the prohibition:

As this decree (ecclesiastical) contradicts the orders I have given to the Delegates of Public Order regarding the use of Basque in prayers and sermons and in all other public acts of any nature whatsoever within the Basque provinces, those under my authority shall consider the aforementioned decree, by the aforementioned ecclesiastical authority, nonexistent, and shall be vigilant of all that I have stipulated in regard to this matter, and shall punish, with maximum severity, the most minor infraction against that which has been previously ordered [...]. I reiterate my Order that neither in the Capital, party headquarters nor important villages may my decree regarding the use of the Spanish language be altered or varied in the least; and that the only exception may be those small hamlets or villages in the mountainous regions in which, owing to the uncertain existence of schools as well as the distant and infrequent contact with urban centers, the residents may possess an imperfect understanding of Spanish, in which case the use of Basque may be deemed advantageous, subject to the judgment of the Council for Public Order, which will appraise and authorize the suitability of its use⁴¹⁶.

In the post-war context, the fight between the ecclesiastical and military authorities would come down on the side of the latter. Nevertheless, despite the general ratification of the prohibitory order, it is interesting to note that the military did relax the prohibition against the use of Basque in churches within small villages (in the mountainous regions) in which the inhabitants did not understand Spanish. In such cases, a possible authorization was left in the hands of the members of the Council for Public Order, who, afforded considerable discretionary leeway in their actions, would ultimately be impossible to control.

Finally, on October 28, 1939, the Governing Minister sent a memo to the Basque and Catalan Bishops that read:

It is a matter that worries the Government, the public use of the Basque and Catalan languages, as the civil governors consult us repeatedly about which guidelines to

416. J. M. Torrealdai, *El libro negro...* op. cit. P.127.

follow on this subject. Until such time as the Spanish language is understood by everyone (which will be achieved through a tenacious educational effort), the following regulation should be adopted: the explanation of the gospel will be in the regional language during mass on holidays at which, by hour and locality, the majority of faithful people attend, it shall be presumed that Spanish is not used. Also, the parochial instruction of the catechism will be given in Catalan or Basque in the parishes that find themselves in the same aforementioned circumstance; also someone else could take over for the prayer of the Holy Rosary. In all other religious acts, Spanish will be used.

I would appreciate Your Reverend Excellency communicating to me his authorized opinion and it would be prudent that the Prelates with jurisdiction in the Catalan and Basque provinces give instructions to the Parishes in the indicated form; in any case this Minister addresses the governors so that they know with what to comply.

This document shows that it was possible to use Basque in church, within the established conditions. It was thought of as a transitional measure, until the work entrusted to the monolingual schools gave the expected results.

The authorities outlined a censure system with the intention of controlling all types of books, as well as movies and radio programs. The Order of April 29, 1938 (Official State Gazette, 4-30-1938) declared that:

Article 1.º Independently of the regulations that the newspaper Press is subject to, it is still also accountable to the authorization requirement of the Ministry in charge of Press Services and Propaganda for the commercial production and circulation of books, pamphlets and all types of print and recordings, in Spanish as well as those of foreign origin. This authority will be exercised through the National Service of Propaganda and the organizations dependent on it.

In a similar form of control over the production and editing of books, a system for the purging of those already in existence was also established. The publications that contradicted what was called the "National Spirit" were also banned, seized and destroyed. All types of publications in Basque were branded as separatist, which lead to their destruction, regardless of ideology and content. Consequently, books in Basque had to be produced in exile and many were saved in hidden places or private libraries. The use of Basque in any type of magazine

remained prohibited, as the multitude of requirements attest to, such as the following:

As per the higher orders, the use of Basque will remain strictly forbidden in the publication of the specified address. What I am communicating to you is to be complied with in every detail, sending me an acknowledgement of receipt⁴¹⁷.

Also, Basque was not to be used on the radio, so it was carefully monitored, and its use penalized. Much like in the case of the religious radio station Radio Popular from Loyola, was punished,

In accordance with the instructions from His Most Excellent General Director of Radio Broadcasting and Television, I made him aware that starting next November

417. J. M. Torrealdai, *El libro negro...* op. cit. P 163, where he reports having received the request, dated April 1, 1947, at the headquarters of 8 magazines.

1st, the authorizations that had been obtained by the radio station to broadcast programs in Basque would be suspended⁴¹⁸.

As for movies, the Cinematography Department was in charge of censoring screenplays and series. This Department also dictated some regulations for the censorship of movies, October 20, 1940 the second point said:

All movies should be in Spanish, and completely free of any dialects. A dialectal pronunciation will only be permitted for characters that are simply episodic⁴¹⁹.

In the movies and later on television only Spanish was allowed. Even a dialectal pronunciation was seen as a symbol of cultural deficiency.

As soon as the military occupation began, the authorities set themselves to the task of erasing all Basque expression from the linguistic landscape. One of the first measures taken was to substitute the letters from the Basque alphabet different from the Spanish alphabet, that appeared on signs. The Order of the Governor of Bizkaia and Gipuzkoa of December 7, 1936 banned the use of the letters, "k", "tx" y de la "b", saying:

Not only from a morphological demand, but also because they constitute a challenge and a threat to the feelings of all Spaniards, therefore it is necessary to eliminate all signs that evoke illegitimate and condemnable feelings against nationalism; and as a consequence, warns all of the Gipuzkoans that in a time of 48 hours that they should erase from all signs, posters, advertisements, the k, tx, b etc...because they have violated the nationalist glossary of the Spanish language, there will be a fine of 500 pesetas, for a first sanction⁴²⁰.

This regulation affected a large number of families that had to change their names from Xabier to *Javier*, from Itziar to *Iciar*, from Etxeberria to *Echeverría* (or *Etcheverry* in the French state), from Urdirotz to *Urdiroz*, from Lazkoz to *Lazcoz* or, to name one last example, from Bidondo to *Vidondo*... The orthographic changes that affected thousands of names, last names, and place names in the country, have been perpetuated; there are many towns that continue using the hispanized name and people that continue on in the official registries with their names and last names no longer in their original form. On May 4, 1937, for the purpose of the new publication of the phonebook, the Civil Governor of Gipuzkoa and Bizkaia ordered the director of Gipuzkoa's urban networks to eliminate certain orthographic signs when writing different names. In this sense, "ch" should be –for instance- substituted for "tx":

Words like *etxe*, *txoko* and various other analogous types should disappear from the writing in the phonebook. The owners of the towns or houses where the words in question written in such a form, are required by this Civil Government to label them with the acceptable spelling and therefore eliminate the separatist flavor from them.

418. Communication of the Minister of Information and Tourism to the Director of the Radio Popular, in Loyola, October 22, 1954; in, J. M. Torrealdai, *El libro negro...* op. cit. P. 168.

419. F. Ferrer i Gironès, *La persecución política de la lengua catalana*, Edicions 62, Barcelona, 1986. P.190.

420. J. M. Torrealdai, *El libro negro...* op. cit.. P. 89.

The May 26, 1938 Order, dictated by the Ministry of Organization and Union Action stipulated the ban on the use of Basque in Regulations and Statutes for the cooperative Basque societies, and also its use in the ordinary functions of the same:

Surely more out of the inertia of custom than out of enthusiasm for maintaining feelings that have certainly disappeared forever and that only were encouraged by an audacious minority, that has been defeated and has escaped from National Spain, still some of the Cooperative Societies in the Basque Provinces maintain their social titles and permit their Statutes or Regulation to be circulated in Basque, even if they always come accompanied with a Spanish translation. Given that it is absolutely necessary for the National and Spanish feeling to be demonstrated without doubts or vacillations of any kind and in a very special way in the actions of the entities related to the State, this done, which does not come into conflict with the respect that the dialects deserve in private familiar relationships, the previous report from the Interior Ministry, has stipulated the following:

1º. The use of any language other than Spanish in titles, social gatherings, Statutes or Regulations, and in announcements of Assemblies or meetings of the entities dependent on this Ministry, remains strictly forbidden.

2º. The entities which are affected by this stipulation will proceed to put the modifications in place for the names referred to, Regulations or statutes, having executed the Service on which they depend, from this Department, in the maximum time of thirty days, to be counted from the insertion of this Order in the Official Bulletin of the State.⁴²¹

The cooperatives and societies were obligated, with an urgent deadline of thirty days, to present the translation of the Statutes in Spanish. Their names and labels in Basque were "strictly forbidden". Later on, the use of Basque would be prohibited by the members of the cooperatives in the management and administration of their businesses.

The Order of the Industry Minister of May 20, 1940 prohibited the use of Basque in all types of labels, or advertisements, such as brands and commercial names, stating that:

Under the modalities of Brand, Commercial Name and Establishment Signs, there exist registered or only petitioned before the Register of Industrial Property, corporations, titles and denominations made up of foreign words or words that pertain to different dialects of Spanish, that are in conflict with the national and Spanish sentiment, proclaiming a New State which should be an expression and regulation of conduct of all good Spaniards [...]. As such, this Ministry has stated:

1. The naming of Brands, Commercial Names, Establishment Signs and whatever other modality on industrial property, of another language that is not Spanish, is prohibited, the only exception being those that are owned by lawful foreigners already in Spain in accordance with Spanish Laws, or Brands that are recognized with a certificate of foreign origin.

2. The dealers of these industrial or commercial goods that are already registered and those that are pending or those that have only been presented before the Industrial Property Registry, affected by this stipulation, will apply current rules

421. *State's Official Gazette*, May 26, 1938. P 7532.

including the corresponding translation within the time period of two months starting from the publication of the present Order. It is understood that, by not accomplishing this in the proper time, they are forfeiting all relevant rights.

Certain special prohibitive regulations were established relating to particular types of establishments. The April 8, 1939 Order on the intensification of the efficiency of the decrees that regulated the hotel industry and defined the authority of the National Tourism Service prohibited the use of dialects and languages other than Spanish in hotels, bars, cafes, restaurants etc. stating the following:

Art. 3. [...] As such the use of terminology in languages other than Spanish for the names of accommodations in Spain is prohibited. This is without prejudice against using geographic names from abroad in the titles of the same.

Infractions against the previously stated will be sanctioned in accordance with what is set out in the third paragraph of the tenth article of this stipulation. [...].

Art. 10 [...] government sanctions will be imposed on the offenders, which could result in the closure of the establishment in question temporarily or definitively in the case of repeated offenses⁴²².

At the end of the 18th century and the beginning of the 19th, the importance of shipping from the port in Bilbao was at its apex, propelled by the industrial development. Bilbao had an important naval construction industry on the shores of the river Nervion where a large number of shipping companies had their headquarters. In the context of the rise of maritime traffic, many of the ships of the Basque maritime companies were baptized with names in Basque, which was also the usual custom for fishing boats. The dictatorship obligated the ships to be registered with the fascist flag, given that many were seized. But, starting in early 1945 Basque names on ships were prohibited. The Order of January 15, 1945 prohibited the designation of Spanish merchant ships with names that were not written in Spanish⁴²³:

Dear Sir, given what has been shown by this sub secretary in writing on the 11th of the current month, with what has been expressed by the Presidency of the Government on the 3rd of the same month, in relation to the names that Spanish merchant ships should use...

This Ministry has stipulated that henceforth all designations of ships not written in Spanish, the official language, symbol of unity of the nation, be strictly forbidden.

The regulation was applied with full force until the late 1960s, then it would be modified for the June 20, 1968 Decree⁴²⁴ on flags, enrollment and registration of ships, whose article 18.2 established that "in general Spanish words will be proposed, including regional ones, which can be proper or common

422. *State's Official Gazette (henceforth BOE)* April 14, 1939. P 2090.

423. *State's Official Gazette* n° 24 dated January 24, 1945. P 737. See comments by, J. Urrutia Bilbao (S J), «Los factores Jurídico-legales que inciden en el proceso histórico del Euskara», in, *Euskaltzaindia, El libro blanco del Euskara*, Elkar, Bilbao, 1977. Pp 400 ff.

424. *State's Official Gazette* July 13, 1968.

names and geographic ones national or foreign". The possibility of proposing Basque names opened up but only when they were proper names (without Spanish translation) or geographic names, expressed within the Spanish writing system.

The authorities proceeded to substitute any and all names with Basque connotations, including the names of cities and towns, streets, plazas and public spaces. The Basque name was replaced in many cases and, in all cases the spelling was adapted to the exigencies of Castilian: Ordizia changed to *Ordicia*, Mungia to *Munguia*, Altzuza to *Alzuza*... Just as it had occurred with the names of cities, the names of streets and public spaces within the cities were replaced with names related to the fascist regime such as *Avenida del Generalísimo Franco* (Generalissimo Franco av.), *Avenida del Ejército* (Army av.), *Plaza de España* (Spain sq.), *Avenida del General Mola* (General Mola av.), *Avenida de José Antonio Primo de Rivera*, *Paseo Antoniuti*, *Monumento de los Caídos* (Monument for the fallen comrades).

During the republican period, and once the Basque Statute of Autonomy was passed, the notaries located within the territorial limits of the Basque Autonomous state became part of the *Colegio de Euzkadí* and adapted themselves to the pertinent norms outlined in the Statute. After the war and the military subjugation of the Basque territory, the new authorities modified the organizational and linguistic system that had been established with relation to public documents and, via the Order of 13 December, 1937, stated:

During the space of 30 days from the date of this Order, in all public instruments authorized in the territory of the Province of Biscay from the 23 of November, 1937, in which the word "Euskadi" would be written to designate the College to which the authorizing Notary belongs, that word will be replaced by the word "Burgos"⁴²⁵.

The use of the term "Euskadi" (Basque Country) was prohibited and replaced with the name of Burgos, city where the rebel army had established its headquarters.

The Notarial Regulation would be approved via the Decree of 2 June, 1944, which stated in Article 148 that:

Public instruments must be obligatorily written in Spanish, employing in them a clear, pure, precise style, without obscure or ambiguous phrases or terminology, and observing, by Law, as essential rules, truth in the conception, propriety in the language and gravity in the form.

However, the Regulation authorized the notary, upon request by the interested party, to write the document in two columns, in Castilian and the language desired, but only in Araba and Navarre (as Bizkaia and Gipuzkoa had been placed under general state law).

The dictatorship brought with it the imposition of monolingual Castilian education, as there was a push for uniformity and a single goal for the education

425. BOE E nº 421 of December 15, 1937. P.1817.

system based on the General Principles of the Movement⁴²⁶. One of the objectives of the fascist school system would be the elimination of any sign, trace or cultural characteristic related to the Basques⁴²⁷. Teaching Basque was considered a political activity against the regime. Its use and spread were forced underground.

The first general legislation in educational matters was approved in the 1940s. Addressing courses of study, Article 6 of the Law of July 17, 1945, on Primary Education stated that:

The mission of primary education, through rigorous discipline, is to achieve a strong and united national spirit and instill delight and pride in the Homeland in future generations, in accordance with the rules of the Movement and its Organisms.

For its part, Article 37 of the same document regulated the curricular content of primary education, establishing four areas of knowledge: first, religious training; second, training the national spirit, which also included geography and history focused on Spain; third, intellectual training which included the national language and mathematics; and fourth, physical education. Article 7 of the Consolidated Text on Primary Education, of February 2, 1967, referred to the language as part of the curriculum:

National language –the Spanish language, the fundamental link of the Hispanic community, will be obligatory and the object of special care, as the indispensable instrument of human expression and training, in all National Primary Education.

In reference to the academic training received by teachers, Article 63c of the Law of Primary Instruction of 1945 established the content of the programs of study for the Normal Schools of teacher training, including:

Third. Genuine training in the principles that have inspired national history that produces in the future teacher a clear concept of Spain's unified fate and the awareness of behavior furthering these ideals.

The legislation demanded that the professorate adopted policies based on the ideology of the regime. In this normative context, sending children to school and teaching them to read was performed at the same time as negating their existence as Basque-speakers: Basque was not only expelled from the official and public space but individuals were punished for speaking it. The stigmatization of all Basque symbols, their exclusion from the linguistic areas of

426. On the educational ideology during this period, G. Cámara Villar, *Nacional-catolicismo y escuela. La socialización política del franquismo (1936-1951)*, Ed. Hesperia, Jaén, 1984. P. 12 ff. See also. M. Puelles Benitez, *Educación e ideología en la España contemporánea*, Labor, Barcelona, 1980. Pp. 90 ff.

427. On the cultural repression and the lack of freedoms during this period, J. Obieta Chalbaud, "Plurilingüismo y derechos humanos", in, VV.AA., *Plurilingüismo y evolución cultural*, Real Sociedad de Amigos del País, Bilbao, 1986. Pp. 223 ff.; see also, J. M. Torrealdai, "Euskararen zapalkuntza (1936-1939)", *Jakin* n° 24, 1982; F. Etxeberria Balardi, *Bilingüismo y educación en el país del Euskara*, Erein, 1999. Pp. 65 ff. On the repression of Euskara in Navarre during this time, J. M. Jimeno Jurío, *Navarre. Historia del Euskara*, Txalaparta, Tafalla, 1997. Pp. 226-231.

prestige, and the impossibility of speaking Basque outside of the home without risking shame and punishment, would certainly produce devastating effects⁴²⁸. The goal of linguistic and cultural assimilation of the population of the Basque Country was especially associated with the schools and the control exercised over them. The corps of educational inspectors would keep a tireless watch to eradicate the Basque language and to ensure that education adapted to the political values of the dictatorship⁴²⁹.

In spite of this, certain educational experiments appeared in the 1940s as an alternative to the process of acculturation. These were the "Etxe Eskolak" (home schools), including that created by Elvira Zipitria in Donostia/San Sebastián in 1944⁴³⁰, which were underground schools where credentialed teachers began to give classes in Basque in their houses or apartments to small groups of children. They were extremely localized experiments, forerunners of the *Ikastolas* or Basque schools, although with slightly different parameters⁴³¹.

At the university level, Article 4 of the Law of July 29, 1943, on the organization of the Spanish University, states:

The Spanish University, in harmony with the ideals of the unionist-nationalist State, will adapt its instruction and educational tasks to the programmatic points of the Movement.

According to Article 40:

The Rector of each University will be appointed and dismissed by Decree of the Ministry of National Education; but he can be suspended until his dismissal by Ministerial Order. The appointment should fall to a member of the Faculty of the University and Militant of the Falange Española Tradicionalista y de las JONS who, if necessary, will be exempt from the immediate fulfilling of his teaching responsibilities.

Universities ceased to be autonomous, submitting themselves to a strict hierarchy and control by the Ministry. The appointment of the Rectors would be performed, from this point on, by card-carrying members of the regime.

From a normative perspective, the linguistic regime in education was uniform and exclusive. In the 1970s, in this context, the *Ikastolas* burst onto the Basque educational scene. It must be noted, however, that the first attempts to

428. P. Dávila, A. Eizagirre e I. Fernández, «Leer y escribir en las escuelas de Euskal Herria, 1860-1990», in, P. Dávila Balseira (Coord.), *Lengua, escuela y cultura. El proceso de alfabetización en Euskal Herria, siglos XIX y XX*, UPV-EHU, Bilbao, 1995. P. 65.

429. Ferrer i Gironés, *La persecución política...* op. cit. P. 185.

430. On this subject, see. X. Aranburu, "Hezkuntzaren historia Euskal Herrian: ikastola. Elbira Zipitriaren bibliografiarako jakingaiak: ikastola Donostian 1942-1969 urte Bitartean", *Eusko Ikaskuntza. Cuadernos de Sección: Educación* n° 4, 1991. Pp. 35 ff.

431. I. Fernández Fernández, «La escuela vasca y la larga historia de la posguerra», in, P. Dávila (Coord.), *Lengua, escuela y cultura...* op. cit. P. 162, where he says, "if each scholastic experiment has to be interpreted in the context of concrete socio-historical situations, we must consider the *Etxe Eskola* as a scholastic product of the postwar period, but that was developed under the parameters of an educational ideology that corresponds to the social situations before the war, while the *Ikastola* movement, on the other hand, responds to the new social situations emerging in the 1960s".

organize childhood literacy programs in Basque have their roots in the beginning of the previous century⁴³². The Ikastolas were created from social initiative, fueled by certain collectives that considered the Basque language the physical nucleus of their identity and who were convinced of the dynamic role to be played by the schools in the maintenance and recovery of the Basque language. Their evolution and expansion were rapid, responding to the social situations and cultural activation emerging in the 1960s⁴³³. Educational laws of the time, and especially the dictatorial regime's enormous repression of linguistic and cultural manifestations of Basque identity, pushed the Ikastolas outside of the lines of strict legality.

Obviously, the ideological and curricular parameters of educational regulations at the time made it impossible to reintroduce teaching *in* Basque. It wasn't even considered; they just started up in clandestine groups, conscious of the inherent difficulties and risks, despite certain protections offered by the Church⁴³⁴.

When repression of the Basque language was the norm, sanctions declaring the closure of the Ikastolas⁴³⁵ and sanctions imposed on the professors and directors of them did not take long to appear, such as that decreed by the Civil Governor of Bilbao against the directors of the Iralabarri Ikastola in Bilbao:

The facts expressed reveal a manifest action against the public order perfectly typified in the Law when those responsible for them with willful intent to influence children's tender minds with feelings hostile to the national unity of Spain, deforming, for political ends, the true concept of the fatherland, through the use of such sinister means as taking advantage of the innocent to plant anti-Spanish ideas, or using the seductive and respectable title of Catechism –as the instruction of the catechumen, inalterable in its exercise within the rectitude of the Catholic conscience –to cover up desires of a much more terrestrial ilk at odds with the spirit of our Religion where there is no room for disloyalty nor for crimes against country [...]. I have agreed to sanction the accused Sabino Zubiri Sánchez with a fine of twenty-five thousand pesetas, his fellow accused María Estibaliz López de Guereño and María del Carmen Goiri Echevarría with a fine of ten thousand pesetas each and the other two accused, Severina Mardaraz Ibarra and Rosario Alberdi Legarra with a fine of five thousand pesetas each⁴³⁶.

432. It is worth noting the experiments carried out by R. M. de Azkue in Bizkaia and by M. Muñoa in Gipuzkoa in, F. Basurko & P. Iztueta, *Euskal eskola berria*, EHUko Hezkuntzaren Teoria eta Historia Saila, Donostia/San Sebastián, 1993. P.130.

433. I. Fernández Fernández, "La escuela vasca y la larga historia de la posguerra", in, P. Dávila (Coord.), *Lengua, escuela y cultura...* op. cit. Pp. 162-177; in the same work, F. Basurko Motrico, "La normalización de la Ikastola y la escuela pública vasca". Pp. 193 ff.

434. G. Arrien, "Las Ikastolas de Bizkaia, 1957-1972", *Cuadernos de sección. Educación*, nº 2, 1987. P 65.

435. Collected testimonies in, G. Arrien, "Las ikastolas..." op. cit. P 103; J. M. Jimeno Jurio, *Navarra. Historia del euskera*, op. cit. P 233; véase también J. Intxausti, *Euskara euskaldunon hizkuntza*, Servicio Central de Publicaciones del Gobierno Vasco, Gasteiz/Vitoria, 1990. Pp. 160 ff., & J. Urrutia Bilbao, "Los factores jurídico-legales..." op. cit. Pp. 389 ff.

436. Accord of the Civil Governor of Bizkaia of 20 November, 1959. From, G. Arrien, "Las ikastolas...", op. cit. P 101.

The fragment transcribed in the previous paragraph refers to a sanction imposed for an infraction of “public order”. The absence of liberties made every action related to the use of the Basque language a political activity and, therefore, illegal. The notion of “public order” was expanded in an extraordinary manner, limiting the exercise of all kinds of rights and, consequently, the concept of “things political” experienced a remarkable extension⁴³⁷. The Law of Public Order, of 30 July, 1959, characterized by its breadth, lack of specifics and arbitrariness, is applied in a context of repression of manifestations of Basque language and culture and grave restrictions on educational freedoms. Article 2 declares:

[The following] are acts against the public order: [...] those which attack the spiritual, national, political and social unity of Spain,[...] those which propagate, recommend or provoke subversion [...] those that disturb the public peace or social coexistence.

In the dictatorial context, the public order clause acts as a limit to the free exercise of all sorts of rights and liberties, including the most basic ones. The acts the Law establishes as contrary to public order are characterized by their lack of specifics and arbitrariness. Thus, in the first place, acts attacking or subverting national unity are deemed activities contrary to the public order. Social and political criticism was considered as an activity contrary to public order, indeed, practically anything could be considered an infraction of public order. Evidently, the use of Basque in the schools was so considered, granting the government an important power to apply sanctions⁴³⁸. The law granted the administration complete discretion.

The process of legalizing the Ikastolas began at the end of the 1960s and beginning of the 1970s⁴³⁹. During this period an important number of Ikastolas came out of hiding. The necessity of adapting to the legal reforms at the end of the seventies, which demanded that each student have his diploma in order to proceed to the *Bachillerato*⁴⁴⁰ fueled this process. The Ikastolas, which up until then had been operating at the edge of the system's parameters, found it necessary to adapt to the new formal demands imposed by the law, to complete the academic files of the students, as well as to comply with the specific requirements for teachers (degrees and credentials). It must also be considered that the inspecting activities of the educational administration

437. I. Lasagabaster & I. Lazcano, “Derecho, política e historia...”, op. cit. P. 186.

438. L. Martín Retortillo Baquer, *La cláusula de orden público como límite impreciso y creciente del ejercicio de los derechos*, Cuadernos Civitas, Madrid, 1975. Pp. 50-52. See also, Francisco J. Bastida, *Jueces y franquismo. El pensamiento político del Tribunal Supremo en la Dictadura*, Ariel, Barcelona, 1986. Pp. 127 ff.

439. Opinions regarding the division of the history of the Ikastolas in periods appear to be unanimous, recognizing three periods: 1) The clandestine period (1943-1960), 2) the legislative period (1960-1976), 3) the legal normalization period (1978-1988). See, M. C. Garmendia Lasa, “Ikastola” in, B. Estornes Lasa (Edit.), *Enciclopedia General Ilustrada del País Vasco*, T. XIX, Auñamendi, Donostia/San Sebastián, 1972; J. Arpal, B. Asua, P. Dávila, *Educación y sociedad en el País Vasco*, Txertoa, Donostia/San Sebastián, 1982. P. 46; I. Fernández, *Oroimenaren hitza Ikastolen historia 1960-1975*, UEU/Bizkaiko Foru Aldundia, Bilbao, 1994. Pp. 132-134.

440. Art. 42 of Decree 193/1967, dated February 2nd, passing the revised text for the Law of Primary Education.

increased dynamically with the legal reforms, another aspect that fostered the legalization of the Ikastolas attempting to avoid closure⁴⁴¹.

Considering the narrow bounds of the linguistic and educational laws of the time, which prohibited all instruction in languages other than Castilian, the process of legalizing the Ikastolas had to be carried out while concealing the language of instruction and, for that matter, the fact that they were Ikastolas. This may be why the process of legalization of the Ikastolas did not follow a set pattern. One of the most utilized methods was setting up Ikastolas as parochial schools. They also used, although less often, the mask of private schools set up under a sponsoring entity (*Euskaltzaindia* or the Academy of the Basque Language, cultural associations, etc).

The legislation of the dictatorial regime recognized the Catholic Church's right to found learning centers with the ability to award degrees⁴⁴². The fact that a large part of the Basque clergy was in favor of the diffusion of the Basque language facilitated the legal presentation of the Ikastolas as parochial schools. On 7 June, 1969, an agreement was adopted between the Bishopric of Gipuzkoa and the representatives of the Ikastolas, which stated that:

The parochial Ikastolas will be Christian; 2) The Ikastolas must be organized according to the current educational statutes; 3) The Ikastolas will be apolitical; 4) The parents will be economically responsible for the Ikastolas, the parish being completely free of this responsibility; 5) The Church will be the final authority before the Law⁴⁴³.

Once the Ikastola was authorized, the church would formally be the managing entity of the Basque school for administrative purposes. These were church schools, however, the parish church at no time occupied itself with the direction or the internal organization of the Ikastolas, leaving such tasks to the Council of Parents, just as it had been from the beginning of the history of the Ikastolas.

By the end of the sixties, driven by technocracy, the dictatorial regime went through an evolution. The regime would try to substitute the leadership system for financial development, giving the appearance of openness but without an intention of modifying nor questioning the fundamental ideologies of the dictatorship. Social development became more latent in the Basque Country through manifestations and claims about the situation of the Basque language and culture. In this context, the educational reform was produced in the 1970s, which would try to compromise and pacify the claims that were being made from Catalonia and the Basque Country at the time, but without a desire to modify the Spanish linguistic uniformity, which was one of the pillars of the state.

441. X. Aranburu Puente, "Hezkuntzaren historia Euskal Herrian", *Eusko Ikaskuntza, Cuadernos de Sección. Educación*, nº 4, 1991. Pp. 57-58.

442. Article 3 of the Law of 17 July, 1945, on Primary Education stated: "the right of the Church to create primary schools and teacher schools is recognized, with the authority to award the respective titles in the forms determined by law".

443. J. Lasa Kalonge, *Euskal Erria eta ikastola Una polémica en torno a la ikastola*, Edili, Donostia/San Sebastián, 1971. P. 39. On the relations between the Basque church and the Ikastolas, see, I. Aizpurua, "Ikastolen historiarako ikusbide bat", in, *Gure Ikastola. Jakin Sorta Jakin Sorta*, Editorial franciscana, Arantzazu, 1972. P. 27. Also, L. Aranburu Altuna, "Ikastola geroaren habe", pp. 170-171.

The educational reform began with the Law 14/1970 of August 14th, General Law of Education (*Ley General de Educación* or LGE)⁴⁴⁴. This new legal frame was meant to give some recognition to the school activities of the *Ikastolas*, although in fact, their provisions would be too far off to give the appropriate coverage to the educational reality of those represented. The attempts to cause the linguistic restoration and acceptance within such a small framework would fail.

Article 14, in relation to the Preschool education curriculum, states:

Preschool education shall be games, language activities, including, in appropriate cases, the native language.

Also, the Article 17.1, dedicated to the EBG, establishes that:

The focus of educational activity at this level shall be: the mastery of the language through the study of the national language, the learning of a foreign language, and fostering the native language, if appropriate.

The *fostering* of the native languages was allowed in Preschool and the new phase created, the *Educación General Básica* or EGB (Primary School), which would encompass the educational period up until fourteen years of age, obligatory and free of charge. The study of the Basque language, which up until then had been hidden within the *Ikastolas*, from then on would have some degree of developing legal protection, which was enough to cover these centers.

This first linguistic norms was developed through regulations⁴⁴⁵. The Royal Decree 1433/1975, of May 30th, regulated the integration of the native tongues in the study programs of the preschool and EGB centers. His *Exposition of Motives* stated that "it is important, then, to determine the paths that will make viable the effective inclusion in the programs of any teaching centre the teaching of native Spanish languages, tending to the pedagogical orientations applicable to the Preschool and General Basic Education, [...] whose criteria, highlighting the transcendental importance of the Spanish idiom, as the national language, are to allow for appropriate attention to the native tongues of the Centers".

Because of this, since the school session of 1975/76, after forty years of educational linguistic repression, dispensed exclusively in Spanish, the schools had the possibility, with previous authorization, to teach Basque in an officially recognized manner⁴⁴⁶. Behind the fascist regime's formal reasons to

444. The articles of the General Law of Education 14/1970 concerning the linguistic system in education: art. 1.3, 14, 17, 23, 25, 56, & 64.

445. Decree 1433/1975, dated May 30, that incorporates the native language in the program of the Preschool Centers of Education and Basic Education (BOE July 7, 1975); Decree 2929/1975, dated October 31, which regulates Spanish regional languages (BOE November 15, 1975); Order dated February 18, 1976 thanks to which Decree 1433/1975, May 30, in order to incorporate native languages (BOE February 19, 1976).

446. J. A. Obieta Chalbaud, *Las lenguas minoritarias y el derecho*, Mensajero, Bilbao, 1976. P. 10, stated that organization of linguistic rights implied a "180° turnaround compared to the linguistic policy started on July 18, 1936 and that unfortunately was enforced for a number of years. If the regional languages were prohibited then and their use was condemned even in Church, now the State wanted to protect and preserve them".

recognize the pluralism was an unstoppable social restoration of the human and collective rights that corresponded to the Basque nation as a whole.

It is interesting to note that the General Law of Education produced, in practice, the comparison of the status that Basque held south of the border with the one that it already held in the Northern Basque Country with the basis of the Deixonne Law⁴⁴⁷. The common characteristics are: that education of the native tongue (in one case) and the local (in the other), should be done based on the capacity of the teaching staff; an obligation that the public powers guarantee. This education was not established, it was simply allowed; the nature of the education given was voluntary and allowed an hour a week of Basque, etc. It could be deduced that in this time the Spanish regulation of the linguistic policy started to be inspired by the French legislation on this matter⁴⁴⁸.

The new regulation supposed the transition between radical prohibition to mere tolerance, that is, to the inferior protection standard of “no discrimination”. The reach of this orientation manifested itself in certain aspects of which the following are worth mentioning: the actions of the public powers were only limited to embrace and protect the teaching of Basque. It was not an enforced configuration⁴⁴⁹. The norm was aimed primarily at the non-state run teaching centers, assuming an insufficient coverage for the *Ikastolas*. In addition, the authorization of the education of Basque was linked to the guarantee the correct learning of Spanish. The Royal Decree 1433/1975, of May 30th, disposed in Article 2 that:

Education in these Centers will have to guarantee easy access to Spanish, the national and official tongue, to the students that have received a language other than Spanish as their mother language.

The objective was not learning Basque. The norm referred to a bilingualism oriented toward introducing the Basque-speaking students to the Spanish language, the same objective aimed by the linguistic educational regulations of the French state of the time⁴⁵⁰.

About the principle of no discrimination, the Article 4 of the Royal Decree 2929-1975, of 31st of October, stated:

No Spaniard can be the object of discrimination for not knowing or utilizing a regional language.

447. I. Urrutia, *Derechos lingüísticos y euskera en el sistema educativo*, Lete, Iruñea, 2005. P. 154.

448. Art. 3 of Law 51-46, dated January 11, 1951, *relative à l'enseignement des langues et dialectes locaux* (Deixonne Law). At this time in the Northern Basque Country there was also a social reaction towards the loss of Basque. The political situation in this territory was, however, very different.

449. Art. 1 of the Decree 2929/1975, dated October 31, states that ‘knowledge of it and use are protected by the action of the state and other institutions and Public Law Firms’.

450. Law 51-46, date January 11, 1951 (Deixonne), required in art. 2: ‘*Des instructions pédagogiques seront adressées aux recteurs en vue d'autoriser les maîtres à recourir aux parlers locaux dans les écoles primaires et maternelles chaque fois qu'ils pourront et tirer profit pour leur enseignement, notamment pour l'étude de la langue française.*’.

The discrimination that speakers of regional languages had suffered for years was perpetuated in so far as they were denied the right to express themselves in their language, and not vice versa. This provision made sure that the judicial inequality not only be maintained, but also great difficulties were set in place for any attempt to overcome it⁴⁵¹. And this is because the norm limits the consideration of the linguistic capacity of a "regional" language for any use, even on the educational front to which the norm refers. In essence, it becomes possible to introduce the instruction of the local languages in the educational system, but, at the same time, large limits are imposed on its development.

Even with all this, the timid linguistic openness introduced by the General Law of Education would be a factor that would ease the process of legalizing the Ikastolas. On the other hand, the accommodation of the Ikastolas to the legal demands of infrastructure and teachings would contribute to the consolidation of these centers (adopting for the most part a way of cooperative) and organizational structures of the Ikastolas' movement, which would act like one of the engines of the linguistic and social restoration of the Basque nation.

The provincial commissions for the incorporation of native languages were created through the Ministerial Order of February 18, 1976 and were integrated into the core of the Provincial Council of Education. Article 1 established as a function of the Provincial Commissions:

Would be responsible for how many issues refer to the incorporation of the native tongues into the programs of the Center of Basic General and Preschool Education.

A President, a Vice-President, and five members formed the Commissions. The Civil Governor assumed the presidency and the Provincial Delegate of the Ministry of Education and Science took the vice presidency. Two of the members were the Director of the University of Formation of Educators of EGB, the Chief Inspector of Primary Education, and the President assigned the other three spots. The role of the Civil Governor in this Commission should be underlined, since he was in charge of the issues relative to the education of languages. This shows a political interest from the dictatorship to control and watch over the already unstoppable process of linguistic and social restoration of the Basque nation.

We can divide the functions of the Commissions in two groups. On one side there were the responsibilities revolving around the authorization of centers that were to provide education in Basque within school hours⁴⁵² and, on the other, those revolving around the teaching staff (Articles 2.c, d, e and f). Within these, it should be highlighted that reference is made to the programming and organization of the courses taken by professors who wanted to be capable of teaching Basque, and to writing the report about the applications of transitory habilitation of teachers and other functions associated with teacher training. The legal status of Euskara in education would later be modified in the pre-autonomous stage.

451. J. A. Obieta Chalbaud, "Plurilingüismo y derechos humanos", op. cit. Pp. 224-227.

452. Sections a) & b) of art. 2 of the Order dated February 18, 1976 (BOE dated February 19).

5.2. THE FOURTH FRENCH REPUBLIC (1946-1958)

The Fourth Republic was born of the liberation, after a period of German occupation and collaborationism of nearly five years. By virtue of the *loi constitutionnelle du 2 novembre 1945*, the constitution of the *Quatrième République française* of 1946, the fifteenth constitution drafted in the 157-year life of the French state, established the guiding principles of the democracy under this law:

Subsequent to the victory secured by the free peoples over the regimes that sought to enslave and degrade the human person, the French people again declare that every human being, without distinction of race, of religion or of belief, possesses certain sacred and inalienable rights. It solemnly reaffirms the rights and liberties of man and of the citizen consecrated by the Declaration of Rights of 1789 and the fundamental principles recognized by the laws of the Republic⁴⁵³.

While the constitution guaranteed “equal access to instruction, professional development and culture to both children and adults”, the republic, true to its traditions, imposed access to said rights exclusively in French so that the national languages would continue without being considered part of the cultural wealth of humanity nor having any sort of legal recognition in the educational system or the management of the state. Moreover, after liberation, the use of German and of the Alsatian dialect in the department of Alsace, the languages of *l’ennemi héréditaire*, was prohibited.

The close collaboration and ideological affiliation of the Jacobin French ultra-right, represented by Pierre Laval, with the German authorities during the occupation and, at the same time, the intense resistance in Bretagne, the Basque Country, Catalonia and Occitania against the occupation, gave rise to an exercise in reflection in the immediate post-war period and even produced certain signs of recompense on the part of the nascent French government, many members of which had participated actively in the war against the Nazi regime or had fought the collaborationist Vichy government. This is, for example, the *raison d’être* of the *circulaire du 30 juin 1945 sur l’enseignement du provençal dans les lycées* by means of which the optional teaching of this Romance dialect (Provençal) would be allowed in certain high schools⁴⁵⁴.

The Circular only authorized elective courses in Occitan in secondary (*lycées*) and preparatory (*collèges*) schools in the region of Aix-en-Provence. Following this legal initiative, classes in Occitan and Catalan were taught in some secondary schools and academies in Montpellier and Toulouse and, in 1946, in high schools in Carcassonne, Nîmes, Marseilles and Montauban. As Gustave Monod, the *directeur de l’enseignement du second degré*, pointed out, the administration of these courses remained rather outside of the general system and was due more to individual initiative and local demand than the result of state planning,

453. Poirrier, Philippe; Rigaud, Jacques, *Les politiques culturelles en France*, Documentation française, Paris, 2002. P 159.

454. Terral, Hervé, *La Langue d’oc devant l’école: textes choisis (1789-1951)*, Institut d’Etudes Occitans, Puylaurens, 2005. P320.

What we did with the circulars was very limited. The teaching of Provençal and Breton had been permitted under the title of directed activities, that is to say free activities taking place Saturday afternoons upon demand of the establishments, which resulted in that there was not a fully developed elective class instituted. There is only the possibility, for a competent professor, to gather together a small number of students. But I repeat, only during the hours of directed activities, which is to say a maximum of one or two hours per week⁴⁵⁵.

In spite of this, groups like *Ar Falz* in Bretagne, the *Institut d'Études Occitanes* or the *Institut d'Études Catalanes* in Roussillon worked actively to obtain approval of a law regarding the teaching of the vernacular languages. Therefore, sheltered by the new constitution of 1947, several legal proposals concerning instruction in the vernacular languages were sent to the *Commission de l'Éducation Nationale*. On 16 May, 1947 Pierre Hervé, Gabriel P. Signor, Hélène Le Jeune and Marcel Cachin presented the *Proposition de résolution tendant à inciter le gouvernement à prendre les arrêtés et mesures nécessaires à la conservation de la langue et culture bretonnes*; on 24 June, 1948 several members of the Communist Group, among them André Marty and Jacques Gresa, presented the *Proposition de loi tendre à l'enseignement de la langue catalane dans les universités de Montpellier et de Toulouse et dans certains établissements d'enseignement*; the representatives Auguste Le Coënt of the Communist Group and Antoine Vourc'h and Pierre Tremintin of the *Mouvement Républicain Populaire*, former members of the resistance and *Conseillers de la République*, sent the *Proposition de loi sur l'enseignement de la langue bretonne* on 27 July, 1948.

After studying the proposals, on 6 July, 1949 Maurice Deixonne, *rapporteur* of the parliamentary commission on education, presented to the assembly a report about the process and the causes that motivated it as well as a bill related to the teaching of local languages. After receiving various reports about the law from the government, the *Conseil Supérieur de l'Éducation Nationale* and the Ministry of the Economy, on 15 December, 1949, Deixonne sent in his second report. Following the adoption by the national assembly, the bill would still receive a final opinion from the *Conseil de la République* which caused Deixonne to amend his original bill yet again. Finally, the public and political debate and the examinations of the parliamentary investigative committees yielded results in the form of the *loi 51-46 du 11 janvier 1951 relative à l'enseignement des langues et dialectes locaux*, known as the *loi Deixonne*.

By virtue of this law, instruction in three languages and one dialect –Breton, Catalan, Occitan and Basque– different from the official language was included in the educational system for the first time (art. 10)⁴⁵⁶. Article 3 of the law established that,

Every teacher who so requests may be authorized to devote, each week, one hour of directed activities to the teaching of the basic elements in reading and writing

455. Caspard, Pierre; Luc, Jean-Noël; Savoie, Philippe, *Lycées, lycéens, lycéennes: deux siècles d'histoire*, Institut national de recherche pédagogique, Paris, 2005. P 165.

456. The teaching of Corsican was regulated much later, in the 1970s, by means of the *décret 74-22 du 16 janvier 1974*. In the eighties the introduction of some of the languages spoken in Tahiti into the educational system would be regulated by means of the *décret 81-553*; the same would occur for Melanesian languages in the nineties (*décret 92-1162 du 20 octobre 1992*).

the local language and to the study of selected pieces of the corresponding literature. Such instruction is optional for the students⁴⁵⁷.

The teaching of said languages was merely optional and directed at favoring the learning of the official language. In this sense, the second article, appropriating a long-held initiative in the French educational system, established that the *Conseil Supérieur de l'Éducation Nationale* would send precise instructions to the directors of public schools so that they could allow their primary and nursery school teachers to dedicate one hour per week to teaching the local dialect or language, always keeping in mind that the use of such languages must benefit the study and spread of the French language among the students (Art. 2, *autoriser les maîtres à recourir aux parlers locaux dans les écoles primaires et maternelles chaque fois qu'ils pourront en tirer profit pour leur enseignement, notamment pour l'étude de la langue française*⁴⁵⁸). The initiative to offer classes in local languages at the high school and preparatory level (*lycées et collèges*) came not from the schools or the *Conseil Supérieur* but from the teacher himself, spontaneously and voluntarily. In this way, the teacher had no obligation to impart instruction in the vernacular language, but could do so provided that such instruction were requested, and in the case where it were accepted, he could use one or two hours per week from the time dedicated to "activities" (*activités dirigées*) for this purpose (Art. 6). As a means for creating libraries with sufficient bibliography to carry out the course, the article established that,

The teachers will be authorized to choose, from a list prepared by their directors of their academy, the works which, placed in the school library, will permit them to inform the students about the richness of the culture and folklore of their region⁴⁵⁹.

In the normal universities (*écoles normales supérieures*; schools which specialized in teacher training), the optional courses were organized, as much as possible, during the period of professional development, for the training of future teachers who intended to teach in a zone where a local language was spoken (Art. 5). Courses were not only centered on the language and grammar, but took in the folklore, literature and popular arts of the local nation as well. Along the same lines, following consultation with the faculty and university councils (*conseils d'université*), and upon proposal by the National Education Council (*Conseil Supérieur de l'Éducation Nationale*), positions for the teaching of local languages and literatures, such as *ethnographie folklorique*, could be created with credits provided by the Institute of Regional Studies (Art. 7). By virtue of the eighth article the study of these subjects would be taken into account (with no further specification) in the process of awarding undergraduate, graduate and doctoral degrees.

Article 11.b would create a course in Basque language and literature in the Institute of Iberian Studies at the University of Burdeos (*Institut d'Études Ibériques*).

457. Fioux, Paule, *Des langues de la maison aux langues de l'école en milieu plurilingue: l'expérience de La Réunion*, Karthala Editions, Paris, 2001. Pp. 237-239.

458. *Ibid.*

459. *Ibid.*

- a) At Rennes, an institute of Celtic Studies will organize a course of Celtic languages and literatures and of folkloric ethnography;
- b) At the University of Bordeaux and at the Institute of Iberian Studies in Bordeaux, a course of Basque language and literature will be organized;
- c) A course of Catalan language and literature will be organized at the University of Montpellier, at the University of Toulouse, at the Institute of Hispanic Studies in Paris and at the Institute of Iberian Studies in Bordeaux;
- d) A course of Occitan language, literature and history will be organized at each of the universities of Aix-en-Provence, Montpellier and Toulouse⁴⁶⁰.

The course in Basque language and literature was the second university course in Basque to be organized since the end of the War of 1936 in the Basque Country. The first was created in 1943 in the University of the Republic of Uruguay, in Montevideo, by Bingen Ametzaga, who as the head of the Department of Basque Studies of that university, began to give classes in Basque during the 1944-45 academic year and Basque culture in 1951-52. When in December of 1948, René Lafon began to teach the course *On the Origins of the Basque and Their Language* at the University of Bordeaux, he contacted Ametzaga in order to compare teaching methods and academic experiences. Ametzaga responded quickly; while the Basque language was persecuted or excluded from the educational system in its own land, new avenues were opening, little by little, in the universities of the world,

Aritz esker zure eskain atseginagatik. Lan ortan "Hommage a la langue et a la literature basques" eta "Euzko Jakintza"n irakurri ditudan beste askotan, zure jakintza sakona ta zure euskaltzaletasun gogatsu ikusi diteke bereala. Eredua erakusten diguzu guri, Euzkadi'ko semeai. Aurrera, Yauna; gure euskera gaisoak ba-du zure ta zu bezelako gizon argien bearra baita bere seme guzien bearra ere; guziok elkartu ta gaizkatuko al dugu⁴⁶¹.

In spite of the fact that the *loi Deixonne* only recognized four among the many national languages and dialects in the state, that the classes were optional and restricted to one to two hours per week, which basically constituted a tardy, risk-free placebo, the door was opened to the recognition of languages other than the official language. This permitted a timid, but progressive, advance in this direction during the following decades along the lines of the post-war idea of national unity while respecting cultural diversity.

During the first three decades of applying the law, the largest number of positions created was concentrated in the last classes of high school (*lycées*), for two major reasons: the lack of professors with sufficient training and, fundamentally, because the new law broke with a deeply rooted tendency in the State's educational system, *Frenchification*. But in spite of this, distancing itself from the *loi Deixonne*, fruit of the wartime efforts of Bretons, Occitans, Catalans and Basques against the Nazis, from the 1980s on the French state would generate abundant legislation related to the national languages, principally in educational matters.

460. *Ibid.*

461. Carta de Bingen Ametzaga a René Lafon, July 4, 1950.

6. The Last Quarter of the 20th Century (1975-2000)

6.1. The fifth Administrations of the Basque Language in the Spanish State Today: The Basque Autonomous Community, the Three Linguistic Zones of the Historic Community of Navarre and the European Union (1975-2000)
(Asier Barandiaran)

6.2. The Fifth French Republic (1958-)

The death of General Francisco Franco in November of 1975 ended a violent dictatorship that had lasted 39 years (1936-1975). If we take into account that the transition to democracy was controlled at each turn by former members of the dictatorial regime, we must obviously conclude that none of those guilty of war crimes, crimes against humanity or genocide were tried and many of them, principally the high command of the security forces and the army, remained in place. From all of this, it can be deduced that, while an important qualitative political leap was made at the end of the seventies (passing from a dictatorship to constitutional state), in large measure, political values that we could call, at the very least, archaic and unfit for a mature democracy continued and continue to be entrenched in the Basque population and the citizenry of the state in general. Only thus is it possible to explain the existence of violent groups such as ETA (1954-) or GAL (1983-1987) that defended or still defend political positions by means of violence. While the political transition (merely institutional) of such a prolonged dictatorship to a constitutional state occurred in a period of just three years (1975-1978), the transition from a society born and raised on *franquismo* to a society raised in democratic values is a much more complex process that is not even close to completion after 34 years (1975-2009).

Many consequences are derived from this fact, such as a pathological lack of political dialogue which frequently gives rise to inflexible positions and a dangerous tendency to violate certain fundamental rights in order to achieve political objectives. These phenomena are not exclusive to the Spanish state, but rather to any state that has conquered or is suffering a period of transition to democracy. In the matter of language rights, the limited recognition of cultural and linguistic rights and the political attacks that they are subjected to are some of the elements that prove a lack of democratic maturity in a given society. On the other hand, as we will have occasion to see, from a purely legal point of view, great strides have been taken since 1975, albeit with a perpetual bent toward the principle of unity of the state which continues to impose on Spain but also on France, a model of a solitary official language with a superior status over the rest of the languages that exist in those states.

Thus, the *Cinquième République française* beginning in 1958 did not portend any sort of openness in linguistic matters and French continued to be the only official language of the State. However, three facts influenced the development of the linguistic policy of the fifth French republic and, in a way, although later, also in that of the Spanish state: the birth and development of the United Nations and international legislation in matters of cultural and linguistic rights; the creation and development of the European Union and the treaties and resolutions derived from its institutions and, finally, the creation of the Catalan, Basque and Navarrese autonomous states and the subsequent development of language policy in southern Catalonia and southern Basque Country after the end of the dictatorship in the Spanish state. These three factors have succeeded in reining in the barbaric language policies of both states.

Article 3 of the Spanish constitution of 1978 states that *1. Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it. 2. The other Spanish languages will also be official in the respective Autonomous Communities according to their Statutes.* That is, Castilian would be the only mandatory language in the State, the rest of the languages in the State would only be “protected” with a mere “co-official” character. Put another way, Castilian was imposed as the official language in the Basque Country,

knowledge of the Basque language being only optional. The French constitution of the fifth republic (1958) admits only one official language: French.

In the Spanish state, the historical territories of Araba, Bizkaia and Gipuzkoa would be grouped together following the adoption of the statute of autonomy (Ley Orgánica 3/1979, of 18 December) to form the so-called Autonomous Community of the Basque Country (*Comunidad Autónoma del País Vasco*- hereafter CAPV). After the approval of the June 1982 law regarding the reintegration and reform of the legal privilege of Navarre (LORAFNA), Navarre alone constituted an autonomous community, the Historic Community of Navarre (*Comunidad Foral de Navarra*- CFN). The statute of autonomy of the CAPV states in articles 6 and 35 that:

1. Basque, the natural language of the Basque people, like Castilian, will have official status in Euskadi, and all of its inhabitants have the right to know and use both languages.
2. The common institutions of the Autonomous Community, taking into account the sociolinguistic diversity of the Basque Country, will guarantee the use of both languages, given their official status, and will arbitrate and regulate the measures and the means necessary to ensure the knowledge of them.
3. No one can be discriminated against because of language.
4. The Royal Academy of the Basque Language- Euskaltzaindia is the official institution to be consulted in matters relating to Basque.
5. As Basque is the patrimony of other Basque territories and communities, in addition to the links and correspondence maintained by cultural and academic institutions, the Autonomous Community of the Basque Country may request that the Spanish government present for approval before the Cortes Generales, on its (the Community's) behalf, treaties and agreements which permit the establishment of cultural relations with the States where such territories or communities reside, in order to safeguard and promote the Basque language.

The rule legally shapes the character of *Basque's* status in the CAPV based on four parameters:

1. *Shared official status.* The statute of Gernika declares the official nature of both Basque and Castilian conjointly throughout the territory of the Autonomous Community, which means that the languages are equal in legal terms (except for the items established in the constitution regarding the obligatory character of Castilian). This state of equality in legal terms does not correspond to a situation of equality in sociolinguistic or functional terms, which leads to the promotion of Basque (linguistic normalization) for public charges.
2. *Linguistic Rights and Obligations.* The fundamental linguistic rights which re derived from the status of Basque and cited by the Statute (Article 6.1) are: the right to know Basque and the right to use it. Related to knowledge of the language, the Statute of Gernika does not refer to the "obligation" to know Basque, differing from the recent Statute of Catalonia of 2006 which establishes expressly the "right and obligation to know Catalan"⁴⁶².
3. *Basque's character as natural language.* The idea of natural language has

462. This law is in appeal before the Constitutional Tribunal awaiting a decision.

political transcendence inasmuch as it supposes an unbalancing factor in the position of legal equality between the two official languages⁴⁶³. The double officiality is symmetrical insofar as it guarantees linguistic rights, while the concept of “normal language” has to be interpreted as a factor to justify the normative measures which grant preference to the use of the natural language, acting within the framework of guaranteeing linguistic rights.

4. *Linguistic non-discrimination*. Rights must be protected without the citizens being singled out based on the language they employ. The problem is that the principle of equality of languages is essentially legal in nature and must be applied in a context or situation of inequality due to many factors (historical, sociological, political, etc). For this reason, those in public office must institute positive measures in favor of Basque, the disadvantaged language, as an effect of the principle of equality.

In order to develop the provisions of the statute of autonomy law 10/1982, of 24 November, was approved. This is the basic law of normalization of the use of Basque which, after 25 years, remains the regulatory basis on the subject. The *Ley básica de normalización del uso del Basque* declares the following “fundamental linguistic rights”:

- a) The right to communicate orally and/or in writing in Basque or Castilian with the Administration and with any Organism or Entity located in the Autonomous Community.
- b) The right to receive instruction in both official languages.
- c) The right to receive periodical publications, radio and television programs and other media in Basque.
- d) The right to develop professional, political, work- and union-related activities in Basque.
- e) The right to express oneself in Basque in any meeting.

The process of regulating the official status of Basque in Navarre was included in the Declaration of the parliament of the Jurisdiction of Navarre on 3 November, 1980, which said:

First: Castilian and Basque will be the official languages of Navarre. Second. Said principle will be incorporated in the Ordinances of Reintegration and Reform of the Jurisdiction of Navarre (LORAFNA), as well as the complete participation of the Jurisdictional Parliament for its regulation by means of a law.

But it didn't turn out that way. The law of reintegration and reform of the Jurisdiction of Navarre (LORAFNA) establishes in Article 9 that,

463. This is demonstrated upon reading the minutes of the Basque parliament relating to the sessions of debate about the law of normalization of Basque, specifically the sessions of 18 and 29 June, 1982 (in committee) and November (plenary session), in which different political groups took positions on the concept of “natural language”. It can be followed in the publication *Parlamento Vasco, Ley básica de normalización del uso del Basque*, Parlamento Vasco, Gasteiz/Vitoria, 1991.

Castilian is the official language of Navarre, 2. Vascuence⁴⁶⁴ will also have status as an official language in the Basque speaking zones of Navarre. A Jurisdictional law will determine such zones, will regulate the official use of Vascuence and, within the framework of the general Legislation of the State, will order the teaching of the language.

The text resulting from the negotiation among the representatives from the Jurisdictional delegation from Navarre and the central government reflected the positions of the representatives of the Center Democratic Union (UCD) and the Union of the Navarrese People (UPN) that Basque should not be declared an official language of all of Navarre⁴⁶⁵.

Under the protection of LORAFNA, Jurisdictional law 18/1986 of 15 December on Vascuence was approved. This law applies to the three areas referred to by the LORAFNA: it establishes a linguistic division based on three zones, called "Basque-speaking" (*vascófona*) – where the Basque language enjoys the co-official status –, "mixed" – where the Basque language enjoys co-official status but with restrictions –, and "non Basque-speaking" – where the Basque language lacks co-official status. The zones are set based on the territorial limits of the municipalities that the law cites as members of each of the three zones. In the second place, it regulates, with little legislative technique, the official use of Basque in each of the zones; and finally, it acts preferentially regarding instruction.

With relation to the French state, it suffices to say that, as we will have occasion to see, in spite of the advances that have been produced, Basque continues to lack official status in the fifth French republic.

The sociolinguistic reflection of this situation is parallel to the measures adopted in each of the three linguistic environments: Basque is spoken by a progressively greater number of speakers in the Basque Autonomous Community, the use of Basque is increasing moderately in the Historic Community of Navarre and, on the contrary, the use of Basque continues to recede in the Northern Basque Country.

464. Those who drafted the LORAFNA opted to use the euphemistic term "vascuence" to designate the Basque language, thus avoiding the use of the term *Basque* or *Euskera* or, for that matter, the expression "Basque language".

465. Vid., Monreal, G., "Origen de la Ley del Vascuence de Navarra" in *Revista Internacional de Estudios Vascos*, 46-II, 2001, P 522; from the same autor, "La oficialidad del Basque en Navarra" in E. Cobreros (coord), *Jornadas sobre el régimen jurídico del Basque*. IVAP, Oñate, 1990; José Antonio Razquin Lizarraga, *Fundamentos Jurídicos del Amejoramiento del Fuero. Derechos Históricos y régimen foral de Navarra*. Gobierno de Navarra, Iruña, P 439.

6.1. THE FIFTH ADMINISTRATIONS OF THE BASQUE LANGUAGE IN THE SPANISH STATE TODAY: THE BASQUE AUTONOMOUS COMMUNITY, THE THREE LINGUISTIC ZONES OF THE HISTORIC COMMUNITY OF NAVARRE AND THE EUROPEAN UNION (1975-2000)

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To understand the current situation of a minority language like Basque, it may be considered pertinent to carefully observe its sociolinguistic history during the last quarter of the 20th century in the territories or environments where it has existed in one form or another. This period is full of important moments and changes in the Western world where this ancient language survives and taking a glance at the totality of situations in which it is found is a necessary point of departure before delving into more extensive studies. The different treatment received in the various administrative entities in which it is spoken does not appear, a priori, to be something positive for a language which has been, until recent times, in a situation of discrimination, persecution and linguistic weakness. For this reason, taking in the big picture can be helpful in carrying out a diagnosis with greater perspective and a singular vision of the Basque language which is, in fact, a single language. That is to say, we are speaking about a single linguistic system with dialectical variants, but with a unified standard model and not, as has been sometimes claimed, a linguistic diasystem.

The beginning of the temporal segment to be examined in this study, the year 1975, is a moment of great change in the part of the Basque-speaking territories belonging to the Spanish state.

With the death of General Francisco Franco the dictatorial regime that had begun in 1936 (in some places, such as Catalonia, 1939 following the end of the war) came to an end and a process of political transition toward a “democratic” system was begun, including a plurality of political parties with representation in the Parliament, the Senate and, later, in the governments of the autonomous communities, in the delegations and the municipal councils of those communities.

With regard to cultural and linguistic identity, the majority tendency in the Spanish state until 1975 had been to eliminate the differences and reinforce the cohesion of the State with the imposition of a single Spanish culture and language in public administration, education (at all levels), in the media and in cultural expression. It is also true that, at the end of this regime, there were certain signs of aperture and assent (as gestures of “tolerance”) to private and social initiatives in favor of the minority languages (Basque, Catalan, Galician, amongst others) in the areas of culture, education and media. With the death of General Franco (and the consequent collapse of his regime), this popular initiative gathered momentum and enthusiasm, thanks to greater freedom, less censorship and a long held dream of social change.

This fact, to be expanded upon later, would have repercussions in the federal and regional administrations’ treatment of the natural language of two

autonomous communities, the Autonomous Community of the Basque Country (CAPV) and the *Foral* or Historic Community of Navarre (CFN). On the one hand, in Article 3 the Spanish constitution establishes Castilian as official in the whole country as well as the obligation to learn it. On the other, it also establishes that the “other Spanish languages” will be official in their respective Autonomous Communities in accordance with the statutes of each community. But this “co-officiality” never entails (according to the Constitution) the citizens of the territories’ obligation to learn these languages. Finally, the various languages of the Spanish state are considered a valuable part of its cultural heritage and, therefore, must be respected and protected.

In the previously mentioned year 1975, the situation regarding this language in the Northern Basque Country did not experience a change from the central government of France nor from the local administration. The death of General Franco led to a series of changes in the Spanish state, but nothing happened in the French republic to disrupt the continuity of the political and constitutional system. Nonetheless one can say that the Southern Basque Country served as a sort of epicenter and that the “seismic waves” of revitalization, enthusiasm for reviving Basque and affection toward it as a valuable sign of identity reached across the border into the Northern Basque Country.

In Europe the sensitivity toward minority languages and the linguistic rights of the citizens, the peoples and the stateless nations has been increasing. In this context, the Council of Europe approved the European Charter for Regional or Minority Languages in 1992. But the consequences of this important step remain outside this analysis as the Spanish state did not ratify it until 2001 (and the period here addressed ends in 2000).

This chapter, therefore, offers a general view of the evolution in the treatment of Basque in each territory and, in this way, the comparative aspect may be facilitated.

6.1.1. Autonomous Community of the Basque Country (CAPV) — Euskal Autonomia Erkidegoa (EAE)

The Spanish state, after the institution of democracy, began to be ruled by a Constitution which was ratified in 1978. Before the approval of the constitutional text, in the Basque Country there was a pre-autonomous situation. In 1976, the so-called Mayors Movement asked the sometimes head of state, Juan Carlos Bourbon, to institute bilingualism in the following terms: “it is absolutely indispensable for it, as a factor of integration and development, the recognition of Basque as an official language”.

The Spanish Constitution (CE) of 1978 approved by referendum (in the Basque Country abstentions exceeded the votes in favor) permits a certain degree of decentralization by means of the autonomous communities which are sub-state entities with legislative and executive institutions. These autonomous communities have the ability to designate and apply their own policies, among which is the linguistic policy regarding their natural languages.

In that which concerns the languages of State territory, Article 143 of the Constitution alludes to the cultural (and linguistic) aspect as fundamental for political autonomy. Relative to the autonomous linguistic policy, Article 3.2 of the CE declares the “other languages of Spain” different from *Spanish* or Castilian

to be official (in their respective autonomous communities, according to their statutes) (Urrutia 2007: 173).

The Statute of Autonomy of the Basque Country (Ley Orgánica 3/1979, of 18 December), called the Statute of Gernika becomes the “Constitution of the Autonomies” in the territory which will later be the Autonomous Community of the Basque Country (CAPV). It was ratified by referendum in October of 1979 in Araba, Bizkaia, and Gipuzkoa. Thanks to this Statute, aspects such as linguistic policy, education and the promotion of mass media, factors so important to the process of linguistic normalization in this bilingual territory, would fall within the jurisdiction of the new autonomous government.

By means of the Statute of Autonomy, “Basque, the natural language of the Basque People, will have, like Castilian, official status in the Basque Autonomous Community, all of its inhabitants have the right to know and use both languages”. The co-officiality, therefore, is for the entire territory, and it is established that no citizen can be discriminated against because of his linguistic choice.

Later on, the Basque Parliament passed Law 10/1982 of 24 November, or the Basic Law of Normalization of the Use of Basque (LNE). In it, they express the necessity for the CAPV to take measures to ensure the development and normalization of the natural language of the Basque People as part of their heritage. The basis of the linguistic rights of the citizens of the community and the duties of the government in linguistic matters are thus established.

The LNE regulates the use of Basque by the Administration in different environments and activities (internal and external). It foresees, among other measures, a progressive “Basquification” of the personnel in public administration. It also regulates the use of Basque in education, taking measures for the acquisition of both official languages and for the training of the teaching pool. Relative to this labor, Article four treats adult education in Basque as well as literacy training in the maternal language. The use of Basque in mass media is also subject to regulation by this law. Finally, in the Additional Disposition the establishment of links with other institutions or powers that act outside of the CAPV to carry out or support activities related to Basque.

The enforcement of this law would have to take into account the sociolinguistic situation from which the various zones of the Basque Autonomous Community started. At the beginning of the 1980s (1985) there were zones in which more than 80% of the inhabitants were bilingual, but only 4.2% of the population of CAPV lived in them. However, more than 55.9% of the population of the Community lived in cities or areas where monolingual Castilian speakers were greater than 80% of the total.

To be sure, thanks to different measures and due to the initiative of thousands of citizens, the process of Basquification yielded its first fruits by the end of the 1980s. The Population and Housing Census started to collect linguistic data about the inhabitants beginning in 1981. From the surveys about linguistic competence collected by those census a typology of three groups was determined:

- *Euskaldunes* (Basque Speakers): able to speak and understand Basque.
- *Cuasi-euskaldunes* (Almost Basque Speakers): some active competence or simply passive in Basque.
- *Erdaldunes* (Spanish Speakers): no competence in Basque.

Taking into account the first census and the two which followed (1986 and 1991), we have this table which shows the linguistic competency of the inhabitants of the CAPV.

	1981		1986		1991	
	n°	%	n°	%	n°	%
ARABA						
Euskaldunes	9.693	3,9	17.424	6,7	22.995	8,6
Cuasi-euskaldunes	23.792	9,5	43.997	16,8	53.581	20,0
Erdaldunes	216.302	86,6	199.807	76,5	190.981	71,4
Total	249.797		261.228		267.557	
BIZKAIA						
Euskaldunes	171.684	14,9	201.709	17,5	215.219	18,9
Cuasi-euskaldunes	154.722	13,4	205.696	17,8	233.264	20,5
Erdaldunes	829.372	71,8	746.784	64,7	687.875	60,5
Total	1.155.778		1.153.989		1.136.358	
GIPUZKOA						
Euskaldunes	266.779	39,5	294.691	43,7	305.403	45,9
Cuasi-euskaldunes	122.366	18,1	114.423	17,0	123.691	18,6
Erdaldunes	286.746	42,4	265.644	39,4	235.918	35,5
Total	675.891		674.778		665.012	
CAPV						
Euskaldunes	448.156	21,5	509.819	24,6	543.617	26,3
Cuasi-euskaldunes	300.885	14,5	364.116	17,4	410.536	19,8
Erdaldunes	1.332.420	64,0	1.212.055	58,0	1.114.774	53,9
Total	2.081.461		2.089.995		2.068.927	

Source: Asier Barandiaran.

In all of the territories (and, as a consequence, in the total), in spite of the decrease in population, the number of *euskaldunes* and *cuasi-euskaldunes* increases. That of *erdaldunes*, however, decreases in this period mostly because many monolingual Castilian speakers acquire some competence in Basque or become completely bilingual.

The Basque language in Education

Education, thanks to the measures taken to promote bilingualism, experiences a change in few years.

Until 1975, teaching Basque or immersion in Basque in primary schools was promoted only by the Ikastolas (social initiative). The autonomy of educational matters in the Basque Country, the promotional measures and the parents' choice set students of all levels, but particularly the earliest years, on

the path of Basquification. This tendency has continued in the 21st century.

To get an idea of this evolution, it is necessary to point out that the models which partially or nearly completely use Basque as the language of education were (and still are) model B and D, respectively. Model A uses Castilian but has Basque as a subject. In Model X, however, Basque is completely absent (during the Franco regime, this was practically the only option).

These are the data on Preschool and Basic General Education enrollment in the public schools in the CAPV during this period.

	Year 1980/81		Year 1985/86		Year 1990/91	
	number	%	number	%	number	%
Total number of pupils	205.885		183.264		155.366	
Model X	121.797	59	4.856	2,65	327	0,29
Model A	71.760	35	134.892	73,6	67.674	52,57
Model B + D	12.328	6	43.516	23,75	60.692	47,14

Source: Asier Barandiaran.

The same models in private schools provide these data:

	Year 1980/81(*)		Year 1985/86		Year 1990/91	
	number	%	number	%	number	%
Total n. of pupils	139.733		135.906		111.619	
Model X			4.593	3,4	3.129	2,8
Model A			111.174	81,8	80.504	72,12
Model B + D			20.139	14,8	27.986	25,51

(*): ⁴⁶⁶ Source: Asier Barandiaran.

One observes that the loss of students in the total count (the birthrate in the CAPV experienced a decline in this period) does not coincide with a loss in absolute or relative numbers in the bilingual models. On the contrary, the increase in students, in both raw numbers and as a percentage of the total, continues.

In this period the *Ikastolas* had a different status than the schools in the public or private networks as they taught (and teach) practically all of the subjects offered in Basque.

In the university sphere, the creation of the University of the Basque Country/Euskal Herriko Unibersitatea (UPV/EHU) is worthy of note. The university gave itself several statutes that were approved by Basque Government decree 70/1985 of 18 March. Title Eight, Articles 241-257, of these statutes regulates the use of the official languages in the UPV/EHU. Among other provisions, there was a decision to have a Vice-Rector of Basque “charged with promoting and coordinating the actions directed at the development and normalization of Basque in the University”.

At the beginning of the 1990s (academic year 1992-93) there was

⁴⁶⁶ Data on the exact distribution of students in the different models were not collected at this time.

already a Basque track, composed of students that pursue their studies in that language. During that period, 13.7% of the students chose that track. The following term (1993-94) the figures rose to 19.6% (while the number of students that define themselves as euskaldunes in this period was greater, 24.2% of the total).

The Basque language in the mass media

Article 20 of the Spanish constitution foresaw that pluralism (including linguistic pluralism) must be promoted in the media as well: "The Law will regulate the organization and parliamentary control of the media of social communication which depend on the State or on any public entity whatsoever and will guarantee access to said media by social groups and significant politicians, respecting the pluralism of the society and the diverse languages of Spain" (Article 20.3, CE). *Radio Televisión Española*, nevertheless, does not comply in deed with the linguistic pluralism that it must promote. Not even in the territorial and/or regional breaks.

There seems to be a tacit agreement that the titular media of the autonomous community should occupy itself with everything related to their languages. At least that is what happens with Basque in the period that concerns us. In fact the Statute of Gernika establishes that the autonomous entity of the Basque Country "will be able to regulate, create and maintain its own television, radio and press and, in general all media of social communication to achieve its ends" (Article 19.3 of the Statute of Gernika). Article 5 of the Law of Normalization of Basque of the Basque Parliament proclaims the "right to receive periodical publications, radio and television programs and other media in Basque" (Article 5.2.c LNE).

Things being as they are, the Basque Parliament ordered the law of creation of the Basque Public Radio Television Entity and *Euskal Telebista*. The first broadcast of *Euskal Telebista* (ETB⁴⁶⁷) was on 31 December, 1982 and on 1 January, 1983 the broadcast went on with certain continuity and a progressive increase in the programming. The first broadcasts were in Basque, with some Castilian presence at the beginning. Starting in May, 1986 ETB2 which broadcasts in Castilian was created while ETB1 continued to broadcast only in Basque. By 1991, ETB had complete coverage in the CAPV and partial coverage in the Historic Community of Navarre. On the radio, Basque public radio, *Euskadi Irratia*, broadcasts exclusively in Basque and is received in all of the CAPV, CFN and in the Northern Basque Country. Other radio stations also feature programming partially or completely in Basque.

In the written press, following democracy, various newspapers have featured partial coverage of the news and sections in Basque. In 1991, the first Basque-only newspaper was created: *Euskaldunon Egunkaria*. All of this contributed to normalization and gave the language certain prestige in the final decades of the 20th century, making Basque a language in which news and topics of interest to the contemporary world are transmitted, causing many to see it as a language with presence in modern society.

⁴⁶⁷. ETB forms part of Euskal Irrati Telebista (EITB) which also includes Basque public radio in Basque (Euskadi Irratia) and Castilian (Radio Euskadi).

It is impossible to summarize the impact of the last aspect to be treated in this section: private social initiative, just as, if not more, important as public initiatives and indicative of social dynamism. This reference from Amorrortu (2003: 45) can serve as a sketch:

In addition, private groups, such as Euskal Herrian Euskaraz (EHB) "The Basque Country in Basque", Euskal Kultur Batzarrea (EKB) "The Congress of Basque Culture", and local groups such as Arrasate Euskaldun Dezagun (AED) "Let's Basquize Arrasate", also work to promote the status of Basque trying to change social attitudes.

Navarre and its linguistic zonification

The Delegation of Navarre, an organism that functioned with a certain degree of individual initiative under the Franco regime and even made certain gestures of support and promotion of the Basque culture in Navarre, tried to follow a different path than the other communities to form a new self-government. It was decided to take advantage of the historical rights recognized in the First Additional Disposition of the Spanish constitution in relation to the Law of 16 August, 1841 (Monreal 2001: 521). In this way they reaffirmed the image of continuity with a system of privilege that had supposedly survived through various regimes (republic, Franco's dictatorship, constitutional monarchy...).

In 1979 they presented Ordinances for the distribution of functions among the organisms of the government of Navarre to the Parliament. The composition of the divisions as well as the forms of elections were addressed, but several of the governments charges, among them the linguistic policies of the languages of Navarre were left without regulation. This gave rise to a series of protests (that of 19 March, 1980 stands out) with corresponding manifestos and resolutions. In July of the same year there were intense debates about the Ordinances in the Navarrese parliament regarding the incorporation of the Basque language into the educational system of Navarre. There were political forces in Navarre that opposed declaring Basque an official language while others proposed that both Basque and Castilian be official. The nationalists reached an agreement with the Socialist Party of Navarre in Parliament (realized in a Resolution of 3 November, 1980) so that: a) Castilian and Basque would be official languages in Navarre and b) said principle would be incorporated into the Ordinances of Reintegration and Reform⁴⁶⁸ for its regulation by means of a law (Monreal 2001: 522). These Ordinances would have to be negotiated with the central government and after that negotiation, due to pressure from the Navarrese right, official status for Basque was restricted to "Basque-speaking" zones of Navarre. In fact, the negotiating committee was formed of representatives from the Jurisdictional delegation, not parliament members. This resolution of the Parliament was therefore not completely adhered to. Thus was erected the criterion of zonification (embodied in Article 9 of the Reform) which would create and continues to create problems

468. "La Ley Orgánica de Reintegración y Amejoramiento del Régimen Foral de Navarre (abbreviated simply as the Reform or LORAFNA, of 10 August, 1982, is a law which grants self-government to Navarre, or jurisdictional rule, within the autonomous design promulgated by the Spanish constitution of 1978 and equivalent to the Statutes of Autonomy. It was modified by Ley Orgánica 1/2001" in wikipedia. org.

for the respect of Navarrese linguistic rights and does not protect a flexible linguistic policy adjusted to the sociolinguistic necessities of the inhabitants who are subject to evolutions and changes in linguistic demands. On 15 March, 1982 this proposal was finally approved, by then modified, to Castilian as official in all of Navarre and Basque, co-official in the Basque-speaking zone. This became Article 9 of the Reform.

In fall of 1986, the Socialist Party of Navarre, presided over by Gabriel Urralburu, presented a project that: a) established the official nature of Basque in the Basque-speaking zone and b) created a special regime of fomentation in the mixed zone of Navarre. Every party presented amendments to this project (a total of 141 partial amendments and 3 to the whole thing). It was clear that this linguistic law, unlike what had happened in other communities, did not have an ample consensus about the linguistic rights of the Navarrese. The final text of the Jurisdictional Law of Basque (LFV), agreed upon by the PSN, the Union of the Navarrese People and the Popular group (leaving the moderate and left-wing nationalists out of the agreement) resulted in the zonification or division of Navarre in three territories:

1. Basque-speaking zone, which comprised 56 cities and towns in the northwest of Navarre.
2. Mixed zone, formed of 48 municipalities.
3. Non-Basque zone, comprising the rest of the municipalities.

The basis for a linguistic policy in the area of official use of Basque (in Administration), in education and in the media were established. Among its objectives was guarding the linguistic rights of the citizens of the community and “protecting the recovery of Basque in Navarre, indicating the measures for its encouragement and use”.

Therefore, as a consequence of this law and unlike what occurred in the Basque Autonomous Community (CAPV) (which normalizes the use of the same language, Basque, in the public sphere) and what happened in other communities of the Spanish state, not all Navarrese could, nor can they now, exercise their right to use either Basque or Castilian in their interactions with the public administration, nor will they be attended to in the language of their choice. The citizens of Navarre also lack the legal right to receive education in Basque and Castilian in the various levels of instruction. Amongst other reasons, the Navarrese administration will not take the initiative to create a school which uses Basque as the language of instruction, nor will knowledge of the language be required for functionaries of the various centers that depend on that administration.

The LFV took effect when the Historic Community of Navarre (CFN) still didn't have authority in educational matters. Therefore, the schools which offered models in Basque in Navarre would have to negotiate course content with the Ministry of Education of the central government together with the Basque Educational Service. Some of these schools –which, being outside the Basque-speaking zone, were not technically legal but could not be considered illegal either –suffered a period of a-legality. Authority in education was conceded to the government of Navarre in 1990.

The reaction in the Basque speaking world was negative. *Euskaltzaindia*, the Academy of the Basque Language expressed its concern and complaint because, among other reasons, "the Navarrese are deprived of the official status of what in legal terms is called a personal right in favor of an absolute interpretation of territorial rights by confining the language to certain zones". The Navarrese Federation of *Ikastolas* also expressed its rejection: "We reject and condemn in its entirety the law that the government of Navarre wishes to promote, given that Basque is the historical patrimony of all the Navarrese".

The Partido Socialista de Navarra (Socialist Party of Navarre, PSN), in the government of Navarre at the time, began to put the law into practice, with considerable acts and concrete plans (some positive, it must be said) for fomentation, although they rejected certain measures aimed at linguistic normalization during their tenure. After the autonomic elections in 1991, the regionalists of Unión del Pueblo Navarro (Navarrese People's Union, UPN), with Juan Cruz Alli as president, came to govern the Community of Navarre and continued to consolidate the acts already begun by the previous administration. They promulgated decree 70/1994 to better regulate the application of the law. Curiously, the most ferocious attacks were made by people who supported the government: Jaime Ignacio del Burgo and José Ignacio Palacios who considered it unconstitutional. The Judicial Assessors, however, concluded that the decree did not impinge on the judicial ordinances. However, this decree was annulled and replaced by another: 135/1994 which included some restrictive modifications which the sector of UPN that was most belligerent toward Basque had proposed.

Be that as it may, in 1995 there was a new government in Navarre. This was a coalition government between PSN, *Convergencia de Demócratas de Navarra* (Convergence of Navarrese Democrats, CDN) and *Eusko Alkartasuna* (Basque Union, EA). This government published a plan of improvement for the linguistic normalization of the administration and took some measures to apply the former decree (135/1994) with a reading favorable toward the use and normalization of Basque in the administration of the community.

This decree (135/1994) had a limited lifespan as in December of 2000 another new decree (372/2000) appeared in order to "revise" the precepts of the former one. At this time, UPN was once again the party which governed Navarre. The motives for a restrictive revision contrast with the needs of the community and Navarrese sociolinguistic change which points to more speakers, a better attitude of the population toward Basque and greater demand for posts in Basque-Castilian bilingual education (in preschool, primary and secondary schools and in the universities of Navarre).

After these initial considerations and historical notes, the treatment that Basque has received and the application of this law since it came into effect in 2000 remains to be described.

All this policy and, above all, the initiative and will of the citizens, has carried with it data and an evolution in the linguistic competence of the Navarrese. We focus on the data regarding the *Euskaldunes* (Basque

Speakers) and *cuasi-Euskaldunes* (Almost Basque Speakers) in the following table:

	1986 ⁴⁶⁹	1991	1996
	<i>Euskaldunes and cuasi-euskaldunes</i>		
Navarre	15%	16,5%	19,4
Basque-speaking zone	68%	73%	68,3
Mixed zone	13%	14,6%	18,4
Non Basque-speaking zone	2%	1,9%	1,4

(*)⁴⁶⁹ Source: Asier Barandiaran.

The zone which experienced the largest increase in *Euskaldunes* and *cuasi-Euskaldunes* was the mixed zone (in large part thanks to the controlled teaching and adult literacy programs), which included the largest portion and the largest population density in Navarre. Also, linguistic recovery had a greater effect in younger age groups, which seems to indicate that survival is better assured than in previous decades.

The Basque-speaking zone of Navarre

The use that the LFV granted to the official languages of Navarre in the Basque-speaking zone barely differed from the use in the autonomous communities with a natural language where a linguistic law had been developed, as the languages (Castilian and Basque) had the same official status. Appropriate measures needed to be taken in order for citizens to interact with the public administration in the language of their choice (without being discriminated against for it).

Therefore the Navarrese administration had to train (in case they weren't) its functionaries and workers so that they could use both languages and it had to specify the positions for which knowledge of Basque would be (and is) mandatory, while for the rest of the positions such knowledge would be considered a qualified merit.

Also, thanks to the "Plan of Improvement" of 1995, it was ordered that all interior and exterior signage of administrative offices, as well as letterhead, official stamps and seals, traffic signs and publicity must be bilingual.

With regard to education, the LFV recognizes the right of parents to choose the educational system and linguistic model that they want. The choice of the majority has leaned toward the Basque immersion model (model D, in which, in addition to teaching Basque and Spanish, Basque is used as the language of instruction in the other subjects). This is seen in enrollment data in models D, A and G of preschool and primary school education in this zone (in percentages):

⁴⁶⁹. The five year census of 1986 was the first to include linguistic questions. The answers of the Navarrese in this census help us to visualize the state of the language at that moment.

	Year 88/89	Year 98/99
D (in Basque)	48,37	82,8
A (in Spanish with Basque)	43,02	17,2
G (in Spanish)	8,61	0

Source: Asier Barandiaran.

As for the mass media, citizens, associations and social entities took the initiative to put in place journalistic and informative projects in which the presence of Basque would be patent, as it was in the knowledge and use of the inhabitants of the Basque-speaking zone. The freedom of expression and of the press that democracy brought in the Spanish state was one of the triggers for this social initiative. To cite a representative publication, in the zone of Cinco Villas the magazine *Ttipi-ttapa*⁴⁷⁰ appeared in 1981, completely in Basque, which little by little expanded to the valley of Baztan, to the region of Malerreka and to Leitzaldea. In the same year, the local radio station *Xorroxin Irratia* began broadcasting in the valley of Baztan. After difficulties, changes of location, sanctions and various closures, it acquired a legal license to broadcast in 1998. Well into the 1990s, other stations in Basque followed in the Basque-speaking zone (*Aralar Irratia, Karrape Irratia, Esan-erran Irratia, Beleixe Irratia...*).

The Mixed Zone of Navarre

One aspect that characterizes the mixed zone is the fact that the capital of the province, Iruñea/Pamplona, is located there and this carries with it various consequences: a) the central administration of the territory is located in this zone and citizens of all three linguistic zones come to it or have relations with it; b) numerous Navarrese institutions (both public and private) are based here; c) it is the most populous zone of Navarre.

A singular fact is the initiative that the Jurisdictional Delegation of Navarre has taken (even during Franco's dictatorship) regarding certain questions of preservation and promotion of the Basque language. In 1964, for example, it approved and financed the creation of a class in Basque Language and Culture at the University of Navarre (whose campus is in Iruñea/Pamplona). In 1977 it had more than 200 students enrolled in courses in Basque. In the same university a special degree was created in 1996: Diploma in Basque Studies, which included in its course of studies classes in and about Basque.

Continuing in the realm of the university, it is worthy of note that after the creation of the Public University of Navarre by decree of the government of Navarre in 1987, important academic offerings began to exist in the academic sphere (although, according to many they have not completely responded to the actual demand of the society in general, nor of the students in particular). Title 5 of the statutes approves in 1995 (Articles 102-109) articulate the presence of Basque in university life. Among other dispositions and measures, it is declared that a Commission of Linguistic Normalization and Basque Technical Unit will be created.

The LFV does not establish the official status of Basque in this linguistic zone although the citizens do have the right to address the public administration

470. With an initial run of 6,300 copies.

in Basque. What the law doesn't ensure is that the oral or written response will be in that language. To ensure the aforementioned right of the citizens, the administration would have to indicate in job postings which positions required knowledge of Basque and for which would it be considered a valuable skill.

The law does not establish an obligation to learn Basque (for example, as a class, as in the case of model A) nor to learn in Basque (as in models D and B). But it does affirm that it will incorporate instruction in this language in a "gradual, progressive and sufficient" manner, by means of the creation of tracks in schools which request them. They must be, then, already existing schools (having demand for enrollment in these models) that decide to have one of the models in Basque (either D or B). In many cases it has happened that one school will have students in a model D track and others in a Castilian model. The initiative, in these cases (as in other applications of the law in the mixed zone) has been grassroots: it has not come from the administration.

There are some data on the evolution of demand for the linguistic models in the mixed zone (in percentages):

	Year 1988/89	Year 1998/99
D (in Basque)	13,36	25,2
A (in Spanish with Basque)	1,44	19,3
G (in Spanish)	85,2	55,5

Source: Asier Barandiaran.

The administration does not do any advertising to encourage parents to enroll their students in the models that offer Basque detailing the pedagogical and cultural benefits and the social cohesion of them.

Various media corporations have their principal seat in this linguistic zone. Among them, *Radio Televisión Española* (RTVE, Spanish State Television) has a territorial center in Iruñea/Pamplona which began regional broadcasts in 1981. Programs limited to Navarre were produced there. At the end of the newscast *Telenavarra* which was produced by this center, the day's headlines were announced in Basque, which amounts to less than 5% of the total news broadcast. In Navarre, it does not appear that this has produced a meaningful contribution to this language, which is to be the object of respect, protection and encouragement, as proposed by the CE and LFV.

The government of Navarre has refused to create an autonomous channel. In this situation, the heads of EITB (Basque Public Television) proposed reaching an agreement with the government of Navarre regarding collaboration to offer specific programming in Navarrese territory, but this proposal was roundly rejected by the Navarrese government. Despite this, a repeating antenna was placed on the summit of San Miguel de Aralar Mountain so that the reception of ETB reached part of Navarre better. This made it possible for ample television programming in Basque (that of ETB1) to reach bilingual Navarrese viewers. Public radio from the CAPV, which broadcasts in Basque, *Euskadi Irratia*, was also heard in a large part of Navarre.

Radio in Basque in the mixed zone would deserve a rather extensive chapter, but due to the limitations necessary for this analysis, I will briefly describe the case of *Euskaleria Irratia*, which is based in Iruñea/Pamplona. After

creating an association to support it (which reached 900 members), it began to broadcast to the *Comarca de Pamplona* or *Iruñerria* in November of 1988. In spite of presenting their case at two public calls for the awarding of radio licenses in 1990 and 1998, they were not awarded a license. The denial of the licenses by the government of Navarre caused great controversy and the issue became a matter for the Parliament of Navarre and was taken to the tribunals.

As for the written press, the *Diario de Navarra*, the newspaper with the largest circulation then and now, had a weekly page dedicated to publishing the news in Basque which was called *Nafar Izkuntzan Orria*. The newspaper *Navarra Hoy*, for its part, had included news in Basque several days per week since its creation in 1982. Also, from February of 1987 to May of 1990, it published an 8-page weekly supplement, *Nafarroa Gaur*, entirely in Basque. The journal which appeared after the disappearance of *Navarra Hoy*, the *Diario de Noticias*, from its first issue (8-IV-1994) dedicated one or various pages several days a week to publishing all kinds of news in Basque. The daily *Euskaldunon Egunkaria*, which was based in Gipuzkoa, charged several Navarrese journalists with the writing and edition of a supplement that was to be called *Nafarkaria* and that, except for its printing, was to be produced entirely in Iruñea/Pamplona. Its publication began in December, 1991, and until the end of the century it received assistance from the Directorship of Linguistic Policy of the Government of Navarre. A change in the legal requirements to receive assistance from the administration resulted in an end to the subsidy provided to the supplement in 2001 and its subsequent demise.

Numerous magazines and publications which presented information in Basque appeared in the final decades of the 20th century. A network and a dynamic formed amongst them which, despite its limitations and difficulties, paved the way for the normalization of Basque in the CFN.

In 1992 a study was carried out addressing the sociocultural activities that the euskaldunes of the mixed zone performed and it was proven that 62% of the euskaldunes of the mixed zone watched (with differing frequency) the television channel ETB1, 43.4% listened to the radio in Basque and 38% read (with differing frequency) the newspaper in Basque *Euskaldunon Egunkaria*.

The Non Basque-speaking zone in Navarre

As for their relations with the administration, the “citizen’s right to address the public administration of Navarre in Basque is recognized.” As it is very possible that the workers and functionaries don’t know Basque (because it is not required nor weighed in their favor to acquire the position in this linguistic zone) the administration “may require translation in Castilian from the interested party or utilize translation services” of the administration itself. This can create the farcical situation (as well as degrading for linguistic rights in Navarre) that a Navarrese person may ask something in Basque in the city hall of La Rivera (Southern Navarre), for example, and not be sanctioned, ticketed or denounced for it. Of course, if he wants a response, he will have to translate his oral or written request into Castilian himself or, if he prefers, he can ask for help from the translation service located in Iruñea/Pamplona.

As has already been mentioned, a consequence of the LFV in the non Basque-speaking zone was the impossibility of offering a linguistic model in

Basque in the public schools. The legal normalization of the Ikastolas was also impeded in this zone and they operated in a situation of a-legality. Despite this, they received an official subsidy through the Linguistic Policy Service of the Government of Navarre, an organism created in connection with the Law of *Vasculaire*.

These are some data of parents' demand for linguistic models in the last quarter of the 20th century:

	Academic year 88/89	Academic year 98/99
D (in Basque)	1,35	4,71
A (Castilian with Basque)	0	29,12
G (in Castilian)	98,65	66,17

Source: Asier Barandiaran.

The LFV states that it will support the teaching “of” Basque according to demand. At no time does it say that teaching “in” Basque will be supported; that is to say, using Basque as the language of instruction. Nor does it declare that this will be carried out in public schools. It implies that it will subsidize private schools, according to the “demand”, which gives way to ambiguity and a lack of concrete action.

In 1992, 53.8% of the inhabitants of this linguistic zone were in favor of teaching children in a model which included Basque. On the other hand, 16.4% were against the study of Basque in schools and high schools (*colegios*).

Any linguistic policy which seeks “to protect the recovery and development of a minority language”, as Basque is in Navarre, would have to consider that education alone is an insufficient measure if it does not make other conditions favorable (improve the prestige, make it useful in public and institutional life, increase the presence in mass media, provide conditions for the language to be the vehicle of culture as well as humor...). Providing these conditions for this language in the non Basque-speaking zone has been almost exclusively the work of popular initiative: people, groups, associations which by means of volunteerism, frequently without institutional support, have realized many initiatives.

Attitudes and Opinions about the Promotion of the Basque language in Navarre

In 1991, the first sociolinguistic survey (*Euskararen Jarraipena –The Continuity of Basque*) was performed and taking data from all of Navarre (without specifying by zone), there were many people who were indifferent or even against the measures to promote Basque in Navarre: 54% declared themselves against them. Only 22% of the Navarrese were in favor, while 24% were indifferent.

Questioned about concrete measures to promote the language, this is how the Navarrese responded in 1991:

	Agree	Disagree
It is essential that all children learn Basque.	29%	53%
All radio and television stations received in the province should have many more programs in Basque.	31%	43%
To enter public administration of Navarre, it should be necessary to know how to speak Basque.	25%	63%

Attitude of the Navarrese toward three measures to promote Basque. Source: Asier Barandiaran.

Therefore, in addition to the legal limitations, at the beginning of the 1990s a bilingual language policy would encounter attitudes that weren't very receptive from a section of the Navarrese population.

In 1996, when the following survey was completed (in which the Directorship of Linguistic Policy of the Government of Navarre also took part) this aspect was evaluated for each linguistic zone. These are the attitudes toward the promotion of Basque in the different linguistic zones of Navarre (in percentages).

Year 1996	All of Navarre	Basque-speaking Zone	Mixed Zone	Non Basque-speaking Zone
Very in favor	13	36	13	6
In favor	25	42	31	12
Neither in favor nor against	30	17	33	29
Against	22	3	18	33
Very against	10	2	5	20

Source: Asier Barandiaran.

While the position against the measures to promote Basque continued attract a sizeable portion of the population (22%), it lost considerable ground versus the 1991 figures. Also the percentage of Navarrese who are interested in promoting the *lingua navarrorum* grew noticeably (from 22% to 38%). This tendency, albeit with less vigor, will be maintained in the results provided by the linguistic surveys of 2001 and 2006 which remain outside the scope of this segment.

Europe

Europe is a multilingual continent. Many more languages exist and continue living in Europe than the number of states that make up the continent

ould suggest. There are currently almost 100 languages⁴⁷¹, although this number is much larger on other continents or in other states with a greater number of languages spoken. The European Union currently has 27 member states and 23 official languages. At present, conscious of this cultural and linguistic diversity, “the European Union does not want to be a melting pot of differences, but rather a space that appreciates diversity as a source of richness.”

As the 20th century progressed, several types of linguistic prejudice and chauvinism, based on ideas about the relative worth of languages began to fall away in institutional spheres. The social and/or cultural hegemony which fostered (in some cases continue to foster) discriminatory measures with regard to European languages which were not considered worthy of care, respect or promotion has declined. Linguistic Darwinism, and its consequent discriminatory action against languages that don't have a solid social, economic or political context, even if they figure largely in the discourse of many European intellectuals, is no longer in vogue. In fact, the term “national language” to refer to the 23 previously mentioned, is also in disuse because a) in the European countries, affirming that a state always equals a nation is a notably debatable political opinion; b) among the member states, even having an official language in the entire territory, there are other languages which are official in part of said territory and considered symbols of national identity for the linguistic community that speaks them, though that community may be bilingual (because they also know the state language) or multilingual.

But it must be remembered that the process which produced the European Union originated from economic and security concerns following World War II. In this process, the state-based vision of Europe has been dominant. In fact, from the first steps in this process, starting with the so-called European Communities, the attention to languages has largely been to define and enumerate the official languages which serve to authenticate European treaties and to outline the working languages of the various institutions of the European Union. As would be expected with these premises, the chosen official languages have been exclusively the state languages of the member states. Never are languages which are official in only a part of these states recognized as official or working languages of the European Union.

However, the sensitivity, respect and encouragement of cultural and linguistic diversity have increased in the past few decades. The most outstanding measures and steps taken have happened in the 21st century, which places them outside of our study in this chapter.

A few steps (1975-2000)

It does fit to point out, however, certain precedents and bases which allow minority languages that are official in part of a state, such as Basque, to find

⁴⁷¹. 94 languages currently spoken, according to wikipedia. It must be noted, however, that counting languages is a difficult business for various reasons. For example, there are linguists who consider the division between Portuguese and Galician as two different languages as being due to political concerns since, according to these linguists, they are two dialects of the same language. The same linguists say that the Catalan spoken in Catalonia and that spoken in Valencia are two variants or dialects of the same language, while there are Valencians who insist that they are two different languages.

themselves protected, defended and in possession of a space of activity by means of the use by their speakers and the execution of their linguistic rights.

The European states, being members of and taking part in the General Assembly of the United Nations, support the Universal Declaration of Human Rights (1948) and in that document the right to use one's own language or that with which one (self-) identifies appears as "inalienable". No one must be discriminated against in any way because of using this right.

In 1950, under the auspices of the Council of Europe, the Convention for the Protection of Human Rights and Fundamental Freedoms was created. All members of the Council of Europe are part of this Convention and new members must ratify it before their membership can be approved.

Article 14 of this Convention declares that no citizen may be discriminated against because of sex, race, color, language or religion (among other criteria). It is the embodiment of the second article of the Universal Declaration of Human Rights of 1948 in which it is affirmed that all humans possess all of the rights and liberties contained in the declaration, without distinction with regard to race, color, sex, language, religion, political opinion, national or social origin, property, birth or other situations.

Council Regulation number 1 of 15 April, 1958 of the European Economic Community initially established that the official and working languages were to be: German, French, Italian and Dutch. Since then treaties and the Official Bulletin of the Community would have to be published in those four languages. Currently, treaties appear in all 23 official languages.

In 1992, the Council of Europe approved the European Charter for Regional or Minority Languages. The principles on which it is based are of great interest for European minority languages and, of course, for the Basque language because: a) it seeks to promote linguistic diversity; b) given the principles of plurality and democracy, it attempts to support the activities of regional and/or minority languages.

This important act did not clear the way for languages which are not official in the totality of the member states to be commonly used. The second paragraph of Article 102 of the Internal Regulations of the European Parliament says that "interventions in one of the official languages will be subject to simultaneous interpretation in each of the other official languages and in any other language that the Board deems necessary (version of 07-XII-1995). Therefore, the possibility exists that the Board may authorize simultaneous translations in languages not classified as official or working languages, which has permitted, on special occasions, direct use of some of these non-official languages (of the European Union, that is) in certain sessions of the Parliament. In point of fact, Basque was not heard in the Parliament until 2005⁴⁷².

In 1996, the Universal Declaration of Linguistic Rights was signed in Barcelona. This Declaration was contextualized in the World Congress on Linguistic Rights and was an initiative of the Translation and Linguistic Rights

472. In a session of the Regions Committee (16 November, 2005), representatives of various autonomous communities of the Spanish state used the co-official languages of their respective communities –Basque, Catalan and Galician –in the proceedings.

Committee of PEN Club International⁴⁷³ and of CIEMEN (the Escarré International Center for Ethnic Minorities and Nations) with the moral and technical support of UNESCO.

From its establishment in 1982, the European Bureau for Lesser Used Languages has promoted contact and cooperation between linguistic communities with less diffusion. It has tried to act as facilitator in their communications with European institutions. Its objective is to work in favor of the 46 million European speakers of these minority languages.

It was not until 1990 that the Council of Europe took a firm stand to protect the minority groups of Europe. Recommendation 1134 (1990) contained a list of principles that the Assembly considered for this objective. On 4 November, 1993, the Committee of Ministers of the European Union established the ad hoc Committee for the Protection of National Minorities, CAHMIN) as one of the measures adopted in the Declaration of Vienna in the same year. This committee has a framework⁴⁷⁴ based, among other things, on the following:

Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity⁴⁷⁵.

There is life outside of the institutions of the European Union as well

The presence of Basque culture (including its language) across the length and breadth of Europe has manifested itself in different ways. One of them is the teaching of the language (in schools, universities and cultural centers) to those who request it. In various European universities, there has been certain interest in Basque language and culture. An example is the Basque Visiting Fellowship at Oxford University⁴⁷⁶.

The largest book fair in Europe is held each year in Frankfurt. Basque

473. There is an explanation on their website (<http://www.penclub.es>) describing the function of this club: PEN International is the only world association of writers. It joins more than fifteen thousand poets, essayists and novelists and operates 138 centers in 98 countries. Its main goal is to promote intellectual cooperation and mutual tolerance among writers so that, in this way, they highlight the relevant role of literature as the transmitter of the tangible and intangible memory of peoples and they defend it against the vicissitudes of contemporary society. Also, PEN fights energetically against political censorship and works to defend the rights of the writers who fall victim to torture, incarceration or murder, common to tyranny and dictatorships. PEN is a plural entity, without any partisan links. It has been classified as status A, by UNESCO, and also maintains the category of consultative entity of the United Nations (UN). Its membership is open to all writers who have published works, without distinction of class, religion, nationality, skin color or gender [...]; the Translation and Linguistic Rights Committee, which defends the linguistic rights of minorities, works on legislation regarding authorial rights and translation of the works of its members [...]"

474. Elaborated in Strasbourg in 1995, in the Council of Europe.

475. <http://www.coe.int>

476. This was an initiative proposed by Sandra Ott, then professor of anthropology at Oxford University. It was put into effect in 1983. Since 1996, Eusko Ikaskuntza – Society of Basque Studies, thanks to an agreement with Oxford University, took over this scholarship and since then various academics specializing in Basque culture have spent a year-long investigative stay at that university.

literature, as well as literature published in Basque, has long had a place in it. To cite one example, Bernardo Atxaga, the best known Basque writer both within and outside of the Basque Country, and the most translated, has exhibited his books there on several occasions. In fact the work that catapulted him to fame, the novel *Obabakoak*⁴⁷⁷, has been translated to various European languages (Polish, Danish, Portuguese, Dutch, English, Spanish, Italian, Croatian, Swedish...).

In other areas, several associations with bases in European countries have fostered Basque cultural activities. They have been a meeting place for Euskaldunes (Basque-speakers) where, outside of their homeland, they have communicated in their mother tongue, or they have even been and are places where anyone can attend a course or practice conversation. This is the case of:

Pariseko Eskual Etxea (Basque House of Paris)
London Basque Society
Associazione Culturale Basque (in Rome, Italy)

And of course, being part of Europe, the rest of the Spanish state has seen the presence of Basque citizens at the end of the 20th century, which has also given rise to the use and study of Basque, due to curiosity awakened in the Spaniards and their interest in this ancient European language. To cite one example, according to the 1975 census figures of the National Statistics Institute, in Madrid there were 48,954 residents born in one of the three Basque provinces or in Navarre: 4,664 in Araba, 19,087 in Bizkaia, 13,765 in Gipuzkoa and 11,438 in Navarre⁴⁷⁸. On 5 February, 1979, the Euskal Etxea –Basque House of Madrid– was founded and among its objectives was promoting and spreading the Basque language. In fact, courses in Basque have been taught at this center since the decade of its inception and it has come to receive the assistance of HABE or the division of the Basque government charged with *Euskaldunization* and literacy.

The Euskal Etxea of Barcelona began in 1977 and in 1997 the Euskal Etxea of Mallorca was founded on the island of Palma de Mallorca, to cite a few signs of the Basque culture's presence in the territory of Catalan culture, which is so welcoming of this type of initiative. These projects, as is to be expected, are promoted by the Basques who live in these territories, but soon the locals become part of the directorial staff and even "Euskaldunize" in Basque courses taught there.

Final Consideration

It cannot be denied that the collapse of a dictatorial regime such as that of General Franco and the implantation of a system of greater participation and liberty of the citizenry (with the previous conditions of a Constitution that tries to rule the social and public lives of the inhabitants of a state) have been very favorable to a minority language such as Basque that had suffered a

477. The book which won the Spanish National Narrative Prize in 1989. This prize is awarded every year by the Spanish Literary Critics Association to the best literary works in the categories of narrative and poetry, published the previous year in Spain.

478. <http://www.euskaletxea-madrid.com/historia.php?t=1>

loss of speakers, losses in its territorial extension, numerous prohibitions and depreciation of its value at the hands of persons and institutions who for decades and centuries held the reins of power. This greater degree of liberty has been received and taken advantage of like spring rains that fall on parched fields. In both territories the linguistic models of bilingual education, the bilingual media, the possibility of interacting with the administration in one's chosen language and other issues that affect the linguistic rights of the citizens have improved considerably. The initial social initiative (practically the only motivator of the linguistic revitalization of Basque in the 1970s) has given way to a favorable dynamic powered by the public administration in the Autonomous Communities.

These advances in linguistic policy, however, seem to have faced greater obstacles in the Jurisdictional Territory of Navarre: at the beginning, to limit the use and promotion of Basque to a zone of Navarre, by means of a law that puts in place linguistic zonification. Later, without paying attention to the progress that was made (in spite of the restrictive system of this linguistic policy) in terms of the spread and social acceptance of Basque by the Navarrese population, it was decided to put in place other limits which irritate a linguistic community of *Euskaldunes* who feel that their linguistic rights are being nullified by the very people who should be defending them.

It must not be forgotten, though, that the advances of these 25 years also have their deficiencies in their form, their manner and perhaps their content. As for the CAPV, this is notable in places where the social presence and citizens' knowledge of Basque were not very high. The requirement that one know Basque in order to obtain certain public posts has produced (in such sociolinguistic situations) certain objections which some parties have tried to air and take advantage of for political ends (wearing down the parties that were in the regional government). The desire to create an image of linguistic monopoly by some who claim to promote the language (with concrete political positions) has not helped achieve social consensus either. It was achieved in the Parliament of the Basque Country in 1982, with the Law of Normalization of Basque, but there have since been attempts to break it. In this (exaggerated and media- and politically-fed) linguistic conflict the minority language never comes out on top, but rather the language which is used most extensively in social situations does.

And if in its territory, the normalization of Europe's oldest language faces difficulties, it doesn't have it any easier in the European context due to the state-based character of its (the EU) most influential institutions. But, thank God, the same Europeans became more and more sensitive toward Europe's cultural and linguistic diversity in the final quarter of the 20th century and that diversity is seen as a source of mutual enrichment rather than an obstacle to relations. Therefore, and within a philosophy of respect of human rights, institutions and international agreements have been created to defend regional and minority languages. Thanks to these measures, it makes sense that on certain occasions (although they remain highly exceptional) languages such as Basque can be heard in European institutions, creating prestige and supporting their cultural and social value, which are so direly needed by minority languages. By means of diverse initiatives, in those parts of Europe (including several Spanish cities) where it has been requested, many people have been taught to read, write, understand or speak Basque, and these tend to become the motors of Basque culture and of cultural contact with the Basque community.

6.2. THE FIFTH FRENCH REPUBLIC (1958-)

And only seven years later, after the events of May 1958 in Algeria, De Gaulle announced a constitutional plebiscite: thus the *Quatrième République Française*, born in 1946, ceased to exist after only 12 years of political life. After the plebiscite of September 1958, the fifth French republic, still going today after 51 years, was born. The constitution of 4 October, 1958 establishes in its first article that *France is an indivisible, lay, democratic and social Republic. It assures equality before the law to all citizens without distinction of origin, race or religion. It respects all beliefs. Its organization is decentralized.* It would be more correct to say that with the support of the constitution, a decentralizing process was begun that, even today, is quite far from culmination and that logically must pass the respect, sanction and realization of the cultural rights of the nations that conform the state. Nor is it true that the constitution respects and much less guarantees equality of all its citizens *without distinction of origin*, when its cultural and linguistic rights, that is, the maternal or original culture, are not respected. This doesn't mean that such things can't happen one day, as we hope they will.

Three events influenced the development of the linguistic policy of the fifth French republic: the birth and development of the United Nations and international legislation in matters of cultural and linguistic rights attached to it; the creation and development of the European Union and the treaties and resolutions derived from its institutions and, finally, the development of language policy in southern Catalonia and the Southern Basque Country after the end of the dictatorship in the Spanish state in 1975. These three factors have propelled a new train of thought and a debate surrounding the barbarous linguistic policy of the French state (*politique linguistique linguicide*) of the past centuries and, in consequence, this has permitted a timid opening toward the recognition of the cultural rights of the nations in the state, particularly in educational matters.

In this sense we must point out that the linguistic policy of the French state –like that of the Spanish state –has ceased to be state-focused and has progressively moved into the sphere of influence of the European Union. At the edge of state legislation, both states have ratified international treaties and, consequently, have been required to adapt their respective legislation to the international rules. This is especially notable in the realm of linguistic rights and has been, as we have indicated previously, the principal motivator of the progress in respect for the cultural rights of the stateless nations of the French state –and of the Spanish state.

The new republic had scarcely turned seven when, on 16 December, 1966, the UN General Assembly adopted the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights that, after a long process of signing, ratification and adhesion by several member states, would enter into force ten years later. According to Article 1.1 of both Covenants:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development⁴⁷⁹.

The *République* would not ratify the agreement until 4 November, 1980, but like the majority of Western European governments would interpret the text and the fundamental rights therein restrictively on two fundamental issues: on the one hand, it is understood that the right to self-determination, in spite of being a universal human right, is only applicable in practice to colonized nations, and even this aspect hasn't been recognized in all cases, but only to some, which has led to a large number of, mostly bloody, conflicts. The non-recognition of the right of self-determination derives from the first article of the French constitution of 1958, *la France est une République indivisible*, which constitutes a violation of the right of political life of a nation and, consequently, the extortion or restriction of its sovereignty. From this fact derive the majority of the cases, such as the one that concerns us here, of the negation of the cultural and linguistic rights of said nations (Bretagne, Corsica, Occitania, Catalonia, the Basque Country...).

Article 27 of the Covenant on Civil and Political Rights establishes that,

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language⁴⁸⁰.

Something that has yet to be recognized. The right to use *their own language*, a complex cultural, social and political concept, would be defined, specified, regulated and adopted on 25 June, 1992 by the Committee of Ministers of the Council of Europe with the rank of convention under the title of European Charter for Regional or Minority Languages. The agreement was ratified in Strasbourg on 5 November, 1992 by eleven member states of the Union but not by France, which would not do it until 1999 –a signature which still awaits ratification to enter into force.

Nineteen ninety-two would be a key year for linguistic rights. On 18 December of that year, the General Assembly, in Resolution 47/135, approved the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The signing states promised to protect the cultural identity of linguistic minorities,

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities

479. *Treaty series: treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations*, United Nations, 1974. Vol. 71, pp. 44 ff.

480. *Treaty series: treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations*, United Nations, 1990. Vol. 1577. Pp. 114 ff.

(hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

In 2001 UNESCO adopted the Universal Declaration on Cultural Diversity, approved during the 31st meeting of the General Conference held in Paris on 2 November, 2001. The fifth article of said declaration is explicit:

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

By virtue of the main lines of an action plan for the implementation of UNESCO Universal Declaration on Cultural Diversity, the member states committed themselves to take appropriate measures to amply extend the UNESCO's Declaration on cultural diversity and to promote its effective application, cooperating in particular with a view to the realization of the following objectives. Concretely, in point six, the Declaration proposes,

Encouraging linguistic diversity – while respecting the mother tongue – at all levels of education, wherever possible, and fostering the learning of several languages from the earliest age.

It is obvious that, driven by this international current, the French state has had no choice but to progress, although reluctantly, in the recognition of the linguistic rights of its citizens.

6.2.1. A New Model of Linguistic Nationalism: la Francophonie

The constitution of 1946, by means of Title VIII, created the *Union française*, a new colonial order based on a skewed democratic model that guaranteed relative legal equality among the parts that formed the *Union* under the domination and direction of France. For example, by virtue of Article 64 of the constitution of 1946, the *président de la République française* would be, *ad perpetuo*, the *président de l'Union française*, whose permanent interests he represents. On the other hand, the constitution differentiated between territories and associated states (*territoires et Etats associés*) or colonies on one side, and on the other, *la République française qui comprend la France métropolitaine, les départements et territoire d'outre-mer*, among which is found in the Northern Basque Country. And, naturally, from this diversity of territorial statutes, a series of legal and political differences were derived between the citizens of the colonies

and those of France, its *départements*, and its overseas territories.

With respect to linguistic policy, in line with the principles of unity of the state and cultural uniformity inherited from the previous constitutions, the 1946 charter denied any cultural rights to the colonies and implicitly imposed French as the official language for all purposes,

France forms with the overseas peoples a Union based on the equality of rights and duties, without distinction for race nor religion. The Union française is composed of nations and of peoples who place in common or coordinate their resources and their efforts to develop their respective civilizations, increase their welfare and ensure their security. True to its traditional mission, France seeks to guide the peoples of whom it has taken responsibility to the freedom to administer themselves and to manage their own affaires democratically; distancing all colonial systems based on arbitrariness, it guarantees equal access of all to public functions and the collective or individual exercise of the rights and liberties proclaimed or confirmed herein⁴⁸¹.

But these measures did not impede the full development of the process of decolonization and, following the events in Algeria in May 1958, the constitution of 1958 substituted the *Communauté française* for the *Union française*. The new constitution granted sweeping powers to the colonies, including the right of self-determination, by which the vast majority of the territories obtained independence at the beginning of 1960. Only a few of the old colonies maintained their links to France under diverse statutes, such as the *territoires d'outre-mer* (since 2003, *collectivités d'outre-mer*) or *département d'outre-mer* (since 2003, *Région d'outre-mer*).

In any case, after the dissolution of the French colonial empire and, faced with the growing influence of English on the international scene, the territorial imperialism of the fifties gave way to the cultural imperialism of the following decade. A result of this neocolonialism is the *Charte de l'Agence de Coopération Culturelle et Technique (ACCT)* signed in Niamey (Nigeria) on 20 March, 1970, by means of which there was created an intergovernmental organization whose principal goal was to promote the spread of the French language and culture in the former colonies and, in general, in the international sphere,

The agency has as its essential goal the affirmation and development among its members of multilateral cooperation in the areas under the aegis of education, culture, science and technology and through them, of bringing peoples together. It exercises its action with absolute respect for the sovereignty of the States, languages and cultures, and observes the most strict neutrality on all ideological or political questions. It collaborates with diverse international and regional organizations and keeps track of all existent forms of technical and cultural cooperation⁴⁸².

In this way, the ACCT appropriated the old idea of *la francophonie*, coined by the Bearnese geographer Onésime Réclus at the end of the 19th century in works like *Le plus beau royaume sous le ciel* or *La France à vol de oiseau*. In the opinion of Réclus, a decided partisan of the French colonial policy pushed by prime

481. Ostler, Nicholas, *Empires of the word: a language history of the world*, HarperCollins, New York, 2005. P 419.

482. First article of the *Charte de l'Agence de Coopération Culturelle et Technique (ACCT)*. In, Dereumaux, René-Maurice, *L'Organisation internationale de la francophonie: L'institution internationale du XXI^e siècle*, L'Harmattan, Paris, 2008. P 122.

minister Jules Ferry, the principal *raison d'être* of colonialism was not economic, not even political, but rather civilizing and cultural: through the adoption of the French language, the colonized peoples would have access to the enlightened ideas and liberty expressed in French and this language would become, beyond an official state language, a *universal language*,

In 1833 there were only 3,500 French in North Africa, and 5,500 in 1836.
In 1841 their number was close to 17,000;
In 1851, more than 46,000;
In 1856, 93,000;
In 1861, 112,000;
In 1866, 122,000;
In 1876, 156,000;
In 1881, 195,000;
In 1886, 220,000. Not yet a quarter of a million; but these 220,000 are worth more for the future of our language than the millions that know French in Russia, in Germany, in Italy, in England, in Spain, in America and in all the civilized world: multiplied through their descendants, they will become millions, while the millions of francophone foreigners will be reduced to thousands as soon as another language inherits the rank of "universal language"⁴⁸³.

At the end of 1880, the geographer estimated that 47,825,000 people lived in the Republic, Algeria and the colonies, among them, 41,600,000 francophones in Europe, 560,000 in Africa, 2,580,000 in North America and 85,000 in Asia. Réclus' calculations were purely numerical: it was necessary to increase the number of French speakers in the world, within and without the borders of the State, in order to consolidate this language as the language of universal culture.

Inheritor of this colonial nationalism, the French state would push, through the ACCT, initiatives in economic and cultural material in French (*la langue commune*) in countries lacking a linguistic policy and disposed to implement exclusive linguistic measures in exchange for economic aid, all in the name of *l'expression d'une nouvelle solidarité et un facteur supplémentaire de rapprochement des peuples para le dialogue permanent des civilisations*.

Starting in 1948, after the creation of the United Nations and the use of the English language supplanting French in international –and European –agencies, French linguistic nationalism gave way to the phenomenon of *anglomanie*, a particularly French cultural phenomenon, unknown in intensity in the Spanish state or in other zones of Europe, including –for example –Ireland, Wales or Scotland, nations that suffered the imposition of English as the only official vehicle of expression for centuries.

In this sense, although in a rather paradoxical form, the *Déclaration de Hanoi* of 16 November, 1997 defines the spiritual values of *la Francophonie* in terms of a cultural tool in the struggle against the reductive uniformization imposed by English,

483. Réclus, Onésime, *La France et ses colonies*, Librairie Hachette, Paris, 1889. Vol. 2, p. 276.

Faced with the challenges connected to an accelerated globalization and the necessity to find the best means to avoid the risks of reductive uniformization, of dependence and of marginalization, that especially affect the most destitute⁴⁸⁴.

And, the *Institut Française de Rabat* signed, *it is a cultural means to fight against Anglo-Saxon and especially American influence*⁴⁸⁵.

In the 1980s François Mitterrand pushed the development of a series of institutions charged with establishing unifying measures in matters of linguistic policy domestically as well as internationally. Under cover of this new institutional framework, in 1984 *Télévision Internationale Francophone* (TV5) which broadcast 24 hours a day around the world(France Télévisions, INA, ARTE France, RFO, RTBF-Belgique and TSR-Suisse). It also collaborated in the creation of the television consortium Radio-Canada and *Télé-Québec*⁴⁸⁶. Within the framework of the constitutional amendments derived from the adoption of the Maastricht Treaty in 1992, the Mitterrand administration included in Title XIV of the constitution Articles 87 and 88 referring to the Francophonie and the collaboration agreements on cultural matters. By means of Article 87, the Republic would thereafter participate in the development of solidarity and cooperation between the States and peoples who share the French [language]. Article 88 establishes that the *République* will be able to enter agreements with states that desire to join it in the common effort to develop their civilizations. In this way, the initiative gained constitutional standing.

Under the presidency of Jacques Chirac, the *Francophonie* experienced a new institutional and budgetary surge. In order to give the *Francophonie* full political dimensions, the heads of state and of government that belong to it agreed, in Cotonú (Benin) in 1995, to elect a *Secrétaire général*, cornerstone of the institutional system. Two years later, the *Agence de Coopération Culturelle et Technique* (ACCT), the only intergovernmental organization of the *Francophonie*, changed its name to the *Agence de la Francophonie* by virtue of the the agreement reached at the Convention of Hanoi (Vietnam) in 1997. Finally, after the ministerial conference held in Bucharest in 1998, the institution adopted the name *Organisation internationale de la Francophonie*, a name which, given the intergovernmental nature of the organization was again changed to *Agence intergouvernementale de la Francophonie*. In 2004 and 2005 it returned to the previous name *Organisation internationale de la Francophonie*.

In the course of the tenth summit of the *Francophonie*, held in Antananarivo (Madagascar) in November 2005, the institution adopted a roadmap for the following ten years, outlining its primary areas of strategic intervention: promoting the French language and *cultural and linguistic diversity*; promoting peace, democracy and human rights; and supporting education, training and cooperation in research on sustainable development and solidarity, in French. The first article (Titre I *Des objectifs*. Article 1 *Objectifs*) of said *Charte de la Francophonie*, adopted in the course of the tenth summit on 22 November, 2005 states:

484. *Déclaration de Hanoi du 16 novembre 1997*. In, www.francophonie.org

485. *Histoire de la Francophonie*. In, www.ambafrance-ma.org/institut/rabat

486. *La Journée Internationale de la Francophonie*. In, <http://ksap.gov.pl/klub-fra/>.

La Francophonie, conscious of the links that sharing the French language and certain universal values creates among its members, and desiring to use them in the service of peace, cooperation, solidarity and of lasting development, has as its goal to assist: the implantation and development of democracy, the prevention, management and resolution of conflicts, and the support of the law-governed State and the rights of Man; the intensification of the dialogue between cultures and civilizations; the coming together of peoples through their mutual knowledge; the reinforcement of their solidarity through multilateral cooperation seeking to favor the expansion of their economies; the promotion of education and training. The Summit may assign other objectives to the Francophonie. The Francophonie respects the sovereignty of States, their languages and their cultures. It observes the strictest neutrality on questions of internal policy.

But, the *Charte* avoids clarifying that the intensification of the dialogue between cultures shouldn't happen through buying the use of French, nor of any other language, in lesser developed countries at the expense of their vernacular languages and their own cultural future. Included in the most elemental definition of *solidarity and multilateral cooperation*, humanitarian actions should be directed at facilitating a dignified lifestyle for these peoples, including the means to access the culture of the population in their own language. The implantation of democracy and the prevention of conflicts do not –paraphrasing Barère –speak French; neither does the defense of human rights require inculcating monolingual educational systems in French. It is not true, finally, that the *Organisation internationale de la Francophonie respecte la souveraineté des Etats, leurs langues et leurs cultures. Elle observe la plus stricte neutralité dans les questions de politique intérieure*. Perhaps we could apply here Claud Clockburn's adage to never believe anything until it has been officially denied.

In the *Déclaration de Québec* (Canada) of 19 October, 2008, adopted in the course of the twelfth *Conférence des chefs d'état et de gouvernement des pays ayant le français en partage* (Francophonie Summit), the signatories took up yet again the necessity of promoting the development of the *langue française* in international situations and in the educational systems of the countries that make up the organization and, in general, they committed themselves to energetically support any initiative which leans toward universalizing and helping the language to prevail on both the domestic and international scenes,

Sensitive to the necessity to increase the promotion of French in the world context and aware of the diversity of linguistic situations in our societies; Recalling that the French language constitutes one of the founding elements of the *Charte de la Francophonie* and that the strategic ten-year plan makes it one of the priority missions of Francophone action; Recalling as well that our 11th Summit, held in Bucharest adopted a Vade-mecum relative to the use of the French language in international organizations; Recognizing the conclusions of the Conference of ministers of education of the Francophonie which was held in Caraquet, New Brunswick, in June 2008 and those of the International High-Level Symposium on Information and Communication Technologies in the Classroom (Tunis, June 2008);

We resolve to:

Reinforce the place of the French language in our educational systems while

developing high-quality public and private instruction and keeping in mind the separation of powers at the heart of the States in this domain;
Take necessary measures for the effective application of national and international dispositions relative to the use of French in international life;
Oversee the diffusion and accessibility of TV5 Monde, alongside our public and private networks, taking appropriate dispositions. For the same, we reaffirm our connection to the multilateral Francophone network, to its essential role for international organization and the learning of French, and as a model of cultural diversity;
Take measures adapted to our respective means, to value the status and use of the French language, a living and useful language, in the economic, social, cultural, and scientific domains and in tourism in our societies;

We ask the OIF and the members:

To give themselves a true policy of promoting French with integrates and synergizes with the actions of the OIF, the members, and all participants concerned with civil society;
To increase their human and financial resources dedicated to the French language and to take energetic steps to put into action the joint resolution of the present declaration⁴⁸⁷.

While the French government invests millions of Euros and a great amount of energy in its war with English at the international level, French authorities are letting the national languages, which only form part of the cultural wealth of the Republic since 2008, die. Only after much criticism and pressure, the *Organisation internationale de la Francophonie* adopted the resolution to include, beginning in 2008, initiatives for global cooperation inside and outside the borders of the Republic, but without specifying what initiatives it was going to take to develop the national languages of the Republic without abandoning its primary mission of spreading -exclusively- the French language,

The Francophonie envisions the reinforcement of French as a tool of communication and a cultural vector and, by extension, as a language of international communication, education and support of intellectual, scientific and cultural innovation. It associates this action with its commitment in favor of plurilingualism in symbiosis with the great linguistic communities of the world. At the national level, the promotion of the French language is inscribed in a problematic of cohabitation of French with other regional or international languages, and it is so in the majority of the member countries, of whom twenty-nine have French as an official language. The Francophonie has already played a pioneering role in the recognition of cultural diversity and cross-cultural dialogue. It has decided to give itself the means to confront the uniformizing tendencies of globalization and to support the maintenance and expansion of linguistic and cultural diversity⁴⁸⁸.

Something very difficult to believe, while it remains an exclusive and narcissist linguistic nationalism that guides the destiny of the *Organisation*, still too entrenched in the inspiring principles of Réclus,

487. Déclaration de Québec du 19 octobre 2008. In, www.francophoniequebec2008.qc.ca

488. Missions de l'Organisation internationale de la Francophonie. In, www.francophonie.org

Lacking cohesion by natural means, it is necessary for us to sit the indigenous children beside our own on the school benches. Of the three terms of unity: one country, one language, one faith, two will fight for us, the community of the homeland and the rule of a single language. As for the Muslim faith, the day will come when it will wane. Once the younger generation of Muslims speaks French, everything else will fall into place⁴⁸⁹.

6.2.2. The Basque language in the Administration of the French State

The language of the French state is French, and there is no room for any other language or dialect. A monolingual administration and a monolingual judiciary system in a multilingual state in which some twenty-odd languages and dialects coexist. In spite of the fresh air brought by the international treaties on matters of linguistic and cultural rights of minorities, it will be very difficult to replace the predominant linguistic dynamic in place for two centuries and it will require a lot of time before the French administration decides to apply a linguistic policy respecting the cultural and linguistic rights of the nations residing in the state.

The *Cinquième République française*, born of the constitution of 1958, doesn't allow for predictions of any opening in linguistic matters. By means of *Décret n° 66-203 du 31 mars 1966*, the *Haut Comité pour la défense et l'expansion de la langue française* was created, an organism dependent on the office of the prime minister (then Georges Pompidou) composed of 12-18 members named by decree for a period of three years *en raison de sa compétence ou des services rendus à l'expansion de la langue française* (Art. 2), charged with studying measure to guarantee the *defense and expansion* of the French language and to establish links with private organisms in the realm of cultural and technical cooperation, with the goal of initiating or encouraging initiatives leaning toward the defense and expansion of French (Art. 1).

Under the protection of the *Haut Comité pour la défense et l'expansion de la langue française*, and in the context of the war against the international domination of English, the *décret du 7 janvier 1972 relatif à l'enrichissement de la langue française*, the first of a long list of decrees that regulate the creation of interministerial commissions on French terminology and vocabulary, was approved. The function of this decree, as well as that of *décret n° 83-243 du 25 mars 1983 relatif à l'enrichissement de la langue française*, is to enumerate an inventory of deficiencies in French vocabulary in diverse sectors and, consequently, make a list of obligatory terms to be used to describe the new reality or juridical or legal concept in the French language, thus avoiding and in some cases replacing the *adverse borrowings from foreign languages* (*emprunts indésirables aux langues étrangères*), principally Anglicisms.

United with this policy of Frenchification of the official language and its public use, on 31 December, 1975 the *loi du 31 décembre 1975 relative à l'emploi de la langue française* was approved. Called the Bas-Lauriol law in honor of Pierre Bas and Marc Lauriol, who proposed the law, this law regulated the obligatory use of French in the naming, offer, public presentation and commercial

489. Réclus, Onésime, *La France et ses colonies*, Librairie Hachette, Paris, 1889. Vol. 2, p. 290.

advertising, oral as well as written, of any product to be sold in the French state. The use of any foreign term or expression would be completely prohibited when there was an equivalent term or expression in French, according to the *décret du 7 janvier 1972 relatif à l'enrichissement de la langue française*. The law permitted, however, the *enrichment* or decoration of the French language by one or more foreign languages by means of translations, as long as the original was included in French. In this way, according to its first article,

In the naming, offer, presentation, written or spoken advertising, instructions for use or operation, the conditions of guarantee or warranty of a good or service, as well as in the invoices and receipts, the use of the French language is obligatory.

Resorting to any foreign term or expression is prohibited while there exists a term or expression approved under the conditions described by decree n. 72-19 of 7 January, 1972 relative to the enrichment of the French language.

The French text may be complemented by one or several translations in a foreign language.

The same rules apply to all information or presentations of programs via radio or television broadcast, except when they are destined for an expressly foreign audience.

The obligation and the prohibition imposed by the regulations of paragraph 2 apply equally to the certificates of quality described in Article 7 of Finance law n. 63-628 of 2 July, 1963⁴⁹⁰.

By virtue of Article 6, every inscription on a property, institution, business or provider of a public service must be written in French, without exception. The French text could be complemented with commentary or translation in one or more foreign languages. According to Decree n. 72-19 of 7 January, 1972 for the *enrichment* of the French language, it was expressly prohibited to use a foreign term or expression when an equivalent French term or expression existed. In buildings and grounds frequented by foreigners, as well as in vehicles of public transport that could be used by foreign citizens, all writing in English must be accompanied by French. The law also imposed certain regulations in matters of work. In this way, by virtue of the fourth article, Article L. 121-1 of the Labor Code would be complemented by various regulations in linguistic matters. Thus, labor contracts must, from that point on, be written in French and must not contain any foreign term or expression whatsoever when a French term or expression existed according to the stipulations of Decree n. 72-19 of 7 January, 1972.

Non compliance with the stipulations the law would be severely punished by the imposition of fines or the annulment of public subsidies,

Art. 3. Infractions to the stipulations of the first article herein are, without prejudice to the stipulations of Article 8 of the law overseen on 2 July 1963, recorded and pursued as infractions of the law of 1 August, 1905 on the repression of fraud, and punished by the penalties described in Article 13 of that law[...].

Art. 6. In the case of violations of the stipulations of the present article, the collective owner of the property may instruct the user to cease, at his own expense and in the time stipulated by it, the noted irregularity. The use of the product may be withdrawn from the offender, even in the absence of express stipulations

⁴⁹⁰ Rozier, Jean; Gardia, Eugène, *L'étiquetage des vins: réglementations française et communautaire*, Librairies techniques, Paris, 1979. P.165.

in the wording of the contract that he has signed or of the authorization awarded to him, if the instruction has not been carried out effectively⁴⁹¹.

The Bas-Lauriol law –replaced by the Toubon law in 1994– provoked heated debate in the French state as well as at the European level. Due to the principle of linguistic exclusion of the French legislation, the law didn't treat or regulate anything at all with regard to the national languages, which remained –once again– completely excluded from the legal system.

In the 1980s the government of François Mitterand promoted the development of uniformizing policies in linguistic policy and, consequently, legislative and budgetary measures experienced exponential growth. In 1980, still under the presidency of Valéry Giscard d'Estaing, the *Comité interministeriel pour les relations culturelles extérieures* was created via *Décret n° 80-410 du 11 juin 1980*; in 1982 the *Direction générale des relations culturelles, scientifiques et techniques du ministère des relations extérieures (décret n° 82-658 du 27 juillet 1982)* was formed; one year later, a new decree was approved relating to the enrichment of the French language (*décret n° 83-243 du 25 mars 1983 relatif à l'enrichissement de la langue française*) and, in 1984, two new institutions for the development of the French language were created, the *Commissariat général* and a *Comité consultatif de la langue française (décret n° 84-91 du 9 février 1984)*.

By virtue of the second article of *décret n° 84-91 du 9 février 1984*, the *Comité consultatif de la langue française* had the fundamental mission to study, within the framework of the general orientation set forth by the president of the Republic and the government, questions related to the spread of the French language, the *Francophonie*, the languages of France and French policy with respect to foreign languages. The *Comité consultatif*, composed of 19 or 20 members chosen by decree for their competence or services rendered in the spread and good usage of the French language (Art. 3), would be from then on the institution responsible for making proposals and recommendations and giving its opinion about the issues that the prime minister and the commissary general of the French language referred to it⁴⁹². The *Commissariat général de la langue française* would have the duty of motivating and coordinating the work of the administration and public and private organisms in order to spread and defend the French language (*qui concourent à la diffusion et à la défense de la langue française*). It certainly seems strange that the *defense* of the French language should be mentioned within the state (Art. 6), which is only explicable in the context of an exclusive and centripetal nationalism. The *Commissaire général de la langue française* would also be chosen by decree. According to Article 7, his job would be,

He is obligatorily consulted on the definition of the policy and the financing of the actions carried out by the different ministerial departments and that touch

491. Leclerc, Jacques, *La guerre des langues dans l'affichage: essai*, VLB, Montréal, 1989. P 382.

492. Boraczek, Aurore; Marchal, Nathalie, *Langue française et diversité linguistique: actes du séminaire de Bruxelles, Belgique, 30 novembre et 1er décembre 2005*, De Boeck Université, Brussels, 2006. P 236.

on the spread and defense of the French language. He is kept informed during the preparation of the budget of the credits envisaged by these departments in the name of these actions and he occasionally passes his observations to the Prime Minister and to the minister in charge of the budget. He is kept up to date on the execution of the budget in these same domains and receives reports of inspection or control on the use of the credits. He informs the consultative committee of the French language of these results⁴⁹³.

The *Commissaire général de la langue française* would be responsible for the execution of all possible measures directed at the spread and promotion of the French language. He would also be responsible for coordinating the work done in matters of terminology and of actions leading to the teaching and diffusion of French by means different from the educational channels of the public school system, at a state as well as international level, with the principal objective of developing the use of French. From the moment the decree was approved, the *Commissaire général* began to exercise the powers of the *Haut Comité de la langue française* created by means of the decree of 25 March, 1983 and related to the enrichment of the French language (Art. 8). In order to exercise his functions, the minister of exterior relations would place the services of the *Service des affaires francophones de la direction générale des relations culturelles, scientifiques et techniques* at his disposal.

The *décret du 11 mars 1986 relatif à l'enrichissement de la langue française* replaced those of 1972 and 1983 without altering in the slightest the guidelines of the previous decrees in linguistic matters, but rather adding more French terms and expressions to the list of words that must be used. In 1986, the first summit of heads of state and of government of the countries that use French as an official or co-official language, that is, the countries belonging to the *Agence de Coopération Culturelle et Technique (ACCT)*, later renamed the *Organisation internationale de la Francophonie*, was held in Paris. This event supposed the beginning of a policy of exportation of the linguistic principles and criteria of the French state to its former colonies, one result of which would be the creation of *Télévision Internationale Francophone (TV5)*, and the putting in place of a network of observatories and of legal cooperation in linguistic matters.

In 1989 a new ministerial decree (*décret n°89-403 du 2 juin 1989*) created the *Conseil supérieur de la langue française* and the *Délégation générale à la langue française* which replaced the former *Commisariat général* and the *Comité consultatif de la langue française* from 1984. The *Conseil supérieur de la langue française*, an organization composed of 19-25 members chosen by decree *en raison de leur compétence ou des services rendus à la connaissance, à l'étude, à la diffusion et au bon usage de la langue française* (Art. 3) and presided over by the prime minister, or in his stead, the Minister of Education or the minister responsible for the *Francophonie* (Art. 4), would be hereafter the organization responsible for studying, within the general direction set by the presidency and the government of the Republic, the questions relative to the utilization, development, enrichment, promotion and diffusion of the French language in the State and outside of it (Art. 2). It would also be a duty of the *Conseil supérieur* to develop reports including suggestions and recommendations about the issues submitted to it by the office of the prime minister, the Minister of Education, the *Francophonie*, or the general delegation of the French language (*délégué général*

493. Décret n° 84-91 du 9 février 1984. In, www.culture.gouv.fr/culture/dgiff/lois/archives/.

à la langue française). In consequence, the minister of education, the minister responsible for the *Francophonie* and the secretary of the *Académie française* and of the *Académie des sciences*, or their representatives, would be members of the *Conseil supérieur*. For its part, the *Délégation générale à la langue française* would be hereafter the organism responsible for promoting and coordinating the actions of the governments and public and private organizations that contribute to the diffusion and appropriate use of the French language, especially in the areas of education, communication, science and technology (Art. 7).

In 1992, within the bounds of the constitutional reforms that the member states of the European Community had to carry out in order to ratify the Maastricht Treaty, the *loi constitutionnelle du 15 juin 1992* was stolen. This law stated that French was the only official language of the state (*la langue de la République est le français*). This fact underlined and gave constitutional authority to the policy of linguistic segregation of the national languages of the republic, which once more were excluded from the legal order. In line with this reform, the administration of the socialist prime minister, Pierre Bérégovoy, under the presidency of François Mitterrand, reformed the Ministry of Culture by means of *décret n°93-797 du 16 avril 1993 relatif aux attributions du ministre de la culture et de la francophonie*.

By virtue of Article 4 of the decree of reform, the Minister of Culture and of the Francophonie would thereafter have the mission of making accessible, to the largest number of people, principally but not only within the State, the great works of French culture in order to guarantee the widest possible audience to the French patrimony and to promote the creation of artistic and academic works in that language. Also, it would fall to this organization to adopt the measures necessary to guarantee the influence of French culture and the Francophonie in the world. The Minister of Culture and of the Francophonie would also exercise, as a member of the *Haut Conseil de la francophonie*, the functions relative to the utilization and enrichment of the French language and would be responsible for coordinating with the Minister of Exterior Relations and other ministers, the actions of the influence of the French language and culture in the world.

After the reform of the socialist prime minister, the Minister of Culture, Jacques Toubon, member of the conservative cabinet of Prime Minister Edouard Balladur (during the final year of the Mitterrand presidency), promoted the *loi du 4 août 1994 relative à l'emploi de la langue française*, that replaced the *loi Bas-Lauriol du 31 décembre 1975*. The new law, a veritable example of linguistic nationalism, set off from the same principles of its predecessor, in that it imposed French as the only officially used language and regulated the exclusive use of French terms. According to the first article,

Language of the Republic by virtue of the Constitution, the French language is a fundamental element of the personality and the heritage of France.

It is the language of education, of work, of exchange and of public services.

It is the privileged link of the States constituting the community of the Francophonie⁴⁹⁴.

494. Poirrier, Philippe; Rigaud, Jacques, *Les politiques culturelles en France*, Documentation française, Paris, 2002. P 501.

In this sense, the law establishes that certain signs and audiovisual announcements must be written or engraved in French⁴⁹⁵:

1. In the naming, offer, presentation, instructions on the manner of use, description of reach and terms of guarantee of a good, product or service and in the invoices and receipts;
2. In any note –written, oral or audiovisual – the following linguistic infractions will be punished by fines (some of which may result in the application of the penal code):
 - Not using the French language in any message or announcement to inform the public, or in the public right-of-way, in a space open to the public or in a means of transport.
 - Writing the French version in a way that is not as legible, audible or intelligible as the version in a foreign language⁴⁹⁶.
3. Without prejudice toward the exceptions foreseen in Article 6 of the Law of 4 August, 1994, fines will also be levied against any person of French nationality developing a public function or with public financing that, in the organization of such demonstration, seminar or congress:
 - Prohibits the participants from speaking French;
 - Distributes documents to the participants before and during the meeting in order to present the program without French translation.
 - Does not establish at least a summary in French of the preparatory or working documents distributed to the participants and does not include, in the minutes or documents published, at least a summary in French of the text or the interventions presented in a foreign language;
 - Does not prepare for the use of means of translation.

Décret n° 96-602 du 3 juillet 1996 relatif à l'enrichissement de la langue française replaced, without altering the guiding principles of the previous rules, *décret du 11 mars 1986 relatif à l'enrichissement de la langue française*. By virtue of the first article of the new law, a *Commission générale* and *Commissions spécialisées de terminologie et de néologie* were created in order to promote the enrichment of the French language and to promote its use in the economic, techno-scientific and legal spheres, proposing new terms and expressions that would be able to serve as a reference to contribute to the influence of the French language abroad. These terminology-related committees had the fundamental task of purifying the French language by means of the creation of neologisms and their diffusion in the French speaking countries through the ad hoc international organizations, that is, the *Organisation internationale de la Francophonie*.

495. First article of the *décret n 95-240 du 3 mars 1995 pris pour l'application de la loi du 4 août 1994 relative à l'emploi de la langue française*.

496. In this note we include the original in French as we understand that the reader may find it surprising or exaggerated: *Le fait de présenter la version française d'une manière qui n'est pas aussi lisible, audible ou intelligible que la présentation en langue étrangère des mentions, publicités, inscriptions ou annonces visées au I et II du présent article est puni de la même peine*.

From the *cold* nationalist perspective, the law even proclaimed that this policy was destined to promote multilingualism (*promouvoir le plurilinguisme*) at the national and international levels, in order to avoid the *linguicidal* influence of English. The law therefore imposes:

Art. 4. - A specialized terminology and neology committee is created in each ministerial department by warrant of the minister concerned made according to the opinion of the General Delegation of the French Language. As the speciality of the vocabulary justifies it, several specialized committees may be created within a single department. The same specialized committee may be created in several ministerial departments by joint warrant of the ministers involved made according to the opinion of the General Delegation of the French Language. The General Delegation of the French Language coordinates the work of the different specialized committees on terminology and neology and contributes to their diffusion. The operating expenses of the specialized committees of terminology and neology are assumed by the administrations to which they are attached.

Art. 5. - Each minister designates a high functionary in charge of terminology and neology in order to encourage and coordinate the actions in these matters in the domains relevant to his administration. He assigns one of the services of his central administration to assist this high functionary with regard, especially, to ensuring the secretariat of the specialized committee or committees and to oversee the diffusion of the new terms⁴⁹⁷.

By virtue of *Décret n° 96-602 du 3 juillet 1996 relatif à l'enrichissement de la langue française*, the *Commission générale de terminologie et de néologie* presents the new terms, expressions and definitions developed by it to the *Académie française* and, after obtaining the favorable judgment of the academy, the *Commission générale* must inform the minister responsible for using and promoting the use of the terms in question. In the space of one month, said minister must inform the *Commission générale* its approval or disapproval regarding the use of the list of new terms, expressing in the latter case the possible reasons for opposing the use and diffusion of said terms, expressions or definitions (Art. 9). And, unless a minister expresses his opposition, the *Commission générale de terminologie et de néologie* transmits the list of terms, expressions and definitions for publication in the *Journal officiel de la République française* (Art. 9). In order to obtain maximum diffusion, they will also be published in the official bulletin of the Ministry of Education (Art. 10). In this way the eleventh article established that,

The terms and expressions published in the Official Journal are obligatorily used in place of equivalent terms and expressions in foreign languages: 1st in decrees, warrants, circulars, instructions and directives of ministers, in correspondence and documents, of any nature whatsoever, that are generated by the services and public establishments of the State; 2nd In the cases described in Articles 5 and 14 of the aforementioned Law of 14 August, 1994 relative to the use of the French language. The General Commission observes the usage described in the present article of the terms and expressions published⁴⁹⁸.

497. *Décret n° 96-602 du 3 juillet 1996 relatif à l'enrichissement de la langue française*. In, www.dgjf.culture.gouv.fr

498. *Ibid.*

These dispositions have been later modified and completed by three governmental circulars: the *circulaire du Premier ministre du 12 avril 1994 relative à l'emploi de la langue française para les agents publics*; la *circulaire du Premier ministre du 14 février 2003 relative à l'emploi de la langue française para les agents publics*; and la *circulaire du 7 octobre 1999 relative aux sites internet des services et des établissements publics de l'Etat*. Here is an example:

Logiciel de traitement de texte

Forme abrégée: traitement de texte.

Domaine: Informatique.

Définition: Logiciel permettant de créer, de modifier et de mettre en forme des documents en vue de les conserver, de les transmettre ou de les imprimer.

Note:

1. Au sens strict, l'expression «traitement de texte» désigne l'action de créer et de manipuler des documents. Dans l'usage courant, cette expression désigne aussi le logiciel.

2. On trouve parfois, dans le langage professionnel, le terme «texteur», qui n'est pas recommandé.

Voir aussi: traitement de texte.

Équivalent étranger: word processor⁴⁹⁹.

Consequently, if a business uses the term “word processor” instead of “logiciel de traitement de texte” it can be severely fined. The lists of words are extensive and are logically accessible to the public online and in the aforementioned *Journaux officielles*.

A unique case of linguistic practice in Europe. Besides the fact that the creation of neologisms may or may not be considered a policy of *purification* of the language and, leaving aside the fact that the French language, like each and every language in the world, has received and continues to receive lexical borrowings from other languages which, far from corrupting it, enrich it, it is certainly quite doubtful that said practice is compatible with a strict observance of the freedom of choice of expression, nor compatible with many of the rights included in the European Charter for Regional or Minority Languages, for example, the *right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights*. Also, it is important to consider that the law requires all foreign businesses, whether imported or based in the Republic, to have legal translations duly performed, that is, normalized and collated with the *listes de terminologie* of the *Commission générale de terminologie et de néologie*, which could also constitute a violation of international and community treaties in matters of free trade and freedom of transport of merchandise.

Only in the year 2000, 211 years after the creation of the French state, its linguistic policy would begin to contemplate the possibility of recognizing certain linguistic rights of the national languages. In the year 2000, the *Délégation générale à la langue française*, created jointly with the *Conseil supérieur de la langue française* by means of the aforementioned *décret n°89-403 du 2 juin 1989*, changed its name to the *Délégation générale à la langue française et aux langues de la France* and incorporated into its missions that of valuing the

⁴⁹⁹. *Vocabulaire de l'informatique (liste de termes, expressions)*. *Journal officiel de la République française* n°93 du 20 avril 2007. Texte n°84. In, www.legifrance.gouv.fr

languages of the Republic and of promoting multilingualism while at the same time, although it appears paradoxical, *guaranteeing the primacy of the French language in the territory of the state at all times*,

Because the globalization of exchange and the progress of European construction do not cease to evolve, the public powers are called upon to reaffirm a linguistic policy which, forever watchful to guarantee the primacy of French in national territory, participates in the effort of social cohesion and contributes to the promotion of cultural diversity in Europe and in the world.

The General Delegation of the French Language and of the Languages of France develops the linguistic policy of the Government in league with the other ministerial departments.

Organ of reflection, of evaluation and of action, it encourages and coordinates the actions of the public powers for the promotion and use of French and works to favor its use as a language of international communication. It makes an effort to value the languages of France and to develop multilingualism⁵⁰⁰.

The new organization has five priorities:

1. Guarantee the right of the citizens to use French. All citizens have the right, guaranteed by state law and international treaties in this matter, to receive information and express themselves in their own language. In this sense the principal function of the *Délégation générale à la langue française et aux langues de la France* (DGLFLF) is to guarantee and protect the official status of the only language of the State, French, which violates the rights of all the national minorities of the *République*, who by virtue of the same international treaties have the right to express themselves and carry on public and private life in their own languages, a right that the *Délégation générale* is quite far from guaranteeing.
2. Guarantee the existence of the French language as *an element of social cohesion*. In this context, social cohesion means *monolingualism*. Along this line, knowing French constitutes not just a right, but a duty of every citizen and knowing it must be imposed on the whole population, whether or not it is their mother tongue. From this perspective, not knowing French is defined in terms of *linguistic exclusion* and favoring the development of –for example –a bilingual educational system or administration –represents *an obstacle to personal development and access to culture* (as this is only offered in French):

Being fluent in French is a condition of achieving personal development, fitting in socially and professionally in society and having access to knowledge and culture. The DGLFLF supports all sorts of actions benefiting the shared use of French and in the struggle against linguistic exclusion. For example, it has participated in the development of the Initial Diploma in French

500. *Délégation générale à la langue française et aux langues de France*. In, www.culture.gouv.fr/culture/dgflf/garde.htm

*Language (DILF) with the objective of assisting immigrants in the process of integration*⁵⁰¹

3. Enriching and modernizing the French language. This is the function of the General Commission on Terminology and Neology that we have already detailed and that has no other function but to avoid the use of Anglicisms in the French language, which costs the public treasury millions of Euros annually. Expressed a different way, more formally,

*Languages are continually enriched by new words that express the reality of the contemporary world. Words from everyday life evolve naturally and such evolution must be accompanied by an evolution in more specific areas, in particular, in technical matters. The DGLFLF finds itself in the middle of the interministerial apparatus of enrichment of the French language: it supports and coordinates the work of the different actors that participate in the development of neologisms*⁵⁰².

Among the terms created by the *Commission générale de terminologie et de néologie* whose goal is to impose them as part of everyday language we can cite: logiciel (*software*), puce (*chip*), baladeur (*walkman*). Among those of more recent creation, we can mention: monospace (*minivan*), covoiturage (*carpool*), v.t.t or what is the same, vélo tout terrain (*mountain bike*, that is, *all terrain bicycle*), remue-méninges (*brainstorming*). And for the internet: courriel (*e-mail*), navigateur (*navigator*), pirate... Perhaps it is necessary to indicated that the semantic origin of words like “brainstorming” continues to be English or American, in spite of the term being translated into French. The idea, the innovation and the freedom of creation is what counts and what makes a person creative and a language a rich instrument of cultural exchange.

4. Foment linguistic diversity. This objective requires a translation of the official language to that of linguistic rights and humanism. *Linguistic diversity* in this context means waging a linguistic war against the predominance of the English language at the international level by means of the promotion of the use of the French language in the former colonies in Africa and Asia. Alongside this effort is that pushing the use of French in international institutions such as the European Union or United Nations. Officially,

The multiplication of the exchanges and contacts among languages orients our policy toward the promotion of multilingualism, in particular at the European level. This orientation demands concrete actions which foment: the learning of foreign languages throughout one's lifespan, the comprehension of other languages to facilitate communication, especially among languages of the

501. Délégation générale à la langue française et aux langues de France. Présentation. In, www.culture.gouv.fr/culture/dgjf

502. Ibid.

same family (development and diffusion of the training methods for this means of exchange), the implementation of a renewed policy of translation, which considers the technological evolution (promotion of professions related to translation, establishment of networks of support for translation, development of automated translation)⁵⁰³.

5. And, finally, promotion of the *languages of France*. Officially, the DGLFLF contributes to the promotion and publication of the patrimony and contemporary works that are composed in the national languages of the Republic. But, in practice, the assistance is limited to –at least at the moment –to artistic (or folkloric) promotion of such areas as theater, music or the production of books, which doesn't save these languages from the real and serious danger of disappearance which they face if the DGLFLF does not confront the challenge of establishing a truly bilingual administration and educational system,

Among the hundreds of languages present in our country, the title Languages of France is reserved for those spoken by French citizens in national territory for a long time and that form part of the common wealth, without being the official language of any State: "Regional" languages such as Flemish, Basque, Corsican, the Creole languages or Tahitian; "non-territorial" minority languages such as dialects of Arabic, Romani, Berber and Yiddish⁵⁰⁴.

In any case, beginning on the date of adoption of the Conventions on matters of political, civil, economic and cultural rights, French linguistic policy started to experience a timid advance toward plurality and the recognition of the national rights of the peoples who make up the Republic, principally due to international pressure and, derived in turn from the decided development of the theory and practice of human rights under the protection of international institutions. In this sense, there were a few advanced in matters of linguistic policy previous to the year 2000.

By virtue of the *loi 82-652 du 29 juillet 1982*, later replaced by *loi 86-1067 du 30 septembre 1986*, the French state regulated public television broadcasts in vernacular languages for the first time. According to Article 44.2 and 44.4 of said article,

44.2. The national broadcasting association, called France 3, assigned to conceive and program television broadcasts of national, regional and local character destined to be diffused throughout all or part of the national territory. This association proposes general and diversified programming. It ensures in particular first hand information and reports of local and regional events.

44.4. The national broadcasting association, called Réseau France outre-mer, assigned to conceive and program television and radio broadcasts

503. Ibid.

504. Ibid.

*destined to be diffused in the French overseas collectives. This association ensures the promotion of the French language as well as that of the regional languages and cultures*⁵⁰⁵.

In spite of the timid precedents, such as the broadcasts of a minute and a half in Breton in 1964, it wouldn't be until practically the 1990s that the definitive regulation of a limited broadcast space on public television in vernacular languages would come to pass. *Loi 86-1067 du 30 septembre 1986* was replaced by *loi 2000-719 du 1er août 2000 relative à la liberté de communication*, which regulated the broadcast of programs in regional languages on TV3, always ensuring the promotion of the French language in the first place (Art. 43.11),

They present a diversified offering of programs in digital and analogue modes in the domains of information, culture, knowledge, sports and leisure. They favor democratic debate, exchanges between different parts of the population as well as social participation and citizenship. They ensure the promotion of the French language and emphasize cultural and linguistic heritage in its local and regional diversity. They participate in the development and diffusion of intellectual and artistic creations and civic, economic, social, scientific and technical knowledge as well as audiovisual and media education⁵⁰⁶.

In this way, according to article 42.2 bis,

The substantial proportion of musical works in French or performed in a regional language used in France, which must attain a minimum of 40% of the songs in French, of which at least half come from new talents or new productions, diffused during meaningful listening hours by each of the services of radio diffusion authorized by the Conseil supérieur de l'audiovisuel, for the part of their programs composed of a variety of music⁵⁰⁷.

One more step toward the recognition of the national cultures and languages was taken by the creation, through the *décret 85-1006 du 23 septembre 1985*, of the *Conseil national des langues et cultures régionales*. According to the third article of the decree of creation, the *Conseil* would be formed by a total of 30-40 people chosen by decree *en raison de leurs compétences et de leur action en faveur des langues et cultures régionales* and would meet a minimum of twice per year under the presidency of the Prime Minister or a delegated representative. Its functions would be,

The National Council on Regional Languages and Cultures has the mission of studying, within the framework of the directions defined by the President of the Republic and the Government, questions relative to the support and promotion

505. *Évolution des programmes de la société France 3*. In, www.senat.fr

506. Texte adopté n° 473. "Petite loi", Assemblée Nationale, onzième législature, session ordinaire de 1999-2000, 23 mars 2000. Projet de loi adopté avec modifications par l'assemblée nationale en deuxième lecture, modifiant la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication. In, www.assemblee-nationale.fr

507. *Ibid.*

of the regional languages and cultures for which it was conceived by the Prime Minister⁵⁰⁸.

Under the protection of the law of association of 1901 and the initiatives of the *Conseil national des langues et cultures régionales*, in 1990 the *Institut Culturel Basque (Euskal Kultur Elkartea, EKE)* was born, an association created by the *ministère de la culture* with its seat in the Château Lota de Uztaritze which links 145 Basque municipalities in the support and promotion of the Basque culture in the Basque Country. According to the fourth article of its statutes, EKE is an organ of promotion of Basque language and culture, as well as an institute of investigation and of cultural exchange. EKE can push the activities in this field in two ways, directly, pushing and directing activities, or coordinating and helping to direct proposals directed by other associations with the assistance of EKE. According to the fifth article of the statutes, EKE intervenes in eight fields of action:

1. *la promotion de l'euskara,*
2. *la littérature et l'édition,*
3. *le théâtre et le bertularisme,*
4. *la production audiovisuelle,*
5. *la danse, le chant et la musique,*
6. *les arts plastiques,*
7. *le patrimoine et l'environnement,*
8. *les sports basques*⁵⁰⁹.

Not to mention the titanic job that this institution faces in the Northern Basque Country, not counting on more help than that of a negligible state budget, assistance from the Government of the Autonomous Community of the Basque Country and private cultural groups. In this sense, according to the *décret du 20 février 1995*, the French state recognized *Euskaltzaindia (Academia de la Lengua Vasca / Académie de la Langue Basque)* as an institution of public interest, *elle bénéficie en même temps d'une reconnaissance social très étendue dans la population basque. Ses activités ont facilité le processus de modernisation et de standardisation ou de rapprochement linguistique dont a bénéficié la langue basque, en particulier depuis 1968*⁵¹⁰. These initiatives have promoted in the last few years the introduction of the Basque names of cities and other places of interest on, still predominantly monolingual, traffic signs (*signalisation routière*).

But, it would not be until 2008 that for the first time in the 220 year history of the French state the constitution of the Republic recognized –at a constitutional level –the existence of national languages within the *République*, under the denomination *regional languages (langues régionales)*. Not without a previous and bloody debate at the heart of the national assembly and a dissension of opinion between this house and the senate of the republic.

In the context of the debate of 22 May, 2008 in the national assembly

508. Décret 85-1006 du 23 septembre 1985. In, www.culture.gouv.fr

509. Euskal Kultur Erakundearen araudiak/Statuts de l'Institut Culturel Basque. In, www.eke.org

510. Euskaltzaindia. In, www.euskaltzaindia.net

regarding the projected constitutional law on institutional reform (*loi constitutionnelle de modernisation des institutions du 23 juillet 2008*)⁵¹¹, deputy Noël Mamère proposed the Republic's adoption of the European Charter for Regional or Minority Languages in these terms,

This amendment envisions the recognition of the regional languages. We have discussed this subject for a long time. We know that part of the majority is in favor of the introduction of recognition of the regional language in the Constitution. No one has said here that it is about dismantling national unity and making French no longer the language of our country. But we also know that there are French languages that should be able to be protected. The Greens have often clamored for the application of the European Charter for Regional Languages in French law and the present amendment intends for the Constitutional Council to no longer be able to use the Constitution to oppose the application of the Charter. It is not about favoring what some call "communitarianism", but realizing that our country feeds off its diversity. I don't mean just its cultural diversity, including that which comes from the other shore of the Mediterranean, but also the diversity of languages in our territories. If we want to rejoin several other countries of the European Union, whose politico-administrative system is very different from ours, much less centralized, much less Jacobin, to use a French expression, I think that we could agree to guarantee, through the Constitution, the recognition of the regional languages⁵¹².

But, the recommendation of the evaluating commission and that of the government were unfavorable to the adoption of said Charter which meant that, in spite of the petition to put the matter to a vote, amendment 273 was not adopted. However, later in the debate, the National Assembly took up the issue of the regional languages yet again, this time in the form of amendment 304, likewise defended by Mamère who presented an *amendement de repli* attempting to include the following formula in the second article of the Constitution: "French is the official language of the Republic. The regional languages of France are also recognized by the Republic".

In the speaker's words, this only meant constitutional recognition of the simple tolerance of these languages by elevating their legal status. While it wasn't about recognition with a juridical base as would be the case with the ratification of the Charter, it would presuppose a move forward. And he continued to affirm that, without pausing on the fact that schools that use these languages in instruction –Diwan in Bretagne and Itaskola in Euskadi –exist, their use and expansion are promoted much less than in other European states. He also indicated that all surveys highlight that fluency in a national language, far from undermining the learning of French, feeds and strengthens it. At this point in the debate, the question of unity of the state had already arisen and Representative Patrick Braouezec spoke up, noting that,

Without this precision, one could consider that these regional languages form

511. Assemblée nationale, XIII^e législature, Session ordinaire de 2007-2008. Deuxième séance du jeudi 22 mai 2008.

512. Assemblée nationale, Compte rendu analytique officiel. Séance du jeudi 22 mai 2008. 2^eème séance. Séance de 15 heures, 165^eème séance de la session. Présidence de M. Bernard Accoyer. Modernisation des institutions de la ve République. In, www.assemblee-nationale.fr

part of our past folkloric heritage, without giving them life for that reason. One can protect them, as one protects historical monuments, as they are witnesses from the past. The word "living" would give precision and would show that the regional languages have always been meant to be spoken. Even if we consider that there must be only one language for our nation, unity is not uniformity. For the rest, I hope that this makes us reflect on the practice of foreign languages in our territory, because I have the impression that we are attached to the regional languages but not to the cultures of foreigners⁵¹³.

In any case, amendment 304 would not be adopted in the form defended by Mamère.

However, at the heart of the discussion around the constitutional bill on institutional reform in the Senate, the amendment on the inclusion of recognition for the regional languages in the constitutional articles was reintroduced in the debate of 18 June, a completely unexpected event which provoked great surprise. And, on Thursday 22 May, Marc Le Fur (UMP), *conseiller général* of Côtes-d'Armor, proposed the constitutional amendment that establishes that "the regional languages belong to the heritage of France"

Amendment n° 605 Rect. presented by Mr. Warsmann, speaker in the name of the Commission of Laws

Additional article before the first article, insert the following:

The 1st article of the Constitution is completed by a sentence so worded:

"The regional languages belong to its heritage".

Summary

This amendment proposed to recognize the wish to inscribe in the Constitution the existence of regional languages, which has been expressed by a large number of parliamentarians, notably on the occasion of the recent debate on regional languages which took place at the National Assembly (public session of Wednesday 7 May, 2008).

It is proposed to insert the mention of the regional languages into the 1st article of the Constitution, which has been completed by the constitutional revision of 28 March, 2003 in order to clarify that "its organization is decentralized"⁵¹⁴.

In the course of the parliamentary debate, the *Académie française* emitted a communiqué, unanimously approved by its members, in which this cultural institution opposed the approval of the constitutional amendment,

For more than five centuries, the French language has forged France. In a just turn, our Constitution has, in its second article, recognized this evidence: "The language of Republic is French". However, last May 22, the representatives voted for a text whose consequences threaten national identity. They have sought to add to the Constitution, in its first article, whose first sentence starts with the words: "France is an indivisible, lay, democratic and social Republic", a final sentence: "The regional languages belong to its heritage". The regional languages are part of our cultural and social heritage. Who doubts this? They express realities and sensibilities that participate in the richness of our Nation. By why this sudden appearance in the Constitution? The law does not describe, it

513. Ibid.

514. Ibid.

commits. All the more when dealing with the law of laws, the Constitution. What is more, it seems to us that placing the regional languages before the language of the Republic is a challenge to simple logic, a rejection of the Republic, a confusion between the constituting principle of the Nation and the object of a policy. The consequences of the text voted on by the Assembly are grave. They jeopardize, notably, the equal access of all to the Administration and to Justice. The Académie française, which has received the mandate of overseeing the French language in its use and influence, calls on the national Representatives. It demands the retraction of this text whose excellent intentions can and should be expressed elsewhere, but have no place in the Constitution⁵¹⁵.

On Wednesday 18 June, 2008, the Senate approved 216-103 an amendment to delete the reference to the regional languages in the Constitution. While the majority of the Senate had accepted the amendment during the debate in committee, in open chambers UMP manifested its opposition to the measure and the various amendments presented by centrist, communist, radical and socialist groups didn't succeed in changing the direction of the debate.

In this way, after two failed attempts and in a surprising way, on 21 June, in a joint session of both houses at Versailles, representatives and senators achieved consensus on a formula that would finally be approved and adopted as Article 75-1 under Title XII, *des collectivités territoriales*,

*The regional languages belong to the heritage of France*⁵¹⁶.

It remains to be seen what exactly will be the juridical reach of said declaration. As Anne-Marie Le Pourhiet, professor of public law at the *Université Rennes*, pointed out, *this amendment doesn't do anything but recall a truth and will have no legal consequence*. And she added that the very possibility that the French government ratifies the European Charter for Regional or Minority Languages was unfounded, given that this charter is not only contrary to Article 2 of the Constitution that establishes that the French language is the official language of the state, but that it is incompatible with French constitutional identity (*identité constitutionnelle de la France*) and with the philosophy of the French Revolution.

Be that as it may, today the French state continues to be a monolingual state in which recognition of the rights of national languages are not guaranteed: French continues to be the only language of government, of administration of justice and the only language which enjoys official status in the State. Also, French is the only language of instruction, which remains monolingual, while the French educational system has opened, as we will see in the next chapter, to the possibility of studying vernacular languages as elective classes.

6.2.3. The Basque Language in the Educational System of the French State

As we had the opportunity to see at the beginning of this section, according to the *loi Deixonne* of 11 January, 1951, the fourth republic permitted

515. *Déclaration*. In, www.academie-francaise.fr

516. Pardini, Gérard, *Grands principes constitutionnels: Institutions publiques françaises*, L'Harmattan, Paris, 2009.

access to optional learning of the vernacular languages in the French educational system. Two hours per week was the maximum instruction time allowed for the teaching of the *regional* languages. At the same time, Article 11.b of the law permitted the creation of university institutes of language and culture and thus René Lafon, of the *Institut d'Etudes Iberiques* created a course in Basque language and culture at the *Université de Bordeaux*, the second of its kind after the war.

According to the *loi Debré du 31 décembre 1959*, that bears the name of the Prime Minister and Minister of Education Michel Debré, a system of contracts between the state and the private schools was established, creating through these agreements coordinated centers of learning that, in exchange for state aid, were subject to a process of obligatory inspections. This teaching model, which all the private *Itaskolas* of the Spanish state share, opened the possibility of the creation of coordinated private centers of learning in Euskara. Likewise, according to the *circulaire 66-361 du 24 octobre 1966*, *Commissions académiques d'études regionales* were created for the study of the theoretical and practical problems posed by the teaching of the regional languages.

While Minister of Education Edgar Faure's *loi n° 68-978 du 12 novembre 1968* assumed a step backwards in the development of the vernacular languages in the educational system, given that by means of the eighth article a *Conseil régional de l'enseignement supérieur et de la recherche* was created but didn't contemplate instruction in or of these languages, *circulaire IV-69-90 du 17 février 1969* cleared the way for the *teaching of the regional languages and cultures in first and second degree classes* and *circulaire 71-279 du 7 septembre 1971* ratified this executive decision.

Thus, in 1969, *Seaska* was born, an association of parents created through the law of associations of 1901 aimed at creating the first *Itaskolas* –centers of education in Basque –in the Northern Basque Country. A short time later, the first *Ikastola* in *Iparralde* opened its doors in *Arrangoitze (Arcangues)*, Lapurdi, with 5 students. In the wake of this Basque initiative, other schools in vernacular languages burst onto the scene in various parts of the republic: the *Scola Corsa* movement in Corsica in 1970; the first *Bressola* (school-daycare) was created in Perpignan in 1976; the first *Diwan* opened its doors in 1977 en *Lambaol-Gwitalmeze*; the first *Calandretta* in Pau in 1979 with 5 students. In 1972, for the first time since the Second World War, the teaching of German and of the Alsatian dialect was regulated in Alsace (*expérience Holderith*).

Under cover of these private initiatives, still of very modest dimensions in 1970, the conservative Prime Minister Jacques Chaban-Delmas approved *décret n° 70-650 du 10 juillet 1970* by means of which it was permissible to take into account regional languages in the high school exit examinations and, by means of the *Décret du 16 janvier 1974*, the introduction of an optional examination in regional languages (*sur les langues et dialectes locaux*) was approved for the acquisition of the *baccalauréat* degree. In this sense, on 8 April, 1975, Representative Jean Francou, motivated by the adoption of international treaties and recommendations in matters of cultural rights of minorities, presented the depressing state of education in or of the vernacular languages during the parliamentary debate in the French Assembly. In the opinion of the representative, the Basque initiative of creating schools with instruction in Euskara (using the immersion model), responded to a social demand which required a response:

Mister Minister, ladies and gentlemen, while the Parliament will be called to pronounce on a global reform of our system of primary and secondary education, it seems opportune to me to call your attention and to inquire as to your attention on the particularly important point represented to the cultural heritage of our country by the contributions, the maintenance and the development of regional culture.

Permit me a preliminary statement.

This question seems to worry the Parliament much more than the government since you are in possession of two bills relative to the status of minority languages and cultures of France, while I have only found a very brief mention of the optional teaching of these disciplines in your brochure entitled For a Modernization of the Educational System.

Article 5 of the International Convention against discrimination in the domain of instruction, to which our country subscribed in 1960, specifies: "It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language". In light of this essential principle, it is essential to measure the space that is currently made for regional languages and cultures and, through this tally, to define actions which will permit restoring that to which they have a right in our instruction and in our public life in general.

Our country possesses eight regional languages from four different origins: an important group born from Latin and including Occitan, Catalan, Corsican and Provençal; a group of Germanic origin comprising the Alsatian of Lorraine and Flemish; a group of Celtic origin, Breton; and a group of prehistoric origin, Basque.

These languages have been of great importance in the history of Europe and of France. It is not necessary, I think, to evoke the intellectual wealth of the courts of the langue d'oc in the 12th and 13th centuries. When our Prince Raymond of Toulouse wrote anthologies of verses, the king of France still signed his treaties with a cross.

Our linguistic and cultural heritage is therefore exceptional and is not found, it seems, in any other country.

Since the 16th century, François 1st, by the ordinance of Villers-Cotterêts of 1539, imposed French as the only and unique language of the Kingdom of France.

Since then the central power has used all means at its disposal to set the usage of French, means sometimes peaceful, "psychological" we would say today, while flattering the vanity of local leaders, means often more brutal, touching on a veritable linguistic repression.

This has practically never wavered over the centuries.

So it is that the Conventionnels, after having thought about translating their declarations into the different languages of France, decided to "declare war on the patois".

Since 1880, the 3rd Republic, working to generalize the use of French and combat illiteracy, decided to hunt and hound the ethnic languages of France, reduced to the rank of "vulgar patois".

This is the era when Frédéric Mistral obtained the Nobel prize and received the homage of the whole world, while his own mother tongue was fought by the schoolmaster of his village.

It is also the time when a stick circulated in the schools, a stick which the student who let a word of his "patois" slip would receive. This stick was called "The Polack" because at the same time the Prussians used a similar stick to extinguish the Polish language.

Numerous French politicians of the time were scandalized by the repressive attitude of their Germanic neighbors which was judged "inadmissible", but they accepted and encouraged this practice in our French provinces.

It is necessary to wait for the end of the Second World War and 1951 to identify a slight flexibility in this policy. In effect, from this date on, courses in regional languages could be allowed under the title of "directed activities". Finally, since 1970, the possibility of teaching regional languages as elective languages has been recognized.

But one cannot, in light of the results of the last fifteen years, in spite of their goodwill, mark a positive tally on the matter of teacher training as can be done in matters of teaching itself.

At the level of teacher training, nothing is provided for, particularly at the high school level.

However, and it is here that the paradox lies, our entire system of instructor training: be it recruitment, localization of teaching schools, affectation, is based on the regional vocation of the corps of teachers. It would seem logical, therefore, if one wanted to assist in the students' acquisition of a regional culture, to start with training the teachers who grew up in the same region.

This situation involves therefore a complete lack at the level of elementary education while, notably in rural areas, the regional language is still practiced by most of the students with their families. It is so in the Basque Country, where all of the students entering elementary school speak Basque and continue to speak it as soon as they are out of school.

In the first cycle, for the classes from sixth to third, the complete lack of elementary schools has created an extremely bad situation. True, regional languages and cultures can be inserted into the framework of directed activities distributed drop by drop by the rectors. But they are left to the initiative and good will of the teachers. So it is that if no professor interested in or capable of taking charge of an activity can be found at an establishment, the activity doesn't exist there. When it does exist, it is frequently placed outside of the normal school day, which excludes students from the villages and countryside dependent on the strict schedules of school bus service.

In the second cycle, the organization is less skeletal. The students have the opportunity to prepare, starting in the second, an elective examination for the baccalaureate. But the absence of complete services in the regional language obligates professors to first ensure their principal discipline. The teaching of the ethnic language is still, at this level, considered superfluous; it is therefore placed outside of the regular schedule, which prevents a good number of students from taking it.

Also, the absence of structure of this instruction renders it absolutely dependent on the professor who is assigned to it; it is sufficient for him to be removed in order to eliminate a numerous and lively class for lack of a replacement. The former rector of the Academy of Clermont-Ferrand may remember that unique position which required its holder to crisscross the entire academy in order to fulfill his instructional duties.

Finally, this totally marginal discipline occupies, in the grading of the baccalaureate, such an unimportant place that it possesses no attractive element for the students in terms of the "profitability of the exam".

The situation in higher education is hardly more encouraging if one considers that no chair of the Occitan language exists in France, while Japan has created two, plus one in Provençal, and that in many countries of Europe and the world such chairs function.

There also, courses in regional languages are considered marginal. They are imparted by professors whose official discipline is often different and removed

and who cannot, in spite of the interest that they bring to the assignment, devote all the time to it that they would like.

Finally, these studies don't lead to any test at any level whatsoever and the student who devotes a part of his work and his time to it, under such conditions, is unfairly treated.

You will permit me, Mister Minister, to find this rapid survey particularly saddening. True, the deeply rooted hostility that had prevailed for centuries disappeared a few decades ago, but it has given way to a situation characterized by administrative apathy, a shortage of means and a systematic recourse to "do it yourself work".

However, we think that the heritage of this regional culture deserves much better and should attract its own initiatives to propagate it and emphasize it and all the more since, for some twenty years, we experience a rapidly expanding regional awakening. I do not make reference to certain exalted people who wish to follow nonsensical dreams of autonomy, but to a deeper feeling, a thirst to know the past and the language of one's region of origin, which develops among a population that is perhaps already too urbanized.

The students are more interested each year in the courses in ethnic languages and more and more of them sign up for the elective test for the baccalaureate. So much so that, while only 250 students took the baccalaureate test in Occitan in 1961, more than 7000 took it in 1974. The progression is remarkable above all if one keeps in mind the tiny efforts put toward developing this instruction; it proves, if it were necessary, the evolution that has happened among our youth and the makes them search for their roots in the corner of land from which their family came forth.

Other initiatives have appeared. So it is that parents in the Basque Country have created veritable maternal schools (preschools) of Basque language.

We think that the problem is based at this level and most of all at the elementary school level.

In your reform project, you foresee in the "first second phase" a "complementary elective instruction" and, among seventeen principal possibilities, one option of "regional culture and language" of four hours weekly. In the yearlong in depth course corresponding to our current terminal classes, you have foreseen, among the same number of "in depth options", the choice of an assignment in "regional language and culture". It is already, Mister Minister, great progress, because it seems that the grades received in these "in depth options" will be determining factors in obtaining the baccalaureate.

It is better but we believe that it is insufficient and that at the high school level and above all in elementary education, there should be a place for the regional languages and cultures.

There is not, in our opinion, any danger in favoring and developing such education. If a Breton, Basque, Catalan or Alsatian perfects his skill in his native language at school and passes his baccalaureate with an examination in Breton, Basque, Catalan or Alsatian, he will not feel less French. Quite the contrary, by inserting the regional culture in the normal education cycle, you will eliminate its aspect of last resort against the materialism of our modern life and the exaggerated centralism of our administrative system.

The regional realization that we have witnessed for some years will not necessarily lead to violence, as some predict, if, by a just appreciation of the problems and by a decision made on time, the State learns how to offer a framework within which this legitimate aspiration can bloom and be realized.

(Applause)⁵¹⁷.

517. *Séance du 8 avril 1975 du Sénat*. In, www.senat.fr

And the issue didn't end with the applause: on 11 July, 1975 by means of Article 12 of *loi n° 75-620 du 11 juillet 1975* and the subsequent *circulaire 75-426 du 21 novembre 1975*, promoted by the Minister of Education René Habi, *un enseignement des langues et cultures régionales peut être dispensé tout au long de la scolarité*. By the introduction of juridical recognition of the concept of "educational community" (*communauté éducative*) which includes students, professors, staff and parents, Habi introduced the teaching of vernacular languages and cultures in all of the phases of the system of public education as an option for the first time in the French state. By means of this initiative, the teaching of regional languages was optional in primary school. In secondary education it would also be elective with a maximum class time of three hours per week including –whenever possible –in the hours dedicated to teacher preparations (*services des maîtres*). The post of counselor in matters of regional languages and cultures (*conseiller pédagogique en langues et cultures régionales*) was created for each center. Measure that were reinforced through the adoption of *circulaire 76-123 du 29 mars 1976* on the introduction of the *French linguistic and cultural heritage* into the educational system.

After the elections of 1981, François Mitterrand obtained the presidency of the Republic, inaugurating a period of socialist domination that would last, with ups and downs, until 1993. Among Mitterrand's 110 electoral proposals (*56ème proposition du candidat Mitterrand*), was one to promote regional languages and cultures through their effective introduction into the education system. In this sense, he affirmed on 14 March, 1981 in Lorient that,

The time has come for a statute of languages and cultures of France that recognizes a real existence for them. The time has come to open wide the doors of the school, the radio and the television allowing their diffusion, to give them the place that they deserve in public life⁵¹⁸.

Between May of 1981 and July of 1982, the Mitterrand administration produced three reports about the situation of the vernacular languages in the Republic⁵¹⁹ and, one of their fruits would be the legislative initiative of the Minister of Public Instruction Alain Savary⁵²⁰, *circulaire 82-261 du 21 juin 1982 sur l'enseignement des langues régionales dans le service public d'éducation nationale*. The circular put into effect a packet of measures included in a triennial plan based on three general principles:

1. Commitment of the State with respect to the organization of the teaching of vernacular languages and cultures. According to the circular of the Ministry of Education, the French public education system should assume

518. Gaquin, Audrey, *Peuples et langues de France*, University Press of America, 1996. P. 436.

519. *Rapport de la Commission d'enquête sur la langue française, présidée par Monsieur Xabier Deniau, et établi par Monsieur Clément*, Assemblée nationale, 6^e législature, n° 2311, 14 mai 1981, 2 tomes. *Rapport au ministre de la Culture de Monsieur Henri Giordan sur «Démocraties culturelles et droit à la différence»*, Documentation française, 1982. *Rapport du ministre de la Culture de Jean Jack Queyranne sur «Les Régions et la décentralisation culturelle. Les conventions de développement culturel régional»*, Documentation française, Juillet 1982.

520. Ministro de instrucción pública del 22 de mayo de 1981 al 18 de julio de 1984.

its responsibilities on this point without trusting private initiative in the development of the teaching of these languages.

2. Commitment to the adoption of measures leaning towards awarding a defined juridical status to the teaching of regional languages and cultures within the education system. According to the circular, these languages would be taught from kindergarten until university, not as a *marginal* course, but as a specific subject in the program of study. The *Journal Officiel* of 26 May published a list of vernacular languages in which one could obtain the baccalaureate degree by way of examination: Euskara, Breton, Catalan, Corsican, Celtic, Occitan. Alsatian would be included in 1988. Future legislative measures would have the goal of regulating the diverse areas related to said objective: educational program framework, sanctions, training of teaching personnel and programs for teaching and scientific investigation, *it will be provided from preschool to the university, not as a marginal subject, but as a specific subject. It will therefore have regular hours, syllabi, sanctions, trained personnel and programs of scientific and pedagogical research. But, at the level of this organization, it is that of diffusion and not that of specialization that has been retained. It is not about closing the teaching of regional languages and cultures up in a forced specialization. Diverse possibilities, adapted to different degrees of interest on the part of the students and their families, are therefore proposed from preschool and elementary school through the different levels of education. Also, the modalities of training are open to all teachers, instructors as well as professors, regardless of their discipline of specialization*⁵²¹.
3. The learning of vernacular languages would not be a required subject of the education system given that, without clarifying why, the minister understood that unlike the official language of the state –which was imposed obligatorily –learning vernacular languages should be optional, *this instruction will be based on the will of the students and the instructors, with respect to the consistency of public service. There is no question of imposing the regional language or culture as a required subject, no more than the instructors are obligated to provide it. Giving this instruction its true place is not to force reality*⁵²². Finally, in a highly redundant manner, the minister reported, in reference to the content of the instruction in vernacular languages, that these must be developed with all scientific and academic rigor. On the other hand –noted Savary –the instruction of vernacular languages shouldn't lead to provincial segregation (*particularismes provinciaux*) versus the spirit of national unity, but rather, should be designed as a factor of enrichment and recognition of the diversity and origin of the regional cultures. The interest of the regions themselves, a true examination of the vernacular cultures and languages within the education system must not –in the opinion of the minister –focus on criticizing the cultural policy of the Republic in the past.

521. Circulaire 82-261 du 21 juin 1982 sur l'enseignement des langues régionales dans le service public d'éducation nationale. In, www.education.gouv.fr

522. Ibid.

In Savary's opinion, the relevance of the use of the regional language in the homes and communities where it was spoken was very unequal, not only between regions but also within a given region, which meant that the hours of instruction dedicated to teaching regional languages and cultures should be adapted to the geographic location where the school was located, a principle of proportionality that obviously was never adopted in relation to the French language⁵²³. It is essential to keep in mind that even today in certain rural areas of Baxe Nafarroa, Lapurdi and Zuberoa the predominant language spoken is Basque.

The *circulaire 82-261 du 21 juin 1982* also produced the opportunity to create experimental bilingual classes, a possibility that would never be fully realized, at least it hasn't been up until now, *the conditions will be studied in which experimental bilingual classes may be created being aware of the experiments already carried out in certain regions and calling on the competencies that they have revealed*. But, in spite of the evident limitations of Savary's educational project, which is far from being considered bilingual⁵²⁴, under cover of the stipulations of the circular, the first bilingual initiatives in Euskadi were created. Concretely, the first *Ikastola* (daycare) under the protection of the new law opened its doors in 1982 and in 1983 the first elementary course was created there; along the same lines, the *Div Yezh* Association, created in 1979, pushed classes in instruction in Breton in 1982 and, much later, in 1989 classes in Occitan opened; in German in Alsace in 1992 and in Catalan in 1996.

Finally, the circular also provided for university teams that work in the field of teaching of vernacular languages and cultures to be strengthened by means of the addition of new professors and departments of Regional studies. These services would be designed in order to guarantee constant development of these studies, which should be interdisciplinary and, in addition to the teaching of the DEA, Savary foresaw the possibility of creating a second offer on an experimental

523. Concretely, the *circulaire* adopts the following criteria in relation to the hours of instruction of these languages in secondary education (colleges):

1° - *Institution d'une heure d'enseignement facultatif de culture et langue régionales de la sixième à la troisième*

Compte tenu des travaux préparatoires nécessaires à l'organisation de cet enseignement nouveau — notamment en ce qui concerne les contenus aux différents niveaux —, ce dispositif sera mis en place progressivement à compter de la rentrée 1983 pour la sixième, puis 1984 pour la cinquième, 1985 pour la quatrième, etc. Un minimum de 15 élèves sera requis pour l'ouverture de cet enseignement, étant entendu que l'inscription sera assortie d'une obligation d'assiduité, entraînant notamment l'impossibilité d'abandonner puis de reprendre cet enseignement, sauf pour raison de force majeure. Cette heure devra figurer dans les plages ordinaires de l'emploi du temps. Au cours de l'année scolaire 1982-1983 seront menés les travaux préparatoires nécessaires à la définition des contenus de cet enseignement. Pendant cette année de transition, le dispositif d'activités dirigées et les moyens actuels seront reconduits. Ponctuellement, des initiatives d'innovation pédagogique en ce domaine seront encouragées.

2° - *Option « culture et langue régionales » de trois heures hebdomadaires en quatrième et troisième. Outre cet enseignement facultatif d'une heure, un approfondissement est proposé à partir de la quatrième aux élèves qui souhaitent perfectionner et systématiser leurs connaissances.* In, www.csif.gouv.qc.ca

524. Reinforced by the *circulaire du 30 janvier* pose le principe d'un enseignement bilingue y la *circulaire 83-547 du 30 décembre 1983* sur les textes d'orientation sur l'enseignement des cultures et langues régionales.

basis, packets of studies in vernacular languages and cultures grouping the study of the language as well as history and civilization, economics and social sciences and even methodology,

Beyond the instruction of the DEA, in the second cycle groups of complementary classes may be proposed (language, history and civilization, economics and social sciences, methodology) that, clustered in the form of options or modules in regional languages and cultures, could be offered as part of the existing bachelors and masters degrees. These classes will consider the training needs of high school instructors and will otherwise offer specific training of good quality proceeding from periodic research to all interested students⁵²⁵.

The evolution of the programs of instruction in vernacular languages depended on the balance that could be drawn from these first steps. In fact, *loi du 26 janvier 1984 sur l'enseignement supérieur* would mention the *enrichment of the French language and of the regional cultures and languages* as one of the most urgent goals of the French university system.

Savary's initiatives modified the *loi Deixonne* in several ways, one of them relative to the inclusion of Tahitian and the Melanesian languages and dialects into the French education system. This was a direction that the system had been taking since the beginning of the seventies with the elimination of the prohibitions regarding German in Alsace. Through *décret n° 74-33 du 16 janvier 1974 relatif à l'enseignement des langues et dialectes locaux*, Corsican had been introduced into the French education system. The first article established that *Articles 2 through 9 inclusive of the law of 11 January, 1951 and the decree of 10 July, 1970 relative to the teaching of local languages and dialects are applicable to the Corsican zone of influence*. *Décret n° 81-553 du 12 mai 1981 relatif à l'enseignement des langues et dialectes locaux* included Tahitian as a regional language in the French education system and, finally, *décret n° 92-1162 du 20 octobre 1992 relatif à l'enseignement des langues et dialectes locaux* introduced the aforementioned Melanesian languages.

Within this first packet of measures, in 1982, the Association of Ikastolas of the Northern Basque Country, *Seaska*, negotiated with the Ministry of Culture regarding the first agreement on financial assistance to the Ikastolas, signed on 1 July, 1982. *Seaska* received a first installment of €152,449 (1,000,000 francs) from the Ministry of Culture⁵²⁶. On 14 October, 1983, they signed a 3-year contract with the Ministry of Public Instruction by which *Seaska* would receive a yearly subsidy of €381,123 (2.5 million francs) and a Bipartite Pedagogical Commission was put into place to monitor the process and the measures adopted. On 18 July, 1984, Savary was replaced as head of the Ministry of Education by Jean-Pierre Chevènement who, in 1985, following in the footsteps of his predecessor, signed an agreement with *Seaska* regarding the integration of the instructional personnel of the Ikastolas into the network of the Ministry of Public Instruction. A decision that, in spite of its depth, was never put into effect

525. *Circulaire 82-261 du 21 juin 1982 sur l'enseignement des langues régionales dans le service public d'éducation nationale*. In, www.cslf.gouv.qc.ca

526. *Seaska. Historia*. In, www.seaska.net

since it was annulled by the Constitutional Council at the beginning of January, 1986.

After the momentum of the teaching of vernacular languages during the Savary period, legislation in this field would not see great advances for a space of ten years –coinciding with the end of the socialist period –until the adoption of *loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française*, markedly nationalist in character that, while it recognized the use of vernacular languages in the educational system, it provided through Article 1.1 that the official language of the educational system was French,

1. The language of instruction, of examinations and contests, as well as of theses and records in the public and private educational establishments is French, with certain justifiable exceptions due to the necessity of teaching regional languages and cultures or foreign languages or when the teachers are adjunct faculty or foreign guests.
Foreign schools or those specially opened to receive students of foreign nationalities, as well as establishments providing education of an international character, are not subject to this obligation.
2. After the second paragraph of the 1st article of law n. 89-486 of 10 July, 1989 on the orientation of education, a paragraph so worded shall be inserted: "The mastery of the French language and the knowledge of two other languages form part of the fundamental objectives of education"⁵²⁷.

During the last two years of the Mitterrand presidency, while Edouard Balladur was Prime Minister and Jack Lang was Minister of Education, the Seaska contract with the Ministry of Public Instruction was renewed, this time including secondary education. In July of 1994, Seaska signed a protocol agreement with the new Minister of Education François Bayrou granting the *Itaskolas* the status of private schools under contract of association, much like the model used in the Spanish state. In fact, through the *circulaire 95-086 du 7 avril 1995 sur l'enseignement des langues et cultures régionales*, promoted by the ministry of Bayrou, the possibility of optional instruction of or in vernacular languages was increased from one to three hours weekly at the same time as it was made possible to sign said contracts of association between the Ministry of Public Instruction and private schools.

Two material advances crowned this effort at the end of the nineties, the transferal of the Bernat Etxeparre Institute to Baiona in 1996 and the 1998 opening of the Piarres Larzabal secondary school in Ziburu (Ciboure)⁵²⁸. From then on Seaska, a member of the *Euskal Herriko Ikastolen Konfederazioa*, the Federation of *Ikastolas* of the Basque Country as well as a member of the *Institut Supérieur des Langues de la République Française*⁵²⁹, maintained institutional relations with the Rectory of Burdeos in order to coordinate the development of the regulatory requirements concerning the private schools with contracts of association as well as updating the curricular programs, the evaluation of the

⁵²⁷ Article 11 de la loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française. In, www.legifrance.gouv.fr

⁵²⁸ Ibid.

⁵²⁹ Organism that coordinates the pedagogical efforts of the schools that offer classes in vernacular languages in the territory of the *République*, such as the *Diwan* in Brittany, the *Calendretas* in Occitania, the *Bressolas* in Catalonia and the *ABC*M in Alsace.

faculty or the evaluation of the students. Alongside these institutional functions, Seaska is also a member of diverse associations (*Euskal Konfederazioa*, *Euskal Kultur Elkarte*/*Institut Culturel Basque*) to develop specific pedagogical projects in the Northern Basque Country such as *Euskaraz bizi*, or promote cultural activities like *Ikaspilota* or *Bertso Eskolak*, which while enriching the educational offerings of the Ikastolas, promote the learning of Euskara in the society.

In the new multilingual context of the *République*, the Basque-speaking area extends through the south-eastern third of the Department of *Pyrénées-Atlantiques*, a dependent of the *Académie de Bordeaux*, which include the territory of the three former Basque republics of Baxe Nafarroa, Lapurdi and Zuberoa. The educational offerings in vernacular languages (Euskara in this case) is structured as follows since 1995:

1. Elementary school, which included kindergarten (*l'école maternelle*) and primary school (*l'école élémentaire*). The Inspector of the Academy (*Inspecteur de l'Académie*) guarantees consistency between state-run programs and the local programs in vernacular languages. Parents can choose instruction in vernacular languages in two systems, an introduction to local languages and cultures with education in French or bilingual education. In the latter case, the system begins with the first cycle and continues through elementary school and the local language functions as the means of communication and instruction in various educational areas. In kindergarten, from 1-3 hours per week are devoted to learning the local languages, but they are only offered if a request is first submitted and approved and if there are teachers and volunteers trained to offer the classes. In primary school, French remains the language of basic instruction and the regional language is the language of instruction in all or part of the other disciplines.
2. In secondary school (*collège*) regional languages may choose from three systems: *sensibilisation* (elective option) with one hour of class time per week, *option langue et culture régionale* (elective or required option) with three hours of class time per week and, finally, *enseignement bilingue* which offers the possibility of taking classes in geography and history in the local language (although it is called bilingual education, the proportion of class time is so skewed that it cannot rightly be called a bilingual system).
3. In preparatory or secondary school (*lycée*), the students can choose regional languages as an elective or required class. At the first level the students can choose their mother tongue or a modern language, students of technology can choose the local language in LV2 and, finally, students in the professional baccalaureate or those in PAC and BEP can choose to take optional examinations in the regional language.
4. At the university level, the three cycles of higher education offer the possibility of pursuing studies of local languages and cultures⁵³⁰.

In 1997, the socialist Prime Minister Lionel Jospin asked Representative

530. *Rapport de Monsieur Bernard Poinant sur les langues et cultures régionales* a Monsieur Lionel Jospin - Premier Ministre, le 1er juillet 1998. In, buan1.chez.com/poinant.htm

Bernard Poignant, Mayor of Quimper, to produce a report on the situation of the vernacular languages, which he presented in April of 1998. The report, divided into four sections (*La situation des langues et cultures régionales, les aspects institutionnels les concernant, l'enseignement et la formation, la culture, les médias, la création, la diffusion*), marks a point of flexibility in the French linguistic policy and invites the representatives to recognize the vernacular languages as part of the cultural heritage of the Republic and calls for the signing and ratification of the European Charter for Regional or Minority Languages. Without a doubt, a step forward from the time of Gregoire's *Rapports* to the Convention or Barère's to the *Comité de Salut Public*. Poignant begins by stating, without a shadow of a doubt, that the exclusivist linguistic policy is due to French nationalism which saw the national languages of the Republic as a threat to the unity of the state,

The regional languages are a jewel of our cultural heritage. I have affirmed this conviction recently before the parliamentary assembly of the Council of Europe. The time is, in effect, past when the State could consider the teaching of these languages to be a menace to national unity. If, as is inscribed today by our Constitution, "la langue de la République est le français", it remains still to give the teaching of the regional languages their rightful place [...].

It is true that the development of French was done to the detriment of other languages. It is true that the State has applied methods which were an affront to the linguistic realities of the populations, of their traditions and of their cultures as well.

It is still necessary to look without anachronism at the period of the birth of the Republic's schools. Jean-François Chanut's book "l'école républicaine et les petites patries", prefaced by Mona Ozouf, demonstrates that the first objective wasn't to make the regional languages disappear. It was to make everyone learn French. It was to make each Frenchman a republican, a child of 1789. Forces have set themselves against this objective, notably in the Church. The language spoken by the people found itself in the middle of this combat. Taken hostage, victim of this essential battle, it has paid the price in certain regions. But one finds no trace of the will to annihilate these regional languages in the speeches of Jules Ferry to the Chamber of Deputies. In the same way, Ferdinand Buisson's dictionary of primary education does not advocate such a disappearance. Writing that, it is not about passing silently over the brutal methods of prohibition of the use of the regional language or certain cut and dried ministerial declarations of the era. There remains a memory of this period and of these practices in the collective conscious or unconscious mind of the populations.

Being punished for speaking your language cannot be maintained.

But I suggest to return to that initial spirit and to reread the terms of Jules Ferry's circular of 23 September, 1880:

"So that the school should be loved and appreciated by all, it is necessary for it to appropriate local conventions, to bend to the circumstances and to the traditions, that it welds to the fixedness that it must maintain in its essential character as a national institution the flexibility and the variety in secondary matters, without which it will cease to be a truly communal institution. Also it is convenient for each departmental council to remain empowered to adopt all measures that, barring contrary common rules and reserving the right of superior councils to intervene, seem appropriate to attend to the particular needs of the community".

Thirty years later, in October 1911, another politician, Jean Jaurès, would remain true to this spirit:

"There is no better exercise for the mind than the comparisons (between the

Occitan language and the French language); this search for analogies and differences in a subject that one knows well is one of the best preparations of intelligence”.

This story was accompanied by the establishment of a centralized State to the point that today, there is still an important confusion in the words. When one says “republican”, some understand “Jacobin”, when one says “State”, some understand “Paris”. I happen that the French language is associated with this confusion. Must we deny all this history? Must we excuse its results? Evidently, a posteriori, it is easy to say that other methods were possible. These methods were advocated by teachers who applied them at the beginning of compulsory public education. They were quickly dissuaded from them by the legal prohibitions and the constant calls to order by the Inspectors of the Academy. But there is no such thing as a time machine, nor a device to rewrite history.

The historian Maurice Agulhon studied the evolution of the national conscience and the regional conscience in the 19th and 20th centuries. He analyzed the responsibility of the State, of the Republic, and its schools in the decline or disappearance of the regional languages. He prefers “the responsibility of the recent economic metamorphosis by which the old ways of life disappear and, with them, the cultural facts that they supported”. And he adds: “The discourse of nationalist regionalism poorly distributes its blows among the possible targets: too many against the Republic, not enough against the capital” [...].

The promotion of a regional language cannot mean the regression of the language spoken by all. French is well established, well anchored in the territory of the Republic. It is not threatened. [...] The Republic is not threatened either. If it is, it is necessary to look toward political movements rather than linguistic movements. Let us not permit the first, especially when they are extremist, the possibility of promoting a regional identity which would be ethnic, folded inward and closed to others, according to the same scheme advocated for national identity⁵³¹.

And he establishes ten principles that, with minor variations, are those that rule the French education system:

1. Principle 1: The rights of children and students are the priority of the educational system. The State and society must think first of their necessities, their future development and their training. In the Education Code (approved in the year 2000), the first book about the general principles establishes that: *Public education has been conceived and organized for the students and pupils and must contribute to the equality of opportunities*. Even today and in spite of change of mentality Poignant’s proposal continues to hold on to the idea that a bilingual system could in some way impede the equality of opportunities.
2. Principle 2: French is the official language. This is really the first principle. Even understanding that a change of direction and mentality is necessary, in Poignant’s opinion the construction of a multilingual policy that respects the rights of minorities should not be based on the notion of historical reparations.
3. Principle 3: The French Republic recognizes the languages and cultures within its territory. The French Republic must officially recognize that

531. *Rapport de Monsieur Bernard Poignant sur les langues et cultures régionales* a Monsieur Lionel Jospin - Premier Ministre, le 1er juillet 1998. In, buan1.chez.com/poignant.htm

languages and cultures different from French exist in its territory, and must regulate said reality conferring the rights which correspond to said minorities by virtue of international treaties in matters of human rights. Nonetheless, emphasizes Poignant, this fact must not work in detriment of the national identity.

4. Principle 4: The policy of developing the regional languages and cultures should be developed within the framework of decentralization. In this sense the initiatives taken by the diverse local authorities in this area should be situated within the sphere of the expansion of their legal powers.
5. Principle 5: The schools of the Republic are schools of integration. In Poignant's opinion, the schools must maintain its function of integrating all children in the territory of the Republic. Therefore, it should be public, lay and free, and even private schools should contribute to this mission. The explanatory report on the European Charter for Regional or Minority Languages specifies in Article 8 of Part III that the creation of linguistic ghettos is contrary to the principles of interculturality and multilingualism. However, says the author, the regional languages are considered factors of integration.
6. Principle 6: The learning of a regional language is a voluntary act. This option must be open to all. Unlike the learning of French, which is obligatory, the learning or study of local languages must be inspired by the principle of the parents' freedom of choice or that of the students, once they reach legal age. This fact places the French language in a position of dominance over the others that, it must be remembered, are the maternal languages of a good part of the society.
7. Learning various languages is an advantage. In Poignant's opinion, in the 21st century, every person should know several languages (a fact that in the peoples without states has already two centuries of existence). In the author's opinion every citizen of the Republic should know French, a foreign language (*et pas seulement l'anglais*) and an optional regional language. In this way, Article L 121-2 of the draft of the Education Code establishes that fluency in French and the knowledge of other languages are part of the fundamental objectives of education.
8. Principle 8: All students must have the same level of knowledge of French at the end of the period of compulsory education. The learning of any other language, regardless of the method of instruction used, must not affect this objective. In this sense Poignant tacitly notes that bilingual education could be detrimental for these students in comparison with others who don't study any regional language, something that in countries that have a truly bilingual linguistic policy in their educational programs have proven completely false.
9. Principle 9: the State commits itself to guarantee the continuity of learning of a regional language. In this way instruction in the vernacular languages must be present throughout the educational system, in the most extreme cases via distance learning or through correspondence.
10. Principle 10: the State recognizes pluralism in the methods of instruction.

The State must accept the diversity of methods of instruction in relation to the regional languages: bilingualism and immersion.

Poignant's speech supposed a decided but timid advance in linguistic matters. Accepting the errors of the past, though it must be made clear that obviously not all of the representatives embraced the spirit of the report, supposes in itself a great step forward. However, in terms of concrete realizations of the proposals, the French state is still far from the neighboring states in terms of respect for the linguistic and cultural rights of minorities.

In any case, the socialist Prime Minister Lionel Jospin, under the presidency of the conservative Jacques Chirac, pushed a series of measures intended to consolidate the educational system around the previously enumerated principles:

1. Ordonnance 2000-549 du 15 juin 2000 relative à la partie législative du Code de l'éducation (later modified by loi n° 2003-339 du 14 avril 2003.
2. Décret 2001-733 du 31 juillet 2001 dur la Création d'un conseil académique des langues et cultures régionales
3. Circulaire 2001-166 du 5 septembre-2001 sur le développement de l'enseignement des langues régionales à l'école, au collège et au lycée.
4. Décret n° 2001-733 du 31-7-2001 sur la création du conseil académique des langues régionales.
5. Arrêté du 3 janvier 2002, créant un concours spécial de recrutement de professeurs des écoles, en langues régionales.
6. Arrêté du 4 avril 2002, intitulé mise en place d'un enseignement bilingue par immersion en langues régionales dans les écoles, collèges et lycées et la circulaire d'application du 30 avril 2002.
7. Arrêté du 30 mai 2003 sur le programme des langues étrangères et régionales à l'école primaire.

The *arrête du 4 avril 2002* merits special attention. According to the first article of the law, in the academies in which there had been created a *Conseil académique des langues régionales* per the Decree of 31 July, 2001, bilingual education using an immersion model (*selon la méthode dite de l'immersion*) could be established by the director for the group of students from elementary and secondary education, having given previous notice to said *Conseil académique des langues régionales* and other academic institutions. Student enrollment would be subject to a written agreement in which parents would accept this method of instruction for their children. According to the second article, bilingual education using the immersion model was characterized by the use of the local language as the primary language of instruction, supplanting the primacy of French in the classroom.

In any case, the law was revoked by the *Conseil d'état* alleging that its stipulations went beyond the necessity of learning a local language and, also, against the obligation to use French as the language of instruction. For the same reason, the request to integrate the Diwan into the public school system was denied. Once more fear of breaking the linguistic monopoly stopped a parliamentary initiative short. In this sense, the petition of the Assembly of

Corsica to open the doors of the educational system to the Corsican language was looked on favorably by the *Conseil constitutionnel* in its decision of 17 January, 2002 that recognized the instruction of the Corsican language within the normal school day in preschool and primary school, but, constantly underlining the volunteer, and therefore optional, nature of this instruction. Between 1993, when Corsican was included in the public school system, and 2001, nearly 80% of preschools and primary schools offered courses in that language.

Law n. 2005-380 of 23 April, 2005, promoted by the Minister of Education, and later conservative Prime Minister, François Fillon supposed the synthesis of a great state debate on the future of the education system that didn't affect the teaching of the vernacular languages, so that the situation of the teaching of these languages within the framework of public education remained unchanged. In this way, according to Article 20 of the new law,

A course in regional languages and cultures may be provided throughout the educational process according to the modalities defined through conventions between the state and the territorial collectives where these languages are in use⁵³².

Just as before, in spite of the great debate aroused at the state level, *loi n° 2007-1199 du 10 août 2007 relative aux libertés et responsabilités des universités*, called *loi Pécresse*, did not noticeably influence the linguistic atmosphere.

In relation to the project to definitively ratify the European Charter of Linguistic Rights, the current president of the Republic, Nicolas Sarkozy, seems partial to the right of parents to enroll their children in a bilingual "French + regional language" class under the already ancient conditions of the French debate: that the instruction of the vernacular languages be developed within an elective system where learning these languages constitutes a legal right, but the learning of French is understood to be a constitutional obligation and, in the second place, being optional in nature, provided there exist sufficient demand:

If I am elected, I will not be favorable to the European Charter for Regional Languages. I don't want a European judge, having a historical experience of the problem of minorities different from ours, to decide tomorrow that a regional language should be considered a language of the Republic at the same level as French. Because beyond the letter of the law, there is a dynamic of interpretations and of jurisprudence that can go quite far. I have the conviction that in France, the land of liberty, no minority is oppressed and that it is therefore not necessary to give European judges the right to rule on a subject that is consubstantial to our identity and has absolutely nothing to do with the construction of Europe⁵³³.

In this sense, the *Code de l'éducation* of June 2000 includes the French state's guiding principle on linguistic matters: *the school guarantees the learning and mastery of the French language to all students*⁵³⁴.

532. *Loi n° 2005-380 du 23 avril 2005*. In, www.legifrance.gouv.fr

533. Dupont-Aignan, Nicolas; Salon, Albert, *France, Québec, Wallonie, même combat! li-bérons-nous tous de l'empire américain et retrouvons ensemble notre monde humain!*, L'Harmattan, Paris, 2008. P 194.

534. Première Partie. Dispositions générales et communes. Livre Ier. Principes généraux de l'éducation. Titre Ier. Le droit à l'éducation. Chapitre Ier. Dispositions générales. Article L. 111-1.

In spite of this, according to data provided by the *Rapport Poignant*, during the 1996-1997 school year, almost 100,000 students chose education in a vernacular language, whether in public or private schools. Also, 80,000 students were enrolled in German classes as a local language in the departments of *Haut-Rhin*, *Bas-Rhin* and *Moselle*. Of the total number of students enrolled in a course in local language, 5.3% are in bilingual classes. Nearly 155,000 students enrolled in classes in local languages in primary and secondary school. Seventy-five percent of them in the departments of *Alsace* and *Moselle*. The total number of students enrolled in local languages rose to 335,000 from a total of 12 million in all of France, that is, 2.8%.

Ten years later, in 2009, Seaska is formed of a total of 21 primary and elementary educational centers, three secondary centers and one superior secondary center in Baiona with a total of 2,247 students studying in the Ikastolas joined by Seaska through a system of linguistic immersion (education exclusively in Basque with French an obligatory subject), which doesn't present any obstacle to these, perfectly bilingual, students gaining access to the university.

In the public sphere, according to data provided by Eric Morvan, subprefect of Baiona, 117 of 138 primary schools in the Northern Basque Country teach classes in Basque (84.7%) and it is important to keep in mind that said classes are optional and only offered through demand or request of the parents. If, in 2004, the public sector numbered 3,091 students, in 2008, it had more than 4,000 (approx. 54% of the total), while the private sector reached 3,419 (approx. 46%). Students in private schools are divided practically 50-50 between religious schools and Ikastolas. Of a total of 7,759 students in 2008, around 54% of the students in both sectors (public and private) had opted for a system of education that included Basque (as an elective or required class or an immersion program).

Since the creation of the first Ikastola in Arrangoitze (*Arcangues*) with 5 students in 1969, 40 years have passed. Much progress has been made. But many basic objectives remain –in the purely legal sphere – to be achieved in order to guarantee a bilingual society in which the Basque population can access education in its native language within the legal framework of the French education system. Among them, the most urgent, is the development of an educational system that guarantees the basic linguistic rights of the Basque population. According to the European Charter for Regional of Minority Languages that the French state has signed but not ratified, the Basque language should have, as it is the national language of the Basque Country, official character. This means that the educational system should be perfectly bilingual so that parents who so desire, because Euskara is their mother tongue, can send their children to school in a system of immersion in the Basque language.

While this has yet to materialize, French legislation will continue to violate the basic human rights of the citizens of Brittany, Occitania, Catalonia, Alsace, Corsica and the Northern Basque Country and of the rest of the departments where there exists a minority language which differs from the official one. An idea that, given its relevance, we will develop in the next chapter.

7. The Challenges and Principal Political Difficulties of the Basque Language Today (2000-2009)

- 7.1. Linguistic Policy and Controversies relating to Basque in the Historic Community of Navarre (2000-2009)
(Asier Barandiaran)
- 7.2. Laws of the Spanish State Concerning Linguistic Matters
- 7.3. The Challenges of the Basque Language in the French State: the Adoption of the European Charter for Regional or Minority Languages

7.1. LINGUISTIC POLICY AND CONTROVERSIES RELATING TO BASQUE IN THE HISTORIC COMMUNITY OF NAVARRE (2000-2009)

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Controversy, by nature, isn't very agreeable nor is it favorable to the promotion and extension of minority languages. In fact it is frustrating that one must wade through controversies and illuminate aspects of cases that form part of even the most recent past. It is increasingly the *Euskaltzales* or promoters of the Basque language who wish to see this language surrounded by positive and enriching connotations. Those who wish to amicably persuade outnumber those who want to bitterly denounce. Normalization must bring with it a better coexistence among the citizenry, a mutual respect and the potential to use one's chosen language in peace and harmony. However, most of the time, in spite of these wishes, one must note certain milestones or signals in the recent history of the Historic Community of Navarre that have marked, like it or not, the patterns and style of the linguistic policies whose application has been attempted in that autonomous community of the Spanish state.

The Royal Academy of History and its Report

The new millennium begins with controversies for the system of bilingual instruction in the Historic Community of Navarre (CFN).

In June 2000, The Royal Academy of History⁵³⁵, an academic institution with its seat in Madrid, published a report in which it analyzed the teaching of history in all of the centers of Secondary Education of the State, including the teaching of history in the autonomies, among which is located the CFN.

As a preamble or contextualization of this situation, it is worth mentioning three aspects:

1. The Royal Academy of History is an institution that at the end of the 20th century, and above all, in conjunction with the political debates of the Spanish state, has gathered great importance and occupied much space in the mass media.

535. The institution itself describes its creation on its webpage: "The Royal Academy of History began as a literary meeting of friends, in the year 1735. The attendees addressed Phillip V asking him to authorize their meetings and the monarch awarded them his protection. With that, the salon, already specializing in the study of the past, was converted into the Real Academia de Historia. The authorization was given by Phillip V by the Royal Seal of 17 June, 1738. Since then, the Academy has enjoyed royal protection like the other analogous corporations, an institutional link which would continue, with His Royal Highness being the patron of all the Royal Academies created, since the enlightened action that resulted in the creation of the three oldest: Spanish (language), History, and Fine Arts of San Fernando. The Royal Academy of History receives subsidies from the Ministries of Education and Culture, to promote research and other tasks, and it also has private sponsors [...]"
In <http://rah.es>

2. Already in the previous decade (since 1997) then Minister of Education, Esperanza Aguirre, of the Partido Popular (whose president was José María Aznar) tried to approve an educational law that was to be called the Plan of Humanities. It was a Project of Royal Decree, in which the minimal standards imposed by the Spanish Ministry of Education were going to be raised. It was a plan which was to be applied above all in secondary education and in the baccalaureate. Thus they ensured that all students would have a vision with greater presence of history, Spanish language and culture and a more markedly Spanish nationalist point of view. It received quite a lot of criticism from various walks of life and in the end it was not approved. In this project, there were ideas and suppositions quite similar to those that would appear in the report of the Royal Academy of History in June 2000⁵³⁶.
3. According to the Ley Orgánica General del Sistema Educativo (LOGSE)⁵³⁷, in effect at the time, a decentralized system of education was established in the State. The autonomous communities could manage educational centers and could compose a percentage of the curricular content. The educational centers themselves also had a margin to organize certain educational aspects and thus better respond to the social situation of the center, of the students, and of the parents of the students.

In June 2000, the aforementioned academy, as has been noted, published under its own initiative⁵³⁸ a report that received a lot of attention in the media. In this report, certain pedagogical methodologies in the teaching of history were denounced⁵³⁹, as were certain gaps or suppressions of content and certain “nationalist” suppositions in textbooks written in Basque.

Among the aspects denounced, while not being the object of this analysis, there is an initial supposition that helps to better comprehend the denouncement that is made of the teaching of history in the educational centers: “One must consider, as well, a **fundamental** problem, of essentially political nature. We refer to the construction in Spain of the so-called “State of Autonomies” (point

536. In fact, the president of the Senate and then ex-Minister of Education, Esperanza Aguirre said, “The judgment supports something that I fought for when I was Minister”. Aguirre added that the Government should guarantee “that there is a series of common minimal standards that all Spanish children must know, no matter what territory they are in”.

537. Approved on 3 October, 1990 (published in the Official Bulletin of the State on 4 October) and it was a Spanish education law, promulgated by the socialist government and replaced the General Education Law of 1970. It was overruled by the *Ley Orgánica de Educación* (LOE) in 2006.

538. Although, as the report itself indicates (point 1), the Academy sees itself as the inheritors of the labor performed by the commissions that the Ministry of Education formed to study the status of the humanities in the secondary schools of Spain with the goal of carrying out the Law of Reform of the Humanities. Members of the *Real Academia de Historia*, among others, took part in those commissions.

539. On the diagnosis of the academy, there were responses from the academic world refuting its suppositions. One example is that of professor Joaquim Prats, of the University of Barcelona. In the name of his department (The Department of Instruction of Social Sciences), he declared that there is an “ascientific and absolutely archaic treatment of the teaching of History postulated in it”. The statements of the report by the Academy, according to the professor, “reveal to all not just a profound ignorance of current didactic thought and the research in the field of teaching/learning of Social Sciences, but they seek to take us back to debates long resolved in this discipline” in <http://www.ub.es/histodidactica/debate/refutacion.htm>.

4). The organization of the Spanish state into autonomies (provided for in the Spanish Constitution) is considered a problem. The interest that exists in teaching history in certain autonomies it also seen as a “risk”⁵⁴⁰.

What concerns us most from this document is the reference to the Historic Community of Navarre (CFN). To begin with, according to the data of the Academy, they state that in Navarre,

“in the Ikastolas and in some of the model D public educational centers, citing a lack of materials on the history of this kingdom written in Basque, they use the material from the Basque Country or notes and handouts provided by the instructors” (Point 7).

Regarding these textbooks published in the Basque Country and (supposedly) also used in Navarrese educational centers (with the linguistic immersion model), it points out some deficiencies in the content or focus. Regarding a fourth year book from Obligatory Secondary Education, the report notes that it “contains a vision of the –general and Spanish and, of course, of the Basque Country –history of the 19th and 20th centuries” (Point 7). It is this aspect that, according to the Academy, indicates that the “history that is taught is of biased and partial content, inspired by nationalist ideas favoring racism and the exclusion of all that constitutes common bonds” (Point 7). This is, obviously, a grave accusation with little documentary evidence and which could cause a lot of moral damage to a linguistic model only in effect for a few years and which has encouraged a large part of the linguistic recovery of a minority language such as Basque. It was put on trial and under suspicion before the public opinion of all of Spain who, not living in the Autonomous Community of the Basque Country (CAPV) or in the Historic Community of Navarre (CFN), found it more difficult to weigh these accusations and the information that they received on these issues from state-run media or via this type of “report”.

People and institutions of the Spanish culture stuck to this document. There were even those who “added fuel to the fire”. For example, the Spanish government’s delegate to the CAPV, Enrique Villar, made reference to this issue, in statements to *Catalunya Informació*, and said that the Ikastolas “are the seeds of the urban violence in the Basque Country”. Manuel Fraga, former minister of the Franco dictatorship and then president of the Autonomous Community of Galicia (campaigning for the Partido Popular), also entered the criticism of the Ikastolas. The president of the CFN, Miguel Sanz, for his part, shared the criticisms of the Academy.

As was to be expected, there were reactions against this report, in the first place, from the accused themselves: the Ikastolas. In a press conference in June 2000, the president of the Confederation of Ikastolas of the Basque Country, Iñaki Etxezarreta and that of the Navarrese Federation of Ikastolas, Aingeru Epaltza, showed several textbooks and audiovisual materials of

540. “The role always played by the past in the conformation of the national conscience explains the interest, in these territories, in the teaching of history”. Not to mention that, with it, a truly risky path has been begun whenever history can be converted into a weapon used to exalt each “nationality” or “region”, Point 4. On the other hand, terms that appear in the Spanish Constitution are considered expressions that were in vogue at the time of the Transition: “according to the expression in vogue during the years of Transition, “the nationalities and regions of the Spanish state”.

historical content in which they showed that “Spain” as a conceptual term, is treated extensively in the thematic units of the ikastolas. According to their declarations, the contents of the books used by the ikastolas “not only relate Euskadi and Navarre, respecting the personality of the latter, with the history of Spain, but that they integrate them into an international global base that has led to them being awarded the European Seal of Quality⁵⁴¹, that no other publishing house or educational model possesses”. They alleged as well that, among many arguments, that the Academy’s report didn’t really consider the books that were actually used in the ikastolas, but rather they considered the book from another publisher that was not used.

In the Academy’s response to these criticisms, they mentioned that their denouncement was directed at the nationalist point of view, not at the Ikastolas in general. The Ikastolas did not accept this minor correction and requested the withdrawal of the critiques alleging the lack of data in the accusations and the failure to consult various members (Catalans, for example) of the same Royal Academy of History. History professors also manifested their rejection of the document⁵⁴².

The Royal Academy of History, nonetheless, continued to be belligerent on these issues. Instead of redirecting the debate or statement of problems to academic terrain, it continued, through extensive use of the media, to hurl politically or linguistically motivated accusations on the occasions of book presentations or other events with media coverage. To give an example, in March 2005, at the presentation of a book (*De Hispania a España*) by members of the Academy, they spoke of the so-called Plan Ibarretxe⁵⁴³ as a “step backwards, the impoverishment and falsification of history and reality” (ABC, 2005-03-02, p. 17). In the wake of this criticism, they spoke about Euskara, which “as an excluding element is another mistake”. The news about this presentation that came out in the state and regional media (ABC, *La Razón*, *Diario de Navarra*, *El Comercio*, *La Gaceta de los Negocios...*) however, didn’t elaborate as to what that mistake might be.

Radio Licenses in the Area of Iruñea/Pamplona

The Basque-speaking community in the *Comarca de Pamplona* or *Iruñerria* has no licensed radio station that broadcasts in Basque. There is a station that has its base in Iruñea/Pamplona and that broadcasts in Basque but licenses to broadcast have thus far been refused, so that it finds itself in an a-legal situation. This is *Euskalerría Irratia*.

541. Then, and in succeeding years, Ikastolas have been awarded the European Seal of Quality. San Fermin Ikastola, for example, located in the area of Iruñea/Pamplona, was given the honor in 2000, with a higher score than some other Spanish schools that also received the prize.

542. German professor Ludger Mees, professor of history at the University of the Basque Country and author of a critical and analytical book on nationalism (*El péndulo patriótico. Historia del Partido Nacionalista Vasco*), also roundly rejected the perspective of the report, in <http://www.dur.ac.uk/m.p.thompson/ep-historia/mees.htm>

543. It was also called the “Convention for Coexistence” or “Convention for a New Political Staute”. It dealt with a new proposal of the Statute of Autonomy for the Autonomous Community of the Basque Country, which counted on an absolute majority in the Basque Parliament (39 votes in favor, 35 against), but with a certain political sector against it (Partido Socialista de Euskadi, Partido Popular y Unidad Alavesa), as is reflected in the voting.

The problem stems from previous decades. In 1988 this station began broadcasting, after registering a cultural association⁵⁴⁴ which was going to cover it. In the 1990s, it attended two calls for the concession of radio broadcast licenses. On both occasions it was denied a license. In the call of 1990, the principal argument against it was the supposed scarce economic viability of this commercial radio station. In spite of this denial (and the impossibility of accessing public subsidies) it continued to broadcast without interruption. In 1998 it attended a public contest for the concession of radio broadcasting licenses held by the Government of Navarre. After 10 years on the air, it didn't seem that its economic viability could be doubted. Nonetheless, it once again fell outside of the winner's circle: the two available licenses went to Net 21 and Radio Universidad de Navarra. Later, it became public that *Euskalerría Irratia*, as a result of the tallies at the contract table, had the highest score followed by 3 points by *Radio Universidad de Navarra* and 3.2 points by Net 21. Ángel Sanz Barea, at the time Director of Transportation and Communications of Navarre, was also responsible in this process of adjudication and decided not to take into consideration certain aspects⁵⁴⁵ and to give report under his responsibility, which resulted in these results being inverted in favor of *Radio Universidad de Navarra* and Net 21. The counselor of Public Works, Transportation and Communications at the time, José Ignacio Palacios⁵⁴⁶ gave final approval to the concession of licenses to Net 21 and *Radio Universidad de Navarra*. After the controversial adjudication, the issue was discussed in the Parliament of Navarre. Parliamentarian Juan Cruz Alli⁵⁴⁷ asked counselor Palacios for the reports on which he had based his adjudication. The counselor gave his word to deliver and show them to the Parliament, a promise he did not keep.

This concession was appealed before the Superior Tribunal of Justice of Navarre (TSJN) by *Euskalerría Irratia* and, after several years in which said station continued to broadcast, the sentence of the tribunal dated 26 December, 2005 annulled the adjudication of licenses of 1998, as it questioned the substantial process of said adjudication. The TSJN, in that sentence, asked for reports on the technical and economic viability and the proposed programming of the projects then presented⁵⁴⁸. According to the experts assigned to said reports, among the various aspects analyzed, they stated that they could not account for the economic viability of Net 21 because it didn't present any documentation whatsoever, nor could they quantify the technical section of *Radio Universidad de*

544. The association was called *Iruñeko Komunikabideak* (Pamplona Communications) and it was registered in 1985.

545. These are the aspects that in the end were not considered and which should have been considered according to the call, understanding that they "are not the result of an exact quantitative process": type of programming; promotion of cultural, historical and social values of Navarre; economic viability and professional solvency; and technical viability.

546. At the time, he belonged to the Navarrese Government in the hands of the Unión del Pueblo Navarro political party, of a regionalist, "Spanishist" and center-right character. He later became counselor of Social Welfare. In 2008, he broke with the UPN party and became a member of the Partido Popular, carrying out functions at the state level.

547. Then president of the Convergencia de Demócratas de Navarra (CDN) party.

548. A description of said reports became public in an article in the *Diario de Noticias de Navarra* on 10 January, 2006.

Navarra, because it didn't comply with the applicable rules in matters of radio communications⁵⁴⁹.

In this environment, and faced with a sentence that cast grave doubts on the impartiality of the process by members of the government of the CFN, there were petitions of resignation and public clarification in the Parliament of Navarra⁵⁵⁰.

The government of the CFN, faced with the annulment of the concession, decided to reactivate the process of adjudication. By then, the station *Net 21*, with serious economic problems, had already stopped broadcasting after firing its employees. The result of this new process of adjudication with Ángel Sanz de Barea again as president. After hiring a private consultant⁵⁵¹, the government of the CFN once again awarded licences to *Radio Universidad de Navarra* and *Net 21*⁵⁵².

The critical reactions were repeated by the political parties of the Navarrese Parliament, with the exception of the Unión del Pueblo Navarro (UPN). Demonstrations and cultural events⁵⁵³ have been held in Navarra since then in support of *Euskalerrria Irratia*, and this station, for its part, once again appealed the adjudication. The same year, 2005, the political forces of the Navarrese Parliament asked the government to study giving legal status to this station. To comply with this motion, in March of 2008, the *Ararteko* or defender of the Pueblo de Navarra, Francisco Javier Enériz made recommendations to the Government of Navarre, indicating that in future licensing concessions in Navarra they would evaluate the use of Euskara in the contestants more highly and that in the area of Iruñea/Pamplona one of the stations that would obtain a license would broadcast completely in Euskara. This is contextualized by the fact that in September 2006, the Spanish government accepted the Technical Plan of Frequency Modulation and arranged to create 42 new licenses for Navarra, two of which would be in the area of Iruñea/Pamplona.

Council of the Basque Language of the Government of Navarre

In the area of the public administration in Navarra, the beginning of the millennium also took a controversial stance regarding the use of the Basque language. The political moment had a belligerent character toward all things

549. The frequency foreseen by the University was located, according to the project, between 830-960 MHz, which is prohibited by the Cuadro Nacional de Atribución de Frecuencias which specifies that "the band reserved for the broadcast of radio diffused audio programs in all of national territory and exclusively is that which falls between 1660.5 and 1,670 MHz".

550. Then head of the Socialist Party of Navarra, Carlos Chivite, asked for the resignation of Palacios and Sanz Barea. The nationalist party Eusko Alkartasuna requested the same, through their parliamentary Mayorga Ramírez. The CDN withdrew their trust in Palacios.

551. Consultora Doxa Comunicación, which, according to *Euskalerrria Irratia*, had had professional relations with the Universidad de Navarra, was interested in the concession of the license for Radio Universidad de Navarra.

552. By then, it had ceased to broadcast due to bankruptcy.

553. At the end of May 2006, a demonstration in support of this Euskaldun radio station and a denouncement of the process went through the streets of Iruñea/Pamplona gathering around 5,000 people. The demonstration was led by a banner with the motto: "'Euskalerrria Irratia eskubide osoz mintza/ Euskalerrria Irratia, con pleno derecho'", *Diario de Noticias*, 2006-05-29.

nationalist, including the linguistic policy that was being carried out in the CAPV⁵⁵⁴.

That being the case, the government of the CFN tried to revise some of the precepts of decree 135/1994 that was to put into effect the Ley Foral del Vasceune in the area of the Navarrese Administration. Thus was published the decree developed by the then government of the CFN exhibited by the Unión del Pueblo Navarro (UPN); it was decree 372/2000 published in the Official Bulletin of Navarre on 5 January, 2001. The need for this revision, which was more restrictive than the former one in terms of use and requirements for certain positions in the Administration, was not clear. The reference to the Council of Europe's European Charter for Regional or Minority Languages was omitted, despite appearing in the draft version and receiving the blessing of the Council of Navarre. In the text of this decree all reference to bilingual administrative circuits was omitted, references were made to measures "tending" toward "necessary personnel" of the administration (instead of "necessary" measures for "all personnel" ...), in the mixed zone signs, warnings, seals and other brief publications with the institutional image should be in Castilian (the former decree asked that they be bilingual) and a *large et cetera* of restrictive measures.

The *Euskara Kultur Elkargoa*⁵⁵⁵ (EKE) Foundation, based in Iruñea/Pamplona, appealed this decree and the TSJN sustained the appeal and annulled the decree for formal defects (among these defects was the lack of the report of the Council of Navarre, in which 12 of its members resigned in 1999 over disagreements with the direction of UPN's linguistic policy in the government of the CFN). Seeking to remedy the defects of the previous decree, in October 2002 the Navarrese Council of Euskara, a consultative organism (not

554. To give an example, the presentation "Education and Euskara" in June 2000 at the X Congreso del Partido Popular de Álava was approved and in it the candidate for lehendakari or president of the CAPV was full of criticism of the euskaldunización that was being carried out in that community. They denounced the "positive discrimination" toward Euskara as it carried with it a threat to the "basic rights of the citizens".

555. The foundation defines itself on its webpage: "Euskara Kultur Elkargoa (Basque Cultural Association) is a foundation which was created in Iruñea/Pamplona in 1998 with the aim of promoting and defending the Basque language and Basque culture in Navarre Euskara Kultur Elkargoa aims to take up and update the objectives of the "Asociación Euskara de Navarra" (Basque Association of Navarre) created by Arturo Kanpion in 1876: "To preserve and propagate the Navarrese-Basque language, its literature and its history, and to study the relevant legislation and provide anything that may lead to the moral and material well-being of the Country". It encourages the joining of forces and wills, and the overcoming of the divisions which have marked Navarre. As such, it wishes to establish a line of dialogue and action with all of those who, be it through agreement or discrepancy, work for the development of the Basque language and Basque culture in Navarre.. [...]". In, <http://www.euskarakultur.org>

affiliated) of the *Dirección General de Universidades y Política Lingüística*⁵⁵⁶ of the government of the CFN, was formed. This council has representatives from different academic, educational and cultural institutions. Several members, instead of representing institutions, are directly appointed by the government of the CFN for their prestige in Basque culture and philology.

In fact, EKE has appealed, has made allegations, has presented numerous appeals and petitions regarding laws, ordinances, decrees and orders thus far in the 21st century. The reasons are numerous: noncompliance with the Ley Foral del Vascuence, for supposed menace to linguistic rights of the citizens, for signage in public institutions in Castilian when it should have been bilingual, for not requiring knowledge of Euskara for positions in public administration that should offer the citizens bilingual services, etc. Many of these appeals and petitions have been ruled in favor of EKE by the TSJN and faced with the resolutions of the tribunal, the government of Navarre and the municipal council of Iruñea/Pamplona have systematically presented appeals of cassation. In June 2006 for example, the Supreme Tribunal definitively annulled decree 372/2000 after the government of the CFN had appealed the sentence of the TSJN. The entire "legal battle" is described by the so-called Artekaria⁵⁵⁷ of the EKE Foundation in his annual report which is public.

But these backward steps in matters if linguistic policy were transformed into a step forward when in September 2007 the new government of the CFN (after the elections to the Parliament of Navarre in May 2007), formed by UPN and Convergencia de Demócratas de Navarra (CDN) with the unsigned agreement of support by the Socialist Party of Navarre (PSN), published a decree erecting the Navarrese Institute of Vascuence / Euskararen Nafar Instituttoa (INV/ENAI), something up until then completely new and that seemed to be the first stone in a change of direction in linguistic policy in the CFN. The general goals of this institute were: "to defend the right of the citizens to know and use *Vascuence* and to define the instruments to make it effective, as well as to protect its recovery and development". This institute is autonomous and attached to the Department of Education of the government of Navarre, whose counselor (since August 2007, Carlos Pérez Nievas) is president of the Council of Direction of

556. The same year, the Government of Navarre approved a change for what had been the Dirección de Política Lingüística, changing its powers and "diluting" it into the department called Dirección General de Universidades y Política Lingüística. Because of this, the linguistic policy of the Navarrese government, instead of focusing on the Euskara of Navarre, "it became something that had to do with languages in general. This way, the Navarrese executive understood that the function of the Dirección de Política Lingüística was not to coordinate the application and development of Euskara, but of all languages which were not Castilian: specifically, the official languages of the European Union, with special attention to English, French and German. By making Euskara, a language of Navarre, equal with the official languages of the EU, which are foreign to the sociocultural and historical reality of the Comunidad Foral, the government itself was legalizing and promoting the crippling of the Basque language by decree" (Urbola, 2008: 342-343). As a demonstration of the low intensity of the Navarrese Council of Euskara, they stopped meeting in 2003 and did not hold another meeting until 2008 when another council was formed by foral decree.

557. The EKE Foundation explains what Artekaria is on its webpage: "Through Artekaria, the Foundation *Euskara Kultur Elkargoa* aims to secure the use of the *Basque language in the Community of Navarre* and defend the language rights of Basque speakers in all areas. We are convinced that we have the right to express ourselves in Basque throughout Navarre at all social levels and particularly at those related to the Public Administration. And this is precisely why we consider it legitimate to proceed with ARTEKARIA". in <http://www.euskarakultur.org>

the INV/ENAI. This institute has an organ of participation that is the Navarrese Council of Vasculence / *Euskarabidea*, which has diverse functions in assessment on policy, planning and linguistic normalization.

A paradigmatic case: The Foral Decree 29/2003

Taking up yet again the legal “battle” surrounding the government of Navarre’s decrees on Euskara, it is worth mentioning a case that illustrates, in part, what has been happening in the last few years in the CFN. The government, after the TSJN annulled decree 372/2000 and attempted to solve the procedural defects involved in designing a decree of this type, once again produced a text that was published as Foral Decree 29/2003 which regulated the Use of the Basque language in Public Administration (in February). EKE again appealed the decree due to noncompliance with the LFV and being restrictive of a natural language of Navarre, such as Euskara. The TSJN resolved in June 2004 to partially annul the Decree, specifically four of its articles and with three rounds of particular votes from three of the magistrates from the full assembly. As had occurred previously, the Government of Navarre, not content with the sentence of the TSJN, presented an appeal of cassation in December of the same year. In May 2009 the Spanish Supreme Tribunal (TS) supported the TSJN’s ruling and annulled various articles of decree 29/2003 of the GN for “incapacitating” the use of Euskara in the public administration of Navarre. The articles in question were 15.1, 18.3, 21.1 of the first paragraph and 23.1.

But it is worth going into the details to see the style of the intentions of the government of Navarre that tried to cut the linguistic rights of the Navarrese through decrees. With Article 15.1, for example, the government wanted to send administrative documents to the Basque-speaking zone written only in Castilian and would only send bilingual versions if it were expressly requested by the citizens. The fact that, in the appeal of cassation, the representative of the government of Navarre insisted with great tenacity that the Navarrese have the right to “use Basque to address the Administration, but not to be waited on in that language” since it was not co-official in the mixed zone of said Administration stands out quite clearly. The Supreme Tribunal, however, remembers that “language is a right of the citizen and the administrative organs has to adapt itself to such a right, not the other way around”. There is no reason to send monolingual Castilian administrative documents alluding to the fact that the Administration of Navarre is located in the mixed zone (where Basque is not official, though it is to be protected and promoted, as indicated in the LFV). With the application of this article, according to the TS, “they would be producing an important restriction on the recognized linguistic rights of the citizens of such zone”.

With section 18.3, the Government of Navarre claimed that the functionaries who held positions for which the knowledge of Basque was required (specifically) in the hiring (selection) process would only be able to move within the administration to positions for which knowledge of the language was also required. In fact, this was used to “punish” or “segregate” these employees, because they could not apply for any position as those employees who had been hired without the Basque requirement. The Supreme Tribunal alleges that this rule exceeded the employment regulations which must be respected and the principle of employee mobility.

In Article 21.1 of decree 29/2003, they claimed that (in the Basque-speaking zone) in the cases in which Basque was going to be valued as a qualification, the percentage of the evaluation must not exceed 10% of three European working languages (English, French and German) which were also to be valued. In Article 23.1, referring to the mixed zone, it said that this valuation of Basque must not "in any case" exceed 5%. In this attempt to equally value a natural language of Navarre such as Basque (according to the LFV, in Article 2), as the TS recalled, that it must be analyzed what is the position of Basque in the juridical order. We find, in the first place, that it does have a position, while the three cited languages do not have that position (to be promoted, protected and defended by the application of a law) as they are not natural languages of Navarre. It also introduces an "element of doubt" where there would have to be one of certainty, which is to be demanded by a legal rule. One of the doubts that is produced is the selection of these three languages and not the 23 that are working languages of the European Union. In a way, there is a certain leveling (although it permits a slightly higher percentage of valuation...if it were decided to do so, or it could not be valued at all) of a natural language with others that are not natural, in a "more than dubious" way. As it says in the sentence, in reality they are making a negative assessment, as "in practice they are producing through this Regulation a discapacitation of the rank that the Law attributes to this language (Euskara). In measuring such merits they are producing an equivalency between the European languages and Basque, although the latter is more highly valued. The consideration of value in the *Decreto Foral* results, in practice, in a negative sum for the Basque language whose character as an official language in the Basque-speaking zone and as a natural language of Navarre is undermined as these attributes, this special protection, is not extended to any of the languages with which it is being compared".

In fact, on 15 May, 2009, the absolute majority of the Parliament of Navarre -with votes from Izquierda Unida (United Left, IU), Nafarroa Bai (Yes to Navarre, NaBai), and the Socialist Party of Navarre (PSN)- asked the party which governs with a simple majority, the Unión del Pueblo Navarro (UPN) and their partner in government Convergencia de Demócratas de Navarra (CDN) to cease defending decree 29/2003 due to its regressive tendencies toward the linguistic rights of the people of Navarre.

The aforementioned tenacity of the government of Navarre in defending this decree (now with the cited articles definitively annulled) up until now is almost as great as the evidence of the legal reasons that these legal entities allege that doesn't raise any suspicions of "linguistic fanaticism" or "Basque political nationalism". It remains to be seen how the government of Navarre will react to this shiny, new sentence that casts doubt once again on its linguistic policy. It is hoped that a change of attitude (as well as a change of political will) and a new dynamic in defense of this natural and minority language of Navarre will be seen as advantageous for all the people of Navarre, including those who govern it.

Some Operations in Linguistic Policy

The *Dirección General de Política Lingüística* (created in 1998 by the government of Navarre presided over by PSN) was transformed in June 2000 into

the *Dirección General de Universidades y Política Lingüística* (DGUPL), a department attached to the Counsel of Education and Culture and Pedro Pegenaute was named director of the new department. This historian, a functionary from Mérida (Navarre, non Basque-speaking zone according to the LFV) and UPN lobbyist, was in charge of this department from June 2000 until 2007, taking certain measures which were considered dubious on several occasions.

The structural changes in the Directorate of Linguistic Policy and several subsequent acts indicated that linguistic policy was going to consider Euskara as one more European language in terms of attention and promotion. In fact, in the following sociolinguistic survey carried out by the Government of Navarre (GN) in 2003 and published in 2004, without the collaboration of the Basque Government and edited entirely and only in Castilian⁵⁵⁸, they analyzed the attitudes of the Navarrese in relation to the teaching of foreign languages, while point 3 of Article 5 of the LFV only states that:

The GN will periodically order the performance of studies of the sociolinguistic reality of the Basque language and will report the results the Parliament.

Therefore, they used this sociolinguistic survey (and the money allocated for surveys of the sociolinguistic reality of Euskara) to analyze, for example, the attitudes of the Navarrese toward the teaching of English. This is explained in a section where the results are published before showing and analyzing the results:

Recently the Historical Government of Navarre launched an initiative to extend the teaching of English at the elementary level in order to later introduce the teaching of classes dedicated to that language (p. 56).

They proceed to show two tables that detail the results of the survey on the Navarrese' acceptance of this measure, which proves that they have dedicated budgets and resources to this objective.

The supplement produced in Iruñea/Pamplona entitled *Nafarkaria* which began to be published in December 1991 (although printed in Gipuzkoa, where the seat of the newspaper *Euskaldunon Egunkaria* was located) and several Navarrese journalists edited, formatted and produced it (with Navarrese collaborators as well). Due to a change in the requirements to qualify for aid from the Government of Navarre, aid that was managed and made available to the public through the directives of the department headed by Pedro Pegenaute, this supplement had to cease production in 2001, as it no longer had access to such financial assistance.

Euskalerría Irratía also lost the public assistance that it had previously received from the *Dirección de Política Lingüística*. In 2000 and 2002 it received the Linguistic Policy subsidy provided to media that publish or broadcast in

⁵⁵⁸ GN: *Estudio sociolingüístico sobre el vascuence en Navarra. 2003. Competencia lingüística, uso y actitudes*. Departamento de Educación, 2004.

Euskara. But 2002 was the last year that it received aid from this department⁵⁵⁹ and in statements from the director at the time, the station (the only in the area of Iruñea/Pamplona that broadcasted in Basque) would not receive aid in future annual concessions as it did not possess a broadcasting license (the license having been rejected by the same executive in the year 1998 and appealed before the tribunals).

These attitudes and actions of the DGUPL contrast with others apparently in favor of the Basque language, but that have certain ideological or biased aspects. In this sense, it is worth mentioning as an illustrative example the following occurrence. At the beginning of 2007, representative of UPN from the Navarrese region of Leitza had written some *bertsos* in Euskara that, together with a series of chapters in Castilian, were collected in a book *Nere hitze bertsoatan-Mi palabra en bertsos* and were published by Sahats (a publishing house) in April 2007. Supposedly, the part written in Euskara was composed in the “dialect of Leitza” (in fact, in some ways it does reflect the manner of speaking in the area), although without any normalization of the spelling, as it used a unique, original and sometimes incoherent calligraphic system⁵⁶⁰. In the *bertsos*, among other themes, Basque nationalism, the ikastolas and other political issues are criticized. They also show a longing for General Franco’s dictatorial system and desire the expulsion of African immigrants (“moros”) as well. The director of the DGUPL announced through the media the purchase of copies of the book by his department in order to increase its circulation.

In the areas of academic activities and university education, it is pertinent to mention the case of the *Udako Euskal Unibertsitatea –Basque Summer University (UEU)*. This entity was created in 1973 by a group of supporters of Euskara under the protection of *Euskaltzaindia*, the Royal Academy of the Basque Language. This university acquired legal status as a cultural association in 1986 and in 1990 was declared in the public interest. Among its objectives is the promotion of Euskara in university level education. The government of Navarre had an agreement of collaboration with this institution starting in 1990 that was manifested, amongst other measures, by an economic subsidy in order to hold classes in Iruñea/Pamplona. In February 2001, however, the government of Navarre decided to put an end to its relationship with this organization and to the subsidy that they received. As a consequence, the 2008 report of the Committee of Experts on the European Charter for Regional or Minority Languages echoes this fact (point 366) and “invites the competent authorities to clarify whether ways of financing this initiative or similar projects in the future”.

In March 2005 the TSJN conditionally accepted a complaint presented by EKE against Director Pedro Pegenaute and several members of the DGUPL for alleged irregularities in the concession of aid to the media. Specifically, it would deal with an alleged crime of fraud and falsification of documents when accepting (and later subsidizing) an application for aid made outside of the timeframe by

559. It was awarded a sum of 5.255.458 pesetas (approx. 31.567 Euros), practically the same amount received that year by the *Diario de Navarra* (a newspaper with ideological leanings coinciding with those of UPN) for publishing one page per week in Euskara.

560. That is to say, no linguist, writer or dialectologist has used a spelling system like the one used by the author of the book. It seems to be a personal creation or invention (which may suggest that his is ignorant of any studies on the Euskara of his town and of its literary tradition, although having learned in Euskara by oral transmission).

the *Diario de Navarra* to subsidize its weekly page in Euskara⁵⁶¹. In May 2006, though, the Provincial Audience of Navarre decreed a “provisional hold” on the case due to insufficient evidence.

The European Charter for Regional or Minority Languages (CELMR)

This Charter, produced and signed by the member states of the Council of Europe in November 1992, was ratified by Spain in April 2001 and came into effect in August of the same year. The ratification carries with it several commitments for the Spanish state and for the autonomous communities that form it.

In this section, it is necessary to mention that the *European Bureau for Lesser-Used Languages* – EBLUL, founded in 1982⁵⁶², has also had contact with the reality in Navarre through the *Aurten Bai* Foundation⁵⁶³ which is the representative of the Basque language in said Bureau. In the General Assembly of the EBLUL of February 2001 in Dublin (Ireland), they unanimously approved a resolution that denounces the legal stipulations that the government of Navarre was adopting, most of all, in the first years of the 21st century as they were injurious to Euskara and they went against the Navarrese Law on Basque and the decisions adopted for its development. This resolution was sent to the President of the Government of Navarre (Miguel Sanz), to the president of the Parliament of Navarre and to the speakers of the parliamentary groups.

Returning to the question of the application of the CELMR, or as some call it, the Eurocharter, on 21 September, 2005, the Committee of Experts named by the same published a report about how the Eurocharter was being implemented in Spain and added some recommendations made by the Committee of Ministers of the Council of Europe about the application of the Charter in the Spanish state. It is, in effect, a mechanism of control to evaluate the way in which the Charter is enforced in the Spanish state. It is striking that one of the first subtitles announces that an entire section is dedicated to the following issue: “Preliminary question related to the Instrument of Ratification and, in particular,

561. To illustrate the discomfort of this measure in the Bascophile areas of Navarre, it is worth remembering that the *Diario de Navarra* received (as a subsidy) a quantity (around 5 million pesetas, for “promoting Basque”) practically equal to that received by the radio station *Euskalerría Irratia* which broadcast a variety of programming in Basque every day in the area of Iruñea/Pamplona. It is known in Navarre that the editorial staff of this newspaper totally favorable to the ideology of UPN, the party of which the aforementioned Director is a member.

562. It must be remembered that this Bureau works very closely with European institutions and is related to the European Charter for Regional or Minority Languages: “In addition, it works with international organisations, such as the Council of Europe on matters related to the European Charter for Regional and Minority Languages and the Framework Convention for the Protection of National Minorities” in <http://www.eblul.org>

563. The Foundation defines itself thus: “The private cultural foundation, *Aurten Bai*, was founded on January 28, 1988 and among its many objectives is the promotion and dissemination of Basque culture and language as well as the development of new technology-based materials. To that end, the *Aurten Bai* Foundation has undergone the task of working in different areas, namely the area of education and new technologies, by bringing to the market place high-quality software which will back up any teaching activity. Indeed, our software is both highly educational and entertaining. [...] The *Aurten Bai* Foundation is the representative of the Basque language on said committee corresponding to the Spanish State and takes part in the Bureau’s meetings”. in <http://www.aurtenbai.com>.

to the protection of Basque in Navarre". As for the zonification of the LFV, the report comments in this section that the protection of the Basque language seems not to be evident in all of the territory of Navarre. It recalls, also, that a high concentration of bilingualism is found in the mixed zone (where Basque was "traditionally" spoken it is not official). It notes that the lack of official status does in the mixed and non Basque-speaking zones does not exempt them from linguistic protection and asks the Spanish authorities for more detailed information about the bilingual inhabitants of these zones.

As for the Recommendation of the Committee of Ministers of the Council of Europe regarding the application of the Charter in the Spanish state (2005), these are the terms directed at the linguistic policy in Navarre:

4. Adopt a structured focus, with an eye to promote the use of Basque in private mass media in the Basque Country, and in radio and television programs in general in Navarre;
5. Contemplate the possibility of applying an appropriate form of protection to the Basque language as offered in Part III, as defined by legislation in Navarre⁵⁶⁴.

After a prudent pause, the Committee of Experts returned to their findings, by consultation of independent sources and making inquiries of the interested party. They also performed "site" visits, with the goal of getting a fair and balanced general view of the linguistic situation in the different communities of the Spanish state. In April 2008, the report produced on this finding and data provided by the State administration was approved.

With regard to Euskara in Navarre, the Committee of Experts favorably received the following aspects or advances:

- The creation of the Instituto Navarro del Vascuence,
- Legal resolution for the ikastolas in the non Basque-speaking zone (in effect for the 2006-2007 school year),
- Development of a strategic plan for the Basque language at the Public University of Navarre (after twelve years of trying),
- An agreement of linguistic cooperation reached with the authorities of the CAPV.

They considered, however, that reforms and improvements could be introduced in the use of the Basque language in the public sphere. They also allude to the attitude of some Castilian-speakers who view co-official status or multilingualism as a problem. As for the fifth recommendation of the 2005 document, in April 2008 the authorities failed to reform the LFV in order to find flexible solutions for Basque in the mixed zone.

Education (primary, secondary, professional training, university) has also been described. There are various aspects that have not been complied with and others about which information is unavailable (as it was not provided by the Administration). They indicate, for example, that citizens must be instructed (through regulated education) regarding the role played by the Basque language

⁵⁶⁴http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/SpainE-CRML1_es.pdf

in the history and culture of Navarre. And this instruction must be provided to monolingual Castilian speakers also.

As for the judicial system of Navarre, the report notes numerous deficiencies of information, the nonexistence of bilingual versions of various legislative and administrative texts and the lack of measures for the learning of Basque by the personnel of the Administration of Justice of Navarre. It also encourages the competent agencies of the State Administration to increase the number of Basque-speaking personnel.

In the section on the media, they mention that the Government of Navarre has invested little in the creation of radio or television channels in Basque. Neither does it provide information about efforts to cooperate with the Basque authorities in relation to the transmission of EITB programs, because in fact, the GN does not support the diffusion of media based in the Basque Autonomous Community. The report makes express and extensive mention of the situation of the radio station *Euskalerria Irratia* and considers that the linguistic commitments in this area were not complied with during the most recent period (since the report of 2005). It also mentions the television stations that broadcast in Euskara in the Basque-speaking zone that are in danger of losing their subsidies as they fall outside of the National Technical Plan of Local Digital Television (Royal Decree 439/2004). It makes other points regarding aspects of the media which should have been promoted in the most recent period (television channel in Basque, newspaper in Basque, etc).

The report contains two other chapters where it studies: the promotion of the Basque language a) in cultural activities and b) in social and economic life. In this respect, there are many features which have not been complied with or which give reason to worry in the Committee of Experts. Also, in the last chapter dedicated to cross-border exchange, the committee requests more information and recommends that cultural projects already under way continue.

The document ends with a series of recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in the Spanish state. In what refers to Navarre, the recommendations and encouragements for reforms go hand in hand with the list of deficiencies already mentioned.

In Navarre, there was a bit of controversy over whether this document "overturned" the linguistic policy of the GN. In this context, the Managing Director of the *Instituto Navarro del Vascuence-Euskarabidea* published an article in the *Diario de Navarra* explaining his interpretation⁵⁶⁵ – much more favorable than those which appeared in other media outlets in Navarre – of the document⁵⁶⁶.

The Open Road

The setbacks experienced by those who strive for linguistic normalization are sometimes compensated by encouraging news. On 27 April, 2009, for example, an agreement was signed by which Catalan, Euskara and Galician, co-official languages in part of the territory of the Spanish state, are going to be able to be used in the Courts of Justice of the European Communities. Thanks to this administrative agreement, citizens will be able to address the Courts of

565. <http://www.noticiasdenavarra.com/ediciones/2008/12/13>

566. <http://www.noticiasdenavarra.com/ediciones/2009/01/03>

Justice in any of the official languages of Spain and to receive answers in the same language. In this case, and in reference to the Courts of Justice, Spain is the first country in the European Union to sign a memorandum in order to facilitate the use of languages which are official in certain regions or parts of a state. Although a concise measure with its limitations⁵⁶⁷, it seems to be a step forward. What is temporarily "lost" in one zone is sometimes "found" in another situation. Although the anxiety of protecting a language in such need of help can be exhausting, thanks to these measures, many people feel encouraged to keep moving forward through civil means in defense of rights that they believe to be fair.

It seems obvious that in a few years (2003-2008) a series of measures, decisions and litigations have marked, to the disappointment of some and the satisfaction of others, the trajectory of the linguistic policy in Navarre. Measures that for some (including the courts) are restrictive have been able to damage the process of linguistic normalization of Euskara in Navarre. But they have also damaged the image of those who have tried to stop this social movement. It is fair to say that there have been positive steps taken by the Administration, and each of them deserves applause. For the good of everyone, it would be a good idea if the promotion of this language of Navarre were taken up enthusiastically and, why not, apolitically. The Administration, the media, the educational system and diverse social entities each have their degree of responsibility, although social initiative must (as it has had up until now, to its credit) have its area of action. Taking a look back, we can see that the whole society ends up winning when they plainly support the cultural and human values of which all Navarrese citizens may benefit. The Basque language, although perhaps not the most important, is one of these and it has ample social backing. It would have even greater backing if this language were disconnected from the conflict that it is at times surrounded by (sometimes, those who claim to defend the language have no interest in this disconnection) and if the Administration were to present it to those who don't know it as part of their cultural heritage as well, showing its intrinsic values and facilitating the occasions to learn and acquire it. In these aspects we may have a lot of road left to travel. Hopefully, on this road we will find appropriate signs and milestones, bilingual signs.

7.2. LAWS OF THE SPANISH STATE CONCERNING LINGUISTIC MATTERS

The territory of the Spanish state stands out for being one of the largest multilingual groupings in Europe, but this diversity has not been passed on to the institutional level nor to the functioning of the central public powers of the state. The territorial delimitation of the system of linguistic double officiality described in Article 3.2 of the Constitution of 1978 was established according to the Autonomous Communities. The dual-official system reigns in the territories of the Autonomous Communities with natural languages. The effect that this

⁵⁶⁷. "The agreement excludes writings of a jurisdictional character, those that refer to the enforcement of a legal rule and those whose object, directly or indirectly, is the obtaining of an advantage (for example, a subsidy), a benefit (such as the awarding of a public contract) or a function (for example, the candidacy for a post)."

In, <http://www.noticiasdenavarra.com/ediciones/2009/04/28>

produces is the constitutional consecration of a system of pure territoriality with respect to the Castilian areas (where the central authority of the country is located) and a personally based system being applied with respect to the Castilian language in the Autonomous Communities with natural languages. This aspect would merit an in depth reflection inasmuch as the central public powers also operate in the officially bilingual territories and not just in the monolingual ones. The central administration is also in the service of the population that resides in the Autonomous Communities with natural languages, which represents practically half the total population of the state, while the possibility of using the natural languages turns out to be impossible when the acts must be carried out before the central Administration. In spite of the fact that the state as a whole is multilingual, this circumstance has not been adequately considered in its institutional articulation.

Article 3.3 of the Constitution establishes that “the richness of the different linguistic modalities of the Spanish state is a cultural heritage that will be the object of special respect and protection”. This order concerns all public powers and not just those of the Autonomous Communities with natural languages. The special respect and protection that multilingualism presupposes yokes the central public powers of the state as well. Their activities, as if they operated in a monolingual state, suggest an insignificant view of the constitutional order and a complete insensitivity to the existing linguistic diversity. In recent years they have created a Council and an Office for the Official Languages of the Ministry of Territorial Policy⁵⁶⁸ whose objective is to analyze, promote and coordinate the policy of the General Administration of the state in relation to the use of the official languages of the Autonomous Communities, to achieve more careful attention to the linguistic rights of the citizenry, even if its effectiveness has been nil.

With relation to the media, Article 20 of the Constitution states that the law “will guarantee access to said media by significant social and political groups, respecting the pluralism of the society and the diverse languages of Spain”. It is a confused article, directed at legislators in order to orient their legislative activities. Article 20.3 of the Constitution links the respect for linguistic pluralism with the right to access to the media by social groups. The aim of the writer doesn't seem to have been to guarantee the access of linguistic groups to the media or to the system of control of the public media, as may be the case in Belgium⁵⁶⁹ or other European states⁵⁷⁰ but rather to affirm linguistic pluralism itself. Linguistic pluralism is placed in that Constitution in association with the activities of the media of social communication, which must be developed through the laws that regulate the organization and control of the media. The Constitution introduces a specific demand of respect and promotion of linguistic pluralism in the media,

568. Created by Royal Decree 905/2007, of 6 July.

569. In Belgium, the regulation of the audiovisual sector is bestowed upon two separate councils: the *Conseil Supérieur de l'audiovisuel* (for the Francophone community) and the *Vlaams Commissariaat voor de Media* (for the Flemish community). A complete vision in F. Jongen, *La police de l'audiovisuel. Analyse comparée de la régulation de la radio et de la télévision en Europe*, Bruylant, Bruxelles, 1994

570. It might be the case in the European states which recognize minority participation in the organs of audiovisual control, such as Slovenia (Law of Radio and Television, 1994, Art. 16), Poland (Law of Radio and Television, Art. 7), Hungary (Law of Radio and Television 1996) or Lithuania.

as a derivative of the constitutional recognition of linguistic diversity in Article 3 of the CE.

In relation to this, the Constitutional Tribunal stated that the “cultural and linguistic pluralism of the nationalities and regions” is found among “the principles that must inspire the activities of the State run media”⁵⁷¹. In fact, the rhetoric of the legislation shares this view, while its practical realization is totally deficient. The legislation demands that private television stations, whose bandwidth is within state coverage, act in accordance with the principle of guaranteeing linguistic pluralism⁵⁷². The new corporation of Spanish radio and television, in the exercise of its function of public service must “promote territorial cohesion, plurality and the cultural and linguistic diversity of Spain”⁵⁷³. The legislation on local cable television also includes the principle of linguistic pluralism⁵⁷⁴. For its part, the legal reform on digital cable television foresees that the Government will push the use of the various official languages of the state on the channels awarded the concessions⁵⁷⁵.

If we ask about the form which the principle of respect of linguistic pluralism was going to take for its realization, the answer is that it will come through the programming. At least in the breaks for the areas of the Autonomous Communities in which Basque is a natural language, the presence of the Basque language should have found its own place, but in practice, this has not been the case. With regard to the media with statewide coverage, that guarantee of linguistic pluralism has produced unsatisfactory results. In spite of the fact that linguistic pluralism is a constitutional principle, which must guide the activities of the media that broadcast in the territory of the Autonomous Communities with two official languages, its practical application hasn't turned out sufficiently effective to guarantee a minimally balanced presence of the official languages with respect to the media of communication with statewide coverage, neither the public stations, which only broadcast a few minute of summary in Euskara during the news for the Basque Country, nor the private ones, where the presence of Euskara is nonexistent. Also, the most recent configuration of the technical plans for land-based digital television have been carried out while ignoring the multilingual reality of the state.

571. Sentencia del Tribunal Constitucional (STC) 127/1994, de 5 de mayo, FJ 8.

572. Law 10/1988, of 3 May, on private television stations, assumes the principle of respect of linguistic pluralism in their activities, indicating in Article 3 that “the indirect management by the concessionary associations will be inspired by the principles expressed in Article 4 of Law 4/1980, of 10 January, of Statutes of Radio and Television Stations”. This law has been overruled by Law 17/2006, of 5 June, of State Radio and Television, while its only Disposition of Derogation states that the Statutes of Radio and Television Stations will continue to be enforced for the purposes defined in Law 46/1983, of 26 December, regulating the Third Television Channel, and Law 10/1988, of 3 May, on Private Television.

573. 3.2.e) de Ley 17/2006, de 5 de junio, de la radio y la televisión de titularidad estatal.

574. Art. 6.c) de la Ley 41/1995, de 22 de diciembre, de televisión local por ondas terrestres (modificada por la Ley 10/2005, de 14 de junio).

575. Law 10/2005, of 14 June, on urgent measures for the promotion of digital cable television, on liberalization of cable television and the promotion of pluralism establishes that “the Government will promote the use of the various official languages of the state through the channels awarded the concessions for the providing of public service of Land-Based Digital Television in the area of the Autonomous Communities that have such recognized in their respective Statutes of Autonomy”.

To the limited application of the principle of pluralism we must add the complexity of controlling its lack of effectiveness⁵⁷⁶. Who controls the statewide media's lack of adherence to the demands of linguistic pluralism and within what parameters do they control it? This is made worse when the Administration more interested in guaranteeing linguistic pluralism through the programming (in the Autonomies) doesn't coincide with the Administration that awards licenses to broadcast (in the State) and to whom it would fall, eventually, to open the sanctioning process.

Without leaving the audiovisual medium we must cite a particularly grave event for Basque. This was the closing, by judicial order, of the only newspaper in the Basque language, the daily *Euskaldunon Egunkaria*, in February of 2003. This is an especially grave issue as it affects the fundamental rights of the people, in this case the right to freedom of expression. The accusation on which this precautionary measure was based was the periodic connection of the newspaper with ETA. The circumstances of the process of arrest and interrogation, applying antiterrorist legislation against the editors, with reports of torture and inhuman and degrading treatment of the detained give this episode even greater gravity. It is even more so if we consider that, in 2008, judicial hearings had not yet been held, continuing the ordered closure as a precautionary measure. As it relates to the only newspaper in Euskara, and considering its character of being open to all opinions, the judicial closure of the paper is only explicable by political motivations. It is understood to be a totally disproportionate measure, which affects the basic pillars of democracy, as well as the guarantee of the linguistic rights of Basque-speakers. The presumption of innocence, the subjective character of the responsibility and proportionality of the precautionary measures that affect fundamental rights and one of the foundations of democracy such as freedom of expression have not turned out favorably for the Basque language. A precautionary measure of this intensity and duration cannot be qualified as anything other than an attack on fundamental rights and on Euskara.

The questions posed in relation to the right to use Basque before the Judicial Power are also worrying. The territorial reach of the system of dual-official languages supposes the recognition of the right to use either Basque or Castilian in the courts based in the territory where Euskara is an official language. According to Article 9 of Law 10/1982, on the normalization of the Basque language, "in their interactions with the Administration of Justice, each citizen can use the official language of his choice, without any demand for translation"⁵⁷⁷, and also that "the writings and documents presented in Euskara, as well as the judicial acts, will be totally valid and effective"⁵⁷⁸. However, the

576. I. Lasagabaster e I. Lazcano, "El euskara...", op. cit., p. 135.

577. Art. 9.1 de la Ley 10/1982, de 24 de noviembre, básica de normalización del uso del euskara.

578. Paragraph 2 of Art. 9 of the Law of Normalization of Euskara (cit. *supra* prev. note). In development of these provisions, Decree 152/2008, of 29 July was approved, by which the process of linguistic normalization of the Administration of Justice was regulated in the Autonomous Community of Euskadi. The area of enforcement of this law is limited to personnel belonging to the following groups: the Corps of Administrative and Trial Management, the Corps of Administrative and Trial Processing, the Corps of Judicial Assistance, the Corps of Forensic Medical Examiners and the Corps of Laboratory Assistants. That is to say, it does not apply to judges, magistrates, lawyers or judicial secretaries.

Judicial Power is an independent branch that operates under its own rules, found at the beginning of Law 6/1985, of 1 July, on Judicial Power, whose Article 231 states:

1. In all judicial acts, judges, magistrates, lawyers, secretaries and other functionaries of courts and tribunals will use Castilian, the official language of the State.
2. Judges, magistrates, lawyers, secretaries and other functionaries of courts and tribunals may also use the official language of the Autonomous Communities, if none of the parties opposes it, alleging ignorance of said language, which could inhibit a valid defense.
3. The parties, their representatives and those who direct them, as well as witnesses and experts, can use the language which is official in the Autonomous Community in which the judicial acts take place, whether testifying orally or in writing.

It is a precept whose interpretation is complex that starts out affirming the general rule of language use for judges, magistrates, lawyers.... which will be Castilian. In the next line, it states that the members of the jurisdictional organs can also use the co-official languages if none of the parties objects to it, alleging ignorance of that language which could harm their case. The use of natural languages is set as optional in character and, in any case, conditional.

While the citizens can opt for one official language or the other within the administrative sphere, connecting to the Administration, which must adapt to the exercise of the citizens' freedom of choice and respond in the chosen language, nothing of the sort happens in the judicial sphere. In the judicial sphere, knowledge of Euskara is not required in order to access the judicial corps, nor are judges and prosecutors obligated to respond to citizens who use Basque, whom they don't understand, in the same language. In spite of the fact that the Judicial Power is an independent branch, its independence cannot place it above the law, laws which it is obligated to enforce in order to guarantee the effective exercise of the linguistic rights related to the official status of the languages.

The right to obtain authentic Justice when the citizens legitimately exercise the right to use the natural language of the country naturally assumes that knowledge of the natural language of the country must function as a prerequisite in the exercise of judicial functions. This is an issue that even the Committee of Ministers of the Council of Europe addressed (for the second time) to the Kingdom of Spain as a consequence of the statement of deficits in the compliance with the European Charter for Regional or Minority Languages in the area of the administration of justice in Spain. The Committee of Ministers of the Council of Europe recommended that the Spanish authorities "*take the legal and practical measures necessary to ensure that an adequate percentage of the personnel who work in this arena in the Autonomous Communities affected by Article 9 of the Charter (judicial authorities) have practical knowledge of the pertinent languages*"⁵⁷⁹. In this respect the Committee of Experts of the European Charter on languages has stated that:

579. See. Recomendación RecChL (2008)5 del Comité de Ministros sobre la aplicación de la Carta europea de las lenguas regionales o minoritarias en España, punto 1.

A general problem that affects all the languages protected by Part III is reflected in the area of justice. The compliance with the commitments contracted by virtue of Article 9 are seen as negatively affected by a series of organizational and practical deficiencies and by an incomplete legal framework. This translates into the noncompliance with several of the most important commitments, in particular, the development of the proceedings in the regional or minority language if one of the parties so requests. The Committee of Experts considers it necessary to review the career and training structure of the Administration of Justice, so that an adequate proportion of the staff of the Administration of Justice destined for the pertinent Autonomous Communities has the necessary command of the regional or minority languages protected by Part III⁵⁸⁰.

Three years later, the Committee of Experts continued to state that *“it continues to be necessary to review the career and training structure of the administration of justice and of the functionaries, so that an adequate percentage of judges, lawyers and staff of the administration of the State based in the Autonomous Communities have the necessary command of the co-official language. The Spanish authorities have not taken significant steps toward resolving the problems identified”*⁵⁸¹.

The lack of accommodation of the personnel of the Administration of Justice to the natural demands of having two official languages in those places in which Euskara is an official language limits the exercise of linguistic rights. It is practically impossible for a trial to be carried out completely in Euskara, as very few judges know the natural language of the country, official along with Castilian. But in those places where Euskara is not an official language, the use of this language is not recognized. This issue has particular importance when we discuss a hierarchically structured judicial system, where the courts of last resort are located in Madrid. The appeals of cassation must be obligatorily presented in Castilian, and the same occurs in those trials and hearings held in Madrid that involve issues relative to Basque-speaking persons. In such cases, Spanish legislation doesn't recognize any right of linguistic use beyond the commitments that, based on the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (Art. 6.3.a), are recognized for all people who don't know the language in which the judicial process is held, principally in criminal matters. It is an issue that draws attention considering that on 27 April, 2009 the European Courts of Justice signed an administrative agreement with the Spanish government, destined to permit the use of official languages other than Spanish in matters before that court. What is permitted in the court at Luxembourg is denied in the courts in Madrid.

The possibility of using Basque in the Spanish *Cortes Generales* or Parliament is certainly limited. Only the Regulations of the Senate (which is defined as the house of territorial representation) allows the use of Euskara but only in sessions of the General Committee of the Autonomous Communities⁵⁸²

580. See. Informe del Comité de Expertos sobre la aplicación de la Carta europea de las lenguas regionales o minoritarias en España (ECRML (2005) 4), p. 169, apartado D.

581. See. Informe del Comité de Expertos sobre la aplicación de la Carta europea de las lenguas regionales o minoritarias en España (ECRML (2008) 4), P.149, apartado D

582. Article 59 bis 9 of the Regulations of the Senate in the revisions made on 4 July, 2005.

and not in plenary sessions nor in any other committee, although they do recognize the right of the citizens and of institutions to address the Senate in writing using any of the Spanish languages that, together with Castilian, are official in their Autonomous Community. In this case, the House will facilitate translation in order to properly attend the communication⁵⁸³. In the Congress of Representatives, their rules of order and procedure do not allow the possibility of using any language other than Castilian, therefore all legislative activity is carried out in Castilian, without the possibility of intervention in languages other than Castilian.

The publication of the rules of legislative character is done in Castilian in the Official Bulletin of the State upon their taking effect. Royal Decree 489/1997 of 14 April, on the Publication of Laws in Co-official Languages of the Autonomous Communities, made it possible to create pacts with the Autonomous Communities in order for them to translate the laws and for them to be published (having been verified by the Ministry of the Presidency) in special supplements of the Bulletin, without a fixed interim. The limited character of this measure stands out given that it only makes it possible to translate the laws and not any other act⁵⁸⁴; also, the translation is performed at the expense of the Autonomous Communities and not of the State, and the legal value of the translation is null. The version in the co-official language has no effect on the law taking effect, nor does it have any effect on the interpretation of the meaning of the law.

In the Government and the central Administration of the State the only official language is Castilian. No right of the citizens to address any organ of the State administration in Euskara is recognized. Law 30/1992, of 26 November, on legal rules of the Public Administration and the Common Administrative Procedure says in Article 36.1 that "the language of the proceedings carried out by the General Administration of the State will be Castilian". In the administrative organs located outside the territory where Euskara is official there is no possibility of using Basque, even though such organs resolve issues and produce effects on the territory where Basque is an official language.

Law 30/1992, of 26 April, also states that "the interested parties who address the organs of the General Administration of the State located in the territory of an Autonomous Community can also use the language which is co-official in it"⁵⁸⁵. The precept refers to the peripheral organs of the state Administration based in the Autonomous Communities with two official languages. It is the application of the principle of territorialization of the official regime, to which the Constitutional Tribunal referred in its STC 82/1986, of 26 June saying that:

583. Additional Disposition 4 of the Regulations of the Senate (Reglamento del Senado, texto refundido aprobado por la Mesa del Senado, oída la Junta de Portavoces, en su reunión del día 3 de mayo de 1994).

584. In the Exposition of Motives of Royal Decree 489/1997, of 14 April, it says, "Due to the objective difficulties presented by the publication of dispositions of a general character in different official languages, it has been considered prudent to initially limit the measure to the area of rules with the rank of Law. Once this first experiment is carried out, we will be able to consider the possibility of extending the measure to other dispositions of regulatory character".

585. Art. 36.1 of Law 30/1992, of 26 November, *de régimen jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*.

Upon adding number 2 of the same Article 3 that the other Spanish languages will also be official in the respective Autonomous Communities, it also follows, that the consequent co-official character is such with respect to all public powers based in the autonomous territory, without exclusion of the dependent organs of the central Administration and of other state institutions in the strict sense, the delimiting criterion of the official character of Castilian and the co-official character of the other Spanish languages being, therefore, the territory, independent of the state (in a strict sense), autonomous or local character of the various public powers (Legal Base).

This criterion, which assumes the recognition of the right to use Euskara or Castilian indiscriminately in our interactions with any administration that is located in the territory where Basque is official, would be considered on of the characters of official status. Now then, it must be said that in practice, noncompliance has been patent, due to the practical nonexistence or insufficiency of personnel in the employ of the peripheral Administration that understand Basque, and fewer still who can process files in Euskara as demanded by the legislation⁵⁸⁶. The Committee of Experts of the European Charter for Regional and Minority Languages stated that,

With respect to the Administration of the State based in the pertinent Autonomous Communities, in general, the compliance with the commitments contracted by virtue of Article 10 is seen to be negatively affected....an it is equally necessary to review the career and training structure of the staff in this area⁵⁸⁷.

As a general conclusion relative to the organization of the Spanish state with relation to the official languages it is sufficient to present the following words from the Committee of Experts of the European Charter for Regional or Minority Languages:

Finally, the Committee of Experts considers that there is still a need for awareness-raising in Spain about regional or minority languages. In particular, very little attention is devoted to linguistic diversity by the national Spanish media and there still seems to be a lack of awareness among the Castilian-speaking majority population and especially in the autonomous communities other than those directly concerned, that Spain is a plurilingual country. More efforts therefore seem to be needed in education for the majority Castilian-speaking population and in the national media with a view to fostering a greater acceptance and respect by the majority vis-à-vis the specificities of regional identities as an integral part of the Spanish heritage. There is also a need to improve mutual understanding, with a view to promoting the virtues of plurilingualism and linguistic diversity and, in both majority and minority language groups, the fundamental idea of peaceful and harmonious co-existence⁵⁸⁸.

586. Art. 36.1 of Law 30/1992, cit. *supra* says that "in that case the proceeding will be carried out in the language chosen by the interested party".

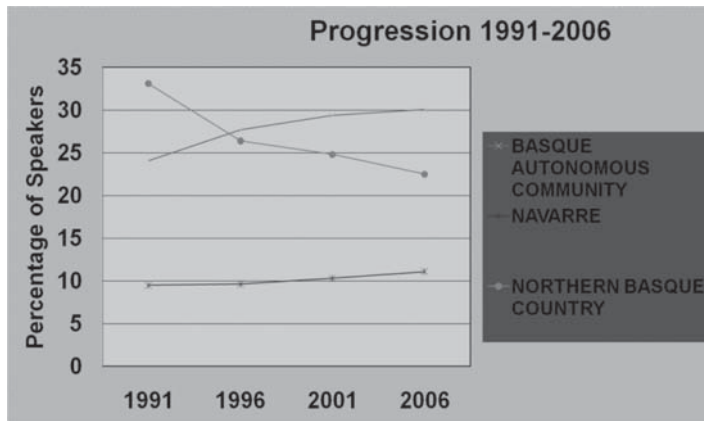
587. See. Informe del Comité de Expertos sobre la aplicación de la Carta europea de las lenguas regionales o minoritarias en España (ECRML (2005) 4), p. 169, apartado E.

588. See. Report of the Committee of Experts on the application of the Charter in Spain, ECRML (2005) 4, p. 161, section T.

7.3.THE CHALLENGES OF THE BASQUE LANGUAGE IN THE FRENCH STATE: THE ADOPTION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

The existence of the Basque language in and of itself is a challenge in the French state. The fourth sociolinguistic survey completed by the Basque government with data from 2006 (which only included citizens over 16 years of age) shows that in the Northern Basque Country, out of a total of 230,000 inhabitants, 52,000 speak Basque well (22.5%), 20,000 speak it but with some difficulty (8.6%) and 158,000 don't speak it at all (68.9%). The situation is, therefore, worrisome. But it is more so due to the fact that, unlike the favorable evolution that the use of Basque has experienced in the Autonomous Community of the Basque Country, or even in the Historic Community of Navarre from 1991 to the present, the linguistic policy of the French state has provoked a considerable drop in the total number and in the proportion of Euskara speakers in the Northern Basque Country.

As can be seen in the graph, a linguistic policy favorable to the development of the language in the CAPV provokes a considerable rise in the number of Basque speakers. A restricted linguistic policy in the CFN produced a moderate increase in the number of speakers in Navarre and, finally, a restrictive linguistic policy in the Northern Basque Country caused a decline parallel to the increase noted in the CAPV.



Evolution of the total number of Basque speakers with a good knowledge of the language (active bilinguals) in the CAPV, CFN and the Northern Basque Country for the period 1991-2006. Source: Xabier Irujo & Iñigo Urrutia.

It is often said that a language doesn't disappear because those who don't know it don't speak it, but because those who know it stop using it. A

simplification. It is necessary to ask why these people stop speaking their native language and what sociolinguistic conditions produce the progressive abandonment of the native language. Euskara in the Northern Basque Country is even today losing speakers because for 220 years it has been the principal objective of the French state's linguistic policy to make it disappear. Basque was suppressed by decree of the administration of the state in 1794 and continues to lack official status; it was likewise expelled from the French education system, which only in 1969 permitted private schools that taught in Euskara. But the public school system continues to be preponderantly monolingual, with a maximum of three hours per week of class time for the Basque language, which is completely insufficient for the recovery of a language.

On 7 May, 1999 the French state signed the European Charter for Regional or Minority Languages, although it still hasn't been ratified and, therefore, lacks legal force for the moment. The adoption of this treaty caused the socialist Prime Minister, Lionel Jospin to declare that,

The French Republic foresees placing the following declaration in its instrument of ratification of the European Charter for Regional or Minority Languages:

1. Inasmuch as it does not aim for the recognition and protection of minorities, but to promote European linguistic heritage, and the use of the term "groups" of speakers does not confer any collective rights for the speakers of regional or minority languages, the government of the République interprets the Charter to be compatible with the Preamble to the Constitution, which ensures the equality of all the citizens before the law and knows only the French people, composed of all the citizens without distinction of origin, race or of religion⁵⁸⁹.

The European Bureau of Lesser Used Languages (EBLUL) received the incorporation of the vernacular languages into the French constitution and the posterior signing of the European Charter for Regional or Minority Languages with satisfaction. However, the EBLUL emphasized, the situation is still far from being satisfactory. In the first place, it is important to point out that the constitutional formula adopted by the French National Assembly and the Senate, according to which "the regional languages belong to the patrimony of France" is very restrictive. Euskara, like the rest of the minority languages spoken in the French state, is not the patrimony of a state but rather forms part of the cultural heritage of humanity and it is for that reason that the authorities of the Republic should guarantee its welfare and development. . As Neasa Ni Chinnéida, president of the EBLUL, pointed out on 24 July, 2008, the ratification of the European Charter for Regional or Minority Languages by the French state would strengthen the policy of the European Union toward linguistic diversity on the continent at the same time as it would put an end to a now ancient policy of destruction of the living vernacular languages present in the French state,

The European Bureau of Lesser Used Languages is joyful at the recognition of regional languages in the Constitution and awaits concrete measures. EBLUL, the European Bureau of Lesser Used Languages, is joyful at France's adoption on 21 July of a constitutional modification in Title 12 that finally takes regional

589. Andrau, René, *Les féodalités reviennent: réflexions sur la Charte européenne des langues régionales ou minoritaires*, Bruno Leprince, Paris, 1999. P. 103.

languages into account in the French constitution affirming that “the regional languages belong to the patrimony of France”. But the EBLUL cannot help but point out that the regional languages of France also form part of the patrimony of Europe and of Humanity in general. It is hoped that this recognition will shore up the European policy in favor of linguistic diversity on the Continent. In this sense, the EBLUL also expects France, which currently holds the presidency of the European Union, to ratify the European Charter for Regional or Minority Languages which will give these languages a concrete and practical European framework in which to develop. The EBLUL considers that it is about time for France to put an end to an archaic policy of linguistic destruction that has brought with it a loss of credibility on the European and international scene, and that concrete measures be rapidly taken to translate this recognition into reality⁵⁹⁰.

Without a doubt, the ratification of the European Charter for Regional or Minority Languages would remedy the most serious faults in the current French linguistic policy which are, according to the principles collected in Article 7 of the Charter on *objectives and principles* of a linguistic policy which respects human rights⁵⁹¹, the following:

1. Recognition of the Basque language as an expression of the cultural richness of the Basque nation and patrimony of humanity. The formula included in the French constitution in 1992 according to which “the regional languages belong to the patrimony of France” only covers part of this necessity. As Neasa Ni Chinnéide, president of the EBLUL, expressed in 2008, the recognition of linguistic rights must be universal and the French state must accept that it has a duty not only to the citizens of the republic but to the citizens and European cultural wealth as a whole.
2. Respect for the geographic zone of each language, making sure that existing or future administrative divisions do not constitute an obstacle for the promotion of a regional or minority language. One of the policies of the first revolutionary governments was precisely to break up the administrative units existent prior to 1789, resulting in the three Basque states being subsumed into a larger administrative unit, completely artificial from a political and cultural point of view, called *Département des Basses-Pyrénées*. While a petition has been circulated on various occasions to create a *Département basque*, this demand has not been conceded, nor even contemplated, by the French executive.
3. Necessity for resolute action to promote regional or minority languages in order to safeguard them. The total absence of a policy of linguistic promotion is a manifest violation of the linguistic rights of the Basque people, who today and while awaiting ratification of the Charter by the French authorities, can be resumed in the following points:

590. *Communiqué du Bureau européen pour les langues moins répandues*. In, www.eblul-france.eu

591. Put another way, the Charter explains what the objectives and fundamental principles that should guide the legislative policy in matters of regional or minority languages in the territories where these languages are spoken.

- Together with Greece, Monaco, San Marino and Portugal, the French state is the only state in Western Europe that hasn't ratified the Charter.
 - From this fact, it derives that the French state is one of the few monolingual states in Western Europe. French legislation doesn't recognize official or co-official status for the Basque language.
 - As a consequence, the Basque language has no place in the administration of the State, neither at the state level nor at the regional, departmental or municipal levels. The only language of administration in the state is French, which means that any political, civil, economic or cultural activity which requires the intervention of a public agency will be carried out exclusively in French.
 - The Basque language doesn't exist in the administration of justice, whose official language is also French, independently of the fact that a judge can ask for the assistance of a translator, at his own discretion.
 - The French public school system is not bilingual nor does it permit systems of linguistic immersion for the learning of minority languages, the only system that permits or ensures the recovery of a language in decline.
4. Placing adequate ways and means of teaching and study of the regional or minority languages at the disposal of all appropriate states. In line with what we have stated in the last point, the challenges of the French education system with respect to the recognition of the rights of Basque speakers are the following:
- Basque citizens whose vernacular and in many cases mother tongue is Euskara, have the right to educate their children in Euskara. For this reason, the network of public schools in the Northern Basque Country must recognize the right to instruction in a linguistic immersion model in which the students do not just study Basque, but *in* Basque.
 - With respect to the network of private Ikastolas or coordinated by Seaska, the French state must promote more firmly its development through more effective policies of financing and training of the professorate.
 - In this sense, the application of measures similar to those the French state uses within the framework of the *Francophonie* in Africa, Asia and the Americas would be quite effective.
5. Facilitation and/or stimulus of the oral and written use of regional or minority languages in public and private life. It seems pathetic that today the principal public television network in Basque in the Northern Basque Country is ETB1, that is, a public network financed by the authorities of the Basque Autonomous Community in the Spanish state. As reflected by the *Final Report on the Support for Minority Languages in Europe of the EBLUL in May of 2002*,

An agreement was signed on 22 July 1998 in Donapaleu (Saint Palais), which was to allow the full reception in this, the last remaining area in the Northern Basque country (called Iparralde in Basque) where Basque Television (Euskal Telebista, or ETB) could not yet be picked up, on account of the mountainous terrain in the region. This agreement ended the process started in 1991, at which time ETB began to be picked up more regularly and normally than before, mainly along the coastal areas. At that time the Conseil Supérieur de l'Audiovisuel rejected a request for a relay station to be installed in Zuberoa so that ETB1 could be picked up in the region. The argument given was that ETB cable would be the only admissible means. The French Socialist party intervened, and the situation later became easier. In 1997, ETB, the Regional Syndicate for the Support of Basque Culture and the Technical Service of French Television had signed an agreement to install 27 relay stations which allowed ETB to be picked up in most of the French Basque Country⁵⁹².

6. Maintenance and development of relations, in the areas covered by the present Charter, among the groups that speak a regional or minority language and other groups of the same state that speak a language in a similar situation, as well as the establishment of cultural relations with other groups in the state that speak different languages. This is once again a policy that the French state has favored within the framework of the *Francophonie* at the international level in relation to the French language but which lacks a parallel in the interior of the French state. While it is true that there are ever increasing channels of communication among Bretons, Catalans, Occitans, Corsicans, Alsatians and Basques, it is no less true that in the majority of cases, these connections are due to private initiatives. The French state is capable of developing policies for this type of development in a very short time, but they don't do it.
7. Placing the means to learn a regional or minority language at the disposal of those who do not speak it but live within the territory where it is used. Outside of school learning, the state must promote adult learning of the languages in *ad hoc* academies, another thing which must be developed in the Northern Basque Country, although some private initiatives do exist.
8. Promotion of studies and investigation on regional or minority languages in the universities or in equivalent establishments; i) the promotion of appropriate forms of transnational exchange, in matters covered by the present Charter, for regional or minority languages used in the same or similar form in two or more states. This is probably the only point where the French state has developed some initiative that, while it can't be considered developed to the maximum degree or output, has favored the creation of programs of Basque studies at various universities at the same time as it has favored the creation of institutions like the

Euskal Kultur Erakundea or *Iker* in the Northern Basque Country, entities partially supported with public funds.

⁵⁹² *Final Report on the Support for Minority Languages in Europe*. European Bureau for Lesser Used Languages (EBLUL), May 15, 2002. In, http://ec.europa.eu/education/languages/pdf/doc639_en.pdf

Outside of these deficiencies, which constitute blatant violations of the cultural rights of the nations that make up the French state, in Article 7, the European Charter for Regional or Minority Languages also establishes that states must commit themselves to the elimination of any unjustified distinction, exclusion, restriction or preference surrounding the use of a vernacular language which has the goal of degrading it or putting its maintenance or development in danger and, it adds, they must promote the adoption of special measures in favor of the regional or minority languages, destined to promote equality among the speakers of those languages and the rest of the population or destined to take into account particular situations, which must not be considered an act of discrimination toward the speakers of more common languages, in this case French.

In 2007, the president of the Republic, Nicolas Sarkozy, declared that, during their campaigns, candidates promised to develop French linguistic policy, but that, once they were in power, they never lived up to their word, at least not to its full extent, which generated a lot of bitterness and frustration,

I know that, several years ago, during the electoral period, the candidates acquired a bad habit: they promised anything and everything to the speakers of regional languages. These are, it is well known, promises with no tomorrow, giving rise to a lot of bitterness and frustration. I am not one of those. That is why I will not say to you today that I commit myself to ratifying the European Charter tomorrow. The politicians who made you that promise were tricksters⁵⁹³.

Today, in the spring of 2009, the French government still hasn't ratified the Charter. We take the word of Tangi Louarn, president of EBLUL-France, who on 9 December, 2008, appeared optimistic about the *hypothetical ratification* of the Charter,

On 10 December, the sixtieth anniversary of the Universal Declaration of the Rights of Man will be celebrated. Following the Second World War, the protection of the rights of man was one of the major preoccupations of the international community. The Declaration affirms the dignity of the human being and enumerates his fundamental rights which are progressively refined by the new texts that follow. It is in the name of dignity, that is to say the first article of the Declaration, that the identity and culture of each person must be respected. Thus the Universal Declaration of the UNESCO on Cultural Diversity affirms that "The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples". The Declaration also affirms that "Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind". It further specifies that the spread of a creative diversity demands the full realization of cultural rights, as defined by Article 27 of the Declaration of the Rights of Man and Articles 13 (right to education) and 15 (right to participate in cultural life) of the International Pact on Economic, Social and Cultural Rights. Every person must therefore be able to express himself, to create and distribute his works in the language of his choice and in particular in his maternal language; each person has the right to education and high-quality training that fully respect his cultural identity; every person should be able to participate in

593. *Langues régionales : qu'attendre de Nicolas Sarkozy?* In, <http://prouvenco.presse.free.fr>

the cultural life of his choice and to exercise his own cultural practices, within the limits imposed by the respect of the rights of man and fundamental liberties⁵⁹⁴.

While even today the development of human rights continues to be an issue of values education, mutual respect, understanding and a bit of intelligence, something that the categorically simple statement of a schoolmaster from the Department of Alpes-Maritimes in 1990 completely lacks: *Nissart (the dialect of Nice) is useless because the Niçois speak French quite well*⁵⁹⁵. A primitive attitude that reflects a way of thinking and acting still alive in Europe.

594. *Communiqué du Bureau européen pour les langues moins répandues*. In, www.eblul-france.eu

595. *Occitan, Istòria d'un descrites*. In, Maison de l'Occitan, www.ostaldoccitania.net

Epilogue: Evaluation after 220 Years of Linguistic Policy

The historical process of political unification associated with the construction of the French and Spanish states was accompanied by linguistic regulation. When the difference of languages and, more precisely, the ignorance of the state language began to be seen as an obstacle for the desired political and institutional (and social and cultural) unification, the first constrictive linguistic laws appeared. Since then linguistic regulation has acted as a subordinate factor to the objective of uniformity. Language is still considered a critical factor in the political identity of the state, therefore the unity of the state is constructed by steering legal, social and linguistic details. Linguistic uniformity is imposed upon the political communities integrated into the domain of the monarchies with the goal of achieving political and juridical uniformity in the kingdom. The process of linguistic imposition is produced in association with the loss of political power in the Basque territories.

The first linguistic measures were concerned with fixing the language of legal writings, administrative and judicial acts, which would be imposed on the linguistic communities of different languages in favor of that adopted by the monarchy. Now then, the impact of this first linguistic rule will depend on the greater or lesser political power that the different territories retain. Thus, in the territories that speak Catalan, after the Bourbons' military victory at the beginning of the 18th century, the suppression of their institutions and their own laws is produced by means of the Decrees of New the Project, interweaving with the imposition of the Castilian language in administrative and legal acts. In the Basque-speaking territories it didn't happen that way, as the regime of privilege, representative of the powers of self-organization and self-regulation without the interference of the State, would remain intact until the 19th century. The regime of privilege would act as a barrier against the policy of institutional, juridical and linguistic uniformity until well into the constitutional period.

In the Basque Country a distinction of levels is made between the written use of the language in the public arena and the oral use of the language. Basque has always been the natural language of the Basque people, the language of socialization and also the language of oral use in administrative functions, although it would not be adopted in written form for such functions, nor for the compilation of historical laws of the Basque-speaking territories. But the fact that Euskara was not used as the "commonly used written language" in administrative and institutional functions does not mean that Euskara did not have any role in institutional uses. There are several reasons that explain the

fact that the language of legal writing did not coincide with the natural language of the country, such as the customary foundation of a good part of the local laws, the recognized character, but at the same time, awarded a written form at the urging of the monarchs, the separation of the institutional apparatus of the royal administration from the common people, and also the pressure exerted from the center of the kingdom and its agents in favor of the use of the language of the monarchy or the consideration of the Castilian language as an instrument of social differentiation at the time, amongst others. In any case, historical law in the Basque territories doesn't contain any proscription whatsoever against the social use of Euskara, but rather it is characterized by foreseeing methods and guarantees to enable the exercise of diverse languages by the population at the request of administrative or judicial authorities. It must also be considered that we find ourselves still in an era when access to education was exclusive, functioning as an instrument of social differentiation.

In the French state the concept of nationhood is built on uniformity. The nation-state is constructed on the assumption of a homogeneous society, that is to say, the basis of a unitary identity. French is conceived as the means to express the sovereign will as well as a manifestation of the unity of the state. The state, *la République*, is conceived as the whole of the citizenry and its unification tries to integrate them into a single culture with a common language. The search for unity, not of union, is carried out through a process of uniformity. Linguistic uniformity is imposed in the name of the unity of the state. The nation-state will seek the unity of the language and the culture in order to make all citizens of the French state equal. All citizens compose a homogeneous and uniform mass. In the republican thinking, linguistic uniformity is the element that will guarantee equality.

The political construction of the French republican state is connected to the intervention in the education system, a public and uniform system of instruction. The official language is placed as the center of gravity of the education system and the education system is placed in the service of the unity of the state. In spite of it all, the reforms in school organization and its conversion to public service were slow to consolidate. The Church was not completely severed from the schools until the Third Republic (1870-1940), which would make the use of Euskara possible for certain functions, particularly religious ones. The Basque language would continue to be an educational agent until 1880. The panorama would be completely changed as a consequence of the laicization of the French state.

In the Spanish state, the first measures directed at the Castilianization of the population stem from the end of the old regime: the exclusive use of the Castilian language was imposed upon traders, prohibiting the use of others, and punishing their use; the printing of books in languages other than Castilian was prohibited, as were productions of plays in languages other than Castilian. Also, under the impulse of the enlightened monarchy, the first laws that impose the exclusive use of Castilian in the school system were written. Nonetheless, the impact of this regulation was very relative in the Basque-speaking territories. It must be remembered that the law's objective was not to structure the school system, nor did the state control instruction in the country of Euskara. The privilege-based powers that the municipalities possessed to name the teachers of municipal schools functioned as a barrier against these constrictive measures.

In any case, pressure favorable to the Castilian language begins at this time as that language is associated with the idea of cultural progress sponsored by the enlightened monarchy.

With constitutionalism came a transformation in the structures of the state. The political concept of statehood, which is confused with the cultural concept of nationhood, is built on uniformity. The historical basis of the privilege-based powers, which up until then had been outside of the centralizing processes, were in contradiction to the basic pillars of the new order. Notwithstanding, the consolidation process of the liberal state is slow. The tasks and public obligations increase progressively and the institutional organization acquires a greater dimension. The Administration of the constitutional state starts to build itself on the basis of a strictly hierarchical principle, with much more vigorous and effective mechanisms than in previous centuries. It is the case with local organization and also with the organization of the schools. Educational programs are set up uniformly for the entire state without space for languages other than Castilian; in the background lies the interest in generalizing the learning and use of the Castilian language.

Gradually the constitutional regime will close its doors to any autonomous action in the privileged territories, which will soon suffer a weakening after the First Carlist War (1833-1839). The Law of 25 October, 1839 sanctioning the *Fueros de las Provincias Vascongadas y Navarra* occasioned the loss of Basque privileged powers, such as those connected to the jurisdictional order (the judicial branch), as well as legislative branch, but, in all, the regime of privilege remained in effect, although its effectiveness would make it depend from then on on negotiation with the "exempt provinces", as well as on the particular legal interventions that, in relation to different material sectors, the state would approve. The relationship of supremacy of the central Administration, through the Political Chief, over the mayors of the Basque municipalities was explicitly established, with it the administrative sphere was configured under a strict hierarchical relationship. The same centralizing effect is seen as a consequence of the Law of Public Instruction of 9 September, 1857 (Lay Moyano), assuming a reinforcement of the centralized organization of the educational system, as well as the definitive separation of the educational system from the *foral* and municipal administrations. This law limited the possible actions of the municipal and *foral* powers relative to the establishment of a linguistic policy for schools that would guarantee the, even partial, use of Euskara as it had done historically. In spite of this, the guarantee of Basque privilege would make a special process for the naming of teachers possible. The linguistic issue would find itself at the center of the special nomination process. Other constrictive laws would work in the same direction, impeding the use of Basque in notarial writings, depriving documents in Basque of officially registered status, and prohibiting, again, the presentation of plays in Euskara.

In the last quarter of the century the status of Euskara would get worse on both sides of the border. In the French state, the educational legislation of the Third Republic would increase the capacity of the education system, and would establish obligatory education and the control of the educational system through prefects. The municipalities ceased to exercise any power in education and, with laicization, the Catechism in Basque disappeared from the schools. A new linguistic policy would begin, more coercive with the goal of national unity. The republican school would use the French language exclusively.

In the peninsular territories, after the Second Carlist War (1872-1876) the *fueros* (privileges) were lost, which assumed the submission of the Basque territories to the general legal and organizational regime of the state, conserving certain special character in economic matters. The Basque institutions found themselves deprived of their autonomous legal power and, as a consequence, of their exceptional character based on the legal privilege, with which the possibility of not applying or exempting the linguistic norms of the state, with their goal of uniformity, which had characterized the past, would be impossible in the future. While up until then, the *foral* laws had constituted a valid instrument to elude or ameliorate the effects of the state's linguistic norms which were contrary to linguistic diversity, with their abolition the umbrella which protected the exceptional character of the Basque territories was lost, and with it, the exception for their language. Legal and political uniformity, symbolized by the abolition of the Basque *fueros*, would assume from then on the effective enforcement of the plan for linguistic uniformity.

The end of the 19th century is characterized by progressively growing tension between the centralizing powers and the tendencies that, on the basis of a cultural substratum and separate identity, would demand, with increasing intensity, the recognition of Basque identity expressed by the reinstatement of the *fueros*, as well as a certain union of the Basque territories by means of the Conferences of Delegations. The state's laws of the time deprived documents written in languages other than Castilian of validity and legal effectiveness, so that in the future they would have to be translated to Castilian in judicial hearings. The centralization of the educational system increased and, finally, the Decree of 21 November, 1902, prohibited the use of Basque for the teaching of religious doctrine.

The organization of schools and the nomination of teachers would be submitted, from then on, to the general norms. Only Navarre would conserve some special character in this matter. Elsewhere, the use of Basque was limited in telephone and telegraph communications and in the registration of property.

In the context of Euskara's loss of position and cultural crisis, *Eusko Pizkundea* burst onto the scene after the Second Carlist War (1872-1876). It was a movement of Basque cultural renewal whose political manifestation would be the appearance of Basque nationalist political parties in both the Spanish and French states. In the 1920s the Delegations of Bizkaia and Gipuzkoa promoted the creation of a network of schools with bilingual programs. But with the dictatorship of Primo de Rivera, the law returned to the prohibitive measures against Euskara in all areas, principally in schools (Royal order of 13 October, 1925 and Royal Order of 11 July, 1926) taking advantage of a very dynamic system of inspection which had been given sweeping powers. The new dictatorial regime (1923-1931) was characterized by the desire to make "regional separatisms" disappear. With the dictatorship of Alfonso XIII, headed by the military leader Miguel Primo de Rivera, the educational system will once again be converted into the principal object of a linguistic policy of persecution of the use of Basque and of all languages other than Castilian, prohibiting their use.

From the juridical perspective, the era of the Second Republic (1931-1936) assumes a qualitative leap in matters related to the status of Euskara. The Republican Constitution recognizes the right of autonomy of the Autonomous

Regions, which also applies to linguistic matters. A Statute of Autonomy would be approved by referendum declaring the official character of Euskara alongside Castilian in October 1936. The double official status lasted very few months, being cut short by the military coup d'etat in July 1936. The *Falangistas* considered the recognition of linguistic pluralism as an attack on the unity of the Spanish state and, therefore, as something to be eradicated in the name of the unity of the state. Within the totalitarian state (1936-1975) there was room for only one language, Castilian, officially named *lengua española*. The goal is not just to impose a single official language, but to eradicate the rest of the languages, among them Basque, and to eliminate the Basque national consciousness.

The dictatorial regime headed by General Franco from 1936 until 1975 would be characterized by a total disregard for human rights and all manner of liberties, among them linguistic ones: prohibition of the use of the Basque language in public and in private, as well as the imposition of the Castilian language and of a school system based on the fundamental principles of the *Falangista* regime. The effects of this assimilationist policy were severe for the Basque language. It is only a tenacious social, cultural and political resistance that succeeded in adopting the General Law of Education of 1970 which included a very timid recognition of the national languages, although not sufficient to assuage the social demands nor to protect the educational experiments of the *Ikastolas*, which had begun to pop up in the 1960s through clandestine social initiatives. In practice, the legislation assumed partial authorization, limited to voluntary study of Euskara and submitted to a rigid political control.

The Constitution of 1978 brought with it a qualitative change. This law recognized the possibility of establishing regimes with two official languages in the territories with a natural language. However, it declared Castilian the *official language of the state* with the political title of *Spanish language*, and established each citizen's duty to know and understand that language. It is a completely unique duty compared to other constitutions and juridically confused, that introduces a clear asymmetry between the Castilian language and the other official national languages, as the citizens are not required to know any of the others by the Constitution. An extensive interpretation of the duty of knowing the language can lead to the impracticality of the double official status⁵⁹⁶. In fact, on the basis of the constitutional obligation of knowing Castilian, one can sustain a presumption *iuris tantum* favorable to its knowledge effectively imposing its use, which does not apply to Euskara.

The Constitution establishes an order of promotion of linguistic pluralism, whose effects have turned out to be quite scarce outside of the area of the Autonomous Communities. The central powers of the Spanish state act as if it were a monolingual state, setting up insurmountable resistance to the recognition of linguistic diversity in those areas directly managed by the public powers of the state. The Legislative Power, which legislates for the entire state, does so only in Castilian; it does not recognize the possibility of Basque, Catalan or Galician parliamentarians using their own co-official languages in the *Cortes Generales*

596. In a double official linguistic system, the exercise of choice of language is considered a right of the citizen. Euskara is just as official as Castilian in the CAPV, therefore the citizens have the right to choose one or the other language. If we contrast the duty of knowing Castilian with the right to use Euskara, the balance tips in favor of the former as the free use of Euskara must produce juridical effects.

(except on rare occasions and in practically testimonial form). The central Executive Power acts only in Castilian and the same occurs with the Judicial Power, whose structure, organization and functioning has not been adequately modified for recognition of linguistic pluralism. A deep reflection on the judicial career system and its organization is necessary to change it sufficiently for the recognition of linguistic pluralism and to guarantee the linguistic rights of Basque-speakers. Such changes are also necessary in the state-run and private media to ensure their adaptation to linguistic diversity.

The Constitution establishes that the languages of the state other than Castilian will also be official in their respective Autonomous Communities. The territorial area that the Constitution establishes is the area of the Autonomous Community. So it is in the Autonomous Community of the Basque Country (CAPV) but not in the whole of the territory of the Historic Community of Navarre (CFN). Euskara is a natural language of Navarre, but the organic law of reintegration and reform of the *foral* regimen of Navarre (LORAFNA) establishes that Euskara will be official in the Basque-speaking zones of Navarre. Euskara is not an official language of all of Navarre, just in the "Basque-speaking zone", one of the three linguistic zones that the *Foral Law on Vasquence* divides the territory of the CFN into. In the mixed zone, where the capital, Iruñea/Pamplona, is located, Euskara is not an official language although certain official uses of the language are recognized. In the non Basque-speaking zone, the exercise of linguistic rights continues to not receive full recognition.

Linguistic zonification presents grave problems from the perspective of linguistic freedoms, as the full recognition of the right to use Euskara and to receive education in this language only occurs in the so-called Basque-speaking zone. In the last ten years, the legislation of the CFN has produced greater impediments rather than promotion of the use of Euskara.

In Navarre, one sees the development of restrictions and progressive limitations on linguistic rights, set up in a restrictive instead of an integrative way as a way of guaranteeing linguistic pluralism and diversity. The European Bureau of Regional or Minority Languages had pointed out the regressive character of the legal reforms in linguistic matters. The Committee of Experts of the European Charter for Regional or Minority Languages of the Council of Europe invited the Navarrese and Spanish authorities to extend the protections of the Charter to the inhabitants of the mixed zone and not just the Basque-speaking zone as the *Foral* government intended⁵⁹⁷. The restrictive orientation that could be appreciated upon analyzing the linguistic laws in the CFN chronologically finds no juridical support, as it acts contrary to the promotion of linguistic diversity. Such legal orientation and linguistic policy does not fall in line with the European Charter for Regional or Minority Languages, whose Article 7.1.c demands resolute promotion of regional languages in order to safeguard them from the public powers. This rule requires the public powers to act in order to guarantee the effective coexistence of the languages in Navarre.

The linguistic zonification of Navarre would only find itself within the bounds of the European Charter for Regional or Minority Languages if it assisted in the promotion and progressive advance of Euskara, in line with the

597. See. Report of the Committee of Experts on the application of the Charter in the Spanish state (ECRML (2005) 4), p. 160, sec. K. at: <http://www.coe.int>

sociolinguistic reality of the area in which it were to be applied, but it loses all legitimacy when it acts to block the social demand of progression toward the normalization of Euskara or the promotion of this language. The social will of progression toward bilingualism that is evidenced by the social demand for instruction in the linguistic immersion model (model D) in the non Basque-speaking zone does not correspond to the –particularly restrictive –linguistic laws in this part of Navarre.

Another worrisome issue in the CFN is the posing in disjunctive terms of the option of Basque in education or the option of EU languages (particularly English). Currently in Iruñea/Pamplona there are two seats in English for every one in Euskara for children aged 0-3 years. The learning of the community languages through the school system is a necessity, but it must be done without placing them in contraposition to the natural languages and what they represent as a factor that identifies and characterizes a collectivity. The CFN's legislation recognizes that Euskara is a natural language of Navarre, a language in a minority situation, whose learning must be guaranteed by the administration of Navarre and that also forms part of the cultural and linguistic heritage of Europe. The mutually exclusive manner in which the situation has been set up puts students' parents in the position of having to choose between Euskara or a Community language, which is obviously limiting for the development and survival of a minority language. The educational system of the CFN must act with integrationist character, attempting to teach both official languages of Navarre, plus one or more Community languages.

In the Autonomous Community of the Basque Country (CAPV), the policy of promotion and normalization of Euskara has produced much more positive results, although certain aspects worthy of reflection do exist there. Beginning with education, the most controversial issue are the results of many technical studies that show deficits in the linguistic abilities in Euskara of students who have finished their obligatory education. The system of separating the students by their chosen language of instruction is unsatisfactory from the perspective of the official status of Euskara, as it doesn't guarantee sufficient knowledge of that language by the students who choose Castilian as the language of instruction. It is a situation that must be corrected as it is incompatible with the status of the languages and with the principle of linguistic integration that must be put into effect by the school system. The school system cannot give rise to two linguistic communities separated by a linguistic barrier.

It will be necessary to set up appropriate legal modifications in order to move toward a more integrative model in which, according to the opinion of the Committee of Experts of the European Charter for Regional or Minority Languages, the right to receive education in the minority language is guaranteed, while at the same time guaranteeing the right of each student to learn and know Basque, Castilian and one or more of the Community languages.

With relation to the administration, the system adopted by the CAPV has produced satisfactory results, although certain limitations can be noted. Requiring public servants in the employ of the public Administration to know Euskara is necessary to guarantee the right of the citizens to use that language. In this respect, we must start by highlighting the attitude expressed by the lawyers of the state through their habitual resources against the advertisement of positions available for which the knowledge of Euskara is a requirement. Also,

the jurisprudence has shown itself to be particularly restrictive in the Basque case, understanding the principle of requiring knowledge of Euskara as a prerequisite to employment as discriminatory against the speakers of Castilian and admitting the knowledge of the former language as merely "beneficial". It must be noted that the system applied in the CAPV does not demand knowledge of Euskara in order to gain access to all positions, but rather only to that percentage of the positions available that corresponds to the percentage of Basque-speakers in the area under the administration of the position. The adjustment of the percentage requiring Euskara to the sociolinguistic reality that the administration serves could be considered positive, as an element that gives the system objectivity, although it may make it impossible to guarantee the linguistic rights of Basque-speakers in some areas, when they make up a small percentage of the total population.

The system designed to normalize Euskara in the Administration has placed emphasis on the staff knowing this language. The priority cannot be otherwise. Now then, the challenge issued to the future is how to insert and augment the use of Euskara in the internal activities of the Basque Administration, which continues to work almost exclusively in Castilian.

In the area of Administration, the guarantee of the individual's right to use the official language of his choice must be made compatible with the push favorable to the priority use of the natural language of the country: Euskara. Keeping in mind the different sociolinguistic realities of the Basque-speaking territories, it would be necessary to guarantee in all cases the legitimate and democratic right of the citizens to use the natural language of the country, and their correlative right to be responded to in the Basque language in all the territories of the Basque language. It would also be appropriate to move toward a legal development of the concept of "natural language", in line with what has already been undertaken in other territories, such as Catalonia, whose application could be made effective in the more Basque-speaking territories.

In the *République française* the questions relative to the future of the regional languages, their status and their position in relation to the French language will remain open. We demand the search for points of contact that stem from the valorization of linguistic diversity, in which the guarantee of the linguistic rights of the citizens must be placed. It is a question that must be redirected in terms of the democratization of culture, based on the European dimension of protection of linguistic diversity. The protection of the natural languages of the diverse territories of the *République* has turned out to be extremely deficient, as evidenced by the inability to seek a satisfactory solution through the action of the public powers of the republican state. From this perspective, the necessity of the articulation of the Northern Basque Countries's own policy stands out, a policy within which a new status can be unraveled for the Basque language, the official status that sanctions its use and its learning as a mechanism to guarantee its survival.

Legislative Index. A Chronological index of the regulations that have affected the status of the Basque Language

- 1052 Charter of Ojacastrro granted by García Sánchez III of Navarre in 1052
- 1200 · Book 2; Title I; Chapter I of General Charter of Navarre (13th century)
· General Charter of Old Castile (13th-14th century)
- 1312 Charter of the valley of Ojacastrro, April 24th, 1312, Fernando IV of Castile
- 1349 Municipal ordinance of Huesca from 1349, Pedro IV *the ceremonious* King of Aragón
- 1375 Ordinance of the Brotherhood of Gipuzkoa of 1375 (General Meeting held in Tolosa and passed by Enrique II in Sevilla the 20th of December)
- 1397 Record of Ordinances of the Brotherhood of Gipuzkoa (elaborated in the General Meeting met in Getaria with the Magistrate Gonzalo Moro the 6th of July, 1397)
- 1415 Ordinance of the Brotherhood (agreed on at the General Meeting that met in San Sebastian with the Magistrate Juan Velázquez and passed by Juan II in Valladolid the 23rd of March 1415)
- 1452 Old Charter of Bizkaia from the 21st of July 1452
- 1453 Second record of Ordinances of the Brotherhood of Gipuzkoa, (passed by Juan II in Dueñas the 23rd of April 1453)
- 1454 *Ordonnance, sur le fait de la justice du pays de Languedoc, de 15 of April de 1454 (Charles VII, château de Montils-lès-Tours)*
- 1457 Old record of Ordinances of the Brotherhood of Gipuzkoa, (passed by Enrique IV in Vitoria the 30th of March, 1457)
- 1463 New record of Ordinances of the Brotherhood of Gipuzkoa (elaborated by the General Meeting that took place in Mondragón with the Commissioners named by Enrique IV, the 13th of June 1463)
- 1510 *Ordonnance pour l'exécution des conciles de Bâle et de Constance et de la pragmatique sanction sur les collations de bénéfices, les mandats apostoliques, et règlement pour l'administration de la justice, June, 1510*
- 1514 · *Coutumes générales de la ville et cité de Bayonne et juridiction d'icelle, 1514*
· *Coutumes générales gardées et observées au país et bailliage de Labourd et ressort d'icelui, from the 10th of May 1514*
- 1520 *Coutumes générales du pays et vicomté de Sole, from the 21st of October 1520*
- 1526 New Charter of Bizkaia 1526
- 1535 *Ordonnance portant règlement de la justice en Provence de the 10th of October 1535*

- 1539 *Ordonnance générale sur le fait de la justice, police et finances*, the 10th-15th of August 1539 (François I, *château* of Villers-Cotterêts)
- 1556 Request of the General States of Vizcondado to Joana III Albret y Antonio Bourbon for Bearnaise to be adopted as the language of the administration
- 1563 *Edict et Ordonnance du Roy pour le bien et reiglement de la justice et police de son Royaume*, 1563 (Charles IX, in the Rosellón)
- 1583 Decree of Felipe II regarding the language of instruction
- 1601 Constitution of Examiners of Logroño of 1601
- 1603 *Conférence des ordonnances royaux de 1603*
- 1611 General charter of Navarre 1611 or *Fors et costumaz deu Royaume de Navarre deça Ports*
- 1617 Law XXX, from the Courts of Navarre in 1617 (Newest Law Code LXVI, Title X, Book I)
- 1620 Constitution of Examiners of Calahorra of 1620
Constitution of Examiners of Logroño of 1620
- 1620 *Edict de Reünion & incorporation de la Couronne de Navarre, Pays Souverain de Béarn, d'Andorre & Donezan, à la Couronne de France*, 20th of October, 1620
- 1624 Magistrate denies entrance of the lawyers to the General Assembly of Bizkaia the 10th of March 1624
- 1681 *Relation des privileges, droits et règlements de la ville de Bayonne*, 1681
- 1696 General Code of Charter, Gipuzkoa 1696
- 1700 Edict of Louis XIV about the teaching of French, February of 1700
- 1716 Nueva Planta de la Real Audiencia (*Nueva Planta* Decrees) the 16th of January 1716
- 1768 Royal Document from the 23rd of June 1768, relating to the tariffs and appraisements of the high, ordinary, and privileged Courts of the Kingdom. (New Code of the Laws of Spain. Law IV, Title I, Book VIII, Volume IV)
- 1772 · Royal Document from the 24th of December, 1772, about the books of trade
· Law X, title XVIII, Book V, of the Newest Code of the Laws of Spain
- 1776 Record of Laws and Ordinances with which one governs the province of Alava, from 1776
- 1776 Order of the Council of Castile on the 1st of November, 1776 about the prohibition of permits to print books in languages other than Castilian Spanish
- 1780 · Law 41 of the Courts of Navarre 1780-1781 (Rulings for the establishment of separated schools for boys and girls, in the Towns of this Kingdom, and the qualities that the Teachers should have)
· Royal Provision of the 12th of December of 1780 (Newest Code of the Laws of Spain. Law IV, Title I, Book VIII, Volume IV)
- 1784 Deeds of the conditions between the municipal authorities of Aya and the teacher from the 27th of November, 1784
- 1789 · Deeds of the signed Conditions between the City Council of Ordizia and the teacher, from the 7th of January, 1789
· *Déclaration des Droits de l'Homme et du Citoyen* de the 26th of August, 1789
· *Décret portant abolition du régime féodal, des justices seigneuriales, des dîmes, de la vénalité des offices, des privilèges, des annates, de la pluralité des bénéfices* de 11th of August 1789

- 1790 Decree of the *Comité de salut public* from the 14th of January, 1790 that orders the translation of decrees from the Assembly to all languages
- 1791 French Constitution the 3rd of September 1791
- 1793 · French Constitution the 24th of June 1793
- Decree of the 21st of October of 1793 (*30 vendémiaire an II*) about the obligation of elementary education in French
- 1794 · *Décret 8 pluviôse an 2, qui ordonne l'établissement d'instituteurs de langue française dans les campagnes de plusieurs départemens dont les habitant parlent divers idièmes* (27-29th of January 1794)
- *Circulaire 72 du 28 prairial an II*, about the validity of the decree from the 27th of January, 1794, for the adoption of the French language as the only language in the education system
 - *Decret de 30 pluviôse an 2, additionnel à celui du 8 pluviôse an 2, sur les idiomes étrangers et le enseignement de la langue française* (18th of February 1794)
 - *Rapport du Comité de salut public sur les idiomes* known as *Rapport Barère* and registered as *Décret 8 pluviôse an II*, on the 27th of January, 1794
 - *Rapport sur la nécessité et les moyens d'anéantir les patois et d'universaliser l'usage de la langue française* 16th of June 1794 (*16 prairial an II*)
 - *Décret 2 Thermidor an 2* (20 July 1794) *portant qu'a compter du jour de sa publication, nul acte public ne pourra, Dans quelque partie que ce soit du territoire française, être écrit qu'en langue française* (B 45, 9; *Mon du 4 thermidor an 2*)
 - *Décret du 29 frimaire an II*, from the 19th of December of 1794, about the approval of the first plan of education
- 1795 · *Constitution de l'an III* de 22nd of August 1795
- *Loi du 3 brumaire an IV sur l'organisation de l'instruction publique* de 25th of October 1795 (law Daunou)
 - *Décret 27 Brumaire an 3* (17th of November 1794) *relatif aux écoles primaires* (1, Boll. 90, n° 465; B 48, 188; *Mon du 27 Brumaire an 3*, Rap. Lakanal)
- 1799 *Constitution de l'an VIII*, approved the 15th of December of 1799
- 1801 Instruction for the arrangement of theaters and theater companies outside of the Court, from the 11th of March, 1801 (Law XII, Title XXXIII, Book VII of the Newest code of the Laws of Spain)
- 1802 *Loi générale sur l'Instruction publique créant les lycées et l'Inspection générale* 11 *floréal an X*, 1st of May, 1802
- 1812 Constitution of Cádiz of 1812
- 1813 · General Plan of Public Instruction, the «*Quintana Report* » of 1813 (Commissioner of the commission to form the general plan of public instruction that is to be presented to Congress for their approval to the cited Gentlemen. (Official Bulletin of the State under the Government of the Regent of the Spanish Empire, num. 23 from the 3rd of March of 1813 Page 252)
- Decree 23rd of June 1813 about the Instruction for the economical/political government of the provinces (Official Bulletin of the State under control of the Government of the Regent of the Spanish Empire num. 34 from the 28th of August of 1813 Page 353)
- 1814 Decree from the 4th of May, 1814 (*Decrees from the King Don Fernando VII. First year of his return to the Throne of the Spanish Empire*, Madrid, in Royal Print, year of 1819, pgs. I and ss)
- 1816 *Circulaire sur l'instruction publique* 29th of February of 1816

- 1820 Royal Order of the 24th of April, 1820
- 1821 General Regulation of Public Instruction, 29th of June 1821 (approved by Court Decree, 29th of June 1821). (Official Bulletin of the State of the num. 2221, of the 5th of August of 1821, Page 1192)
- 1823 Law from the 3rd of February, 1823 for the economical/political government of the provinces (Volume 6 of the reports of the Courts of the last extraordinary legislature). (Official Bulletin of the State num. 99, from the 5th of April, 1823, Page 456)
- 1824 · *Circulaire sur l'instruction publique* from the 8th of April, 1824
- Royal Order of the 14th of October, 1824 that aprobes the Literary Plan of studies and the general settlement of the Universities of the Kingdom (Official Bulletin of the State num. 142 9th of November of 1824, Page 572)
- 1825 Royal Decree of the 16th of February 1825 that approves the Plan and Regulation of the Primary Education curriculum (Official Bulletin of the State num. 23, 22nd of February of 1825, Page 89)
- 1826 Royal Document of the 16th of July of 1826, for the approval of the General Regulation of the Schools of Latin and the Colleges of Humanities
- 1827 Plan of Schools of Primary Education arranged for those of this M.N. and M.L. Province of Alava, the 25th of May of 1827
- 1828 · Law 22 of the Navarre Courts of 1828-1829, about the instruction of the public education of primary education (Records of the Laws and Grievances amended by the Three States of the Kingdom of Navarre. Provincial Press. Iruñea/Pamplona, 1876)
- Plan and General Regulation for the Schools of Primary Education of the Kingdom of Navarre that the Board of Primary Education has created in view of article 1 this Law 22 of the Cortes of 1828 and 1829. AGN Public Section Instruction, 6th legation, in the year 1931
 - *Circulaire sur l'instruction publique* from the 21st of April of 1828
- 1830 French Constitution 14th of August 1830
- 1831 Plan and General Regulation for the Schools of Primary Education of the Kingdom of Navarre, 26th of March 1831 (approved by the Superior Committee of Education the 26th of March 1831)
- 1833 · *Loi sur l'instruction primaire* of the 28th of June, 1833 (Guizot)
- Regulation of the General Committee of Bizkaia of 1833 (the use of Basque in the presentation of matters and voting)
- 1834 *Statut de écoles primaires du 25 avril 1834*
- 1836 Royal Decree of the 4th of August of 1836, by that which approves the General Plan of Public Instruction (Official Bulletin of the State num. 600, 9th of August of 1836, pages 1 to 7)
- 1837 Constitution of the Spanish Monarchy of 1837
- 1838 · Law from the 21st of July of 1838 that authorizes the Government to provisionally create the plan of primary instruction (Official Bulletin of the State num. 1381, of the 28th of August of 1838, Page 1)
- Royal Order of the 2nd of August 1838 official translation of the Gospel done in the Gypsy and Basque languages (Official Bulletin of the State num. 1386, 2nd of September of 1838)
 - Regulation of the Public Schools of Primary Elementary Instruction, 26th of November of 1838 (Official Bulletin of the State num. 1510, 3rd of January of 1838, Page 4)

- 1839 · Agreement of Bergara, 31st of August of 1839
- Law of the 25th of October of 1839 sanctioning the Charters of the Basque Provinces and Navarre (Official Bulletin of the State num. 1812, 26th of October of 1839, Page 1)
- 1840 · Royal Decree of the 16th of November of 1840
- 1841 · Law of the 16th of August of 1841, regarding the charters of the province of Navarre (Official Bulletin of the State num. 2498, 19th of August of 1841, Pages 1 to 2) («Paccionada Law»)
- Agreement of the General Committee of Bizkaia, regarding the use of the Basque Language (the need to present abstracts in Basque)
 - Decree of the 29th of October of 1841 reorganizing the administration of the Basque Country Provinces (Official Bulletin of the State num. 2581, 3rd of November of 1841, Page 1) (« De Espartero » o « *manu militari* »)
- 1844 · Royal order of the 29th of January of 1844 (Official Bulletin of the State num. 3425, 30th of January of 1844)
- Royal Decree of the 4th of July of 1844, of the reestablishment of Charter organization (Royal decree providing that it agrees with what is prepared in the law of the 25th of October of 1830, it will proceed from then to the formation of the project of the law that should be presented at the next meeting of the National Assembly in order to make the modifications stated in the prepared law in the Basque Country province charters (Official Bulletin of the State num. 3587, 10th of July of 1844 Pages 1 to 2)
- 1845 · Constitution of the Monarchy of 1845
- Law of the 8th of January of 1845 of the organization and powers of the town councils (Publication for Madrid num. 3776, 15th of January of 1845, Pages 1 to 3)
 - Law of the 8th of January of 1845 of the organization and power of the provincial delegations (Official Bulletin of the State num. 3776, 15th of January of 1845, Pages 3 to 4)
 - Royal Order of the 18th of February of 1845 contains the Instruction of the Ministry of the Interior relative to the form of enforcement of the Municipal and Provincial Laws
 - Laws of the 2nd of April of 1845 for the government of the provinces and for the organization and the powers of the provincial councils (Official Bulletin of the State num. 3860, 9th of April of 1845, Pages 1-2)
 - *Loi constitutionnelle du 2 novembre 1945*
- 1848 · *Constitución francesa de 1848*
- 1850 · *Loi relative à l'enseignement* of the 15th of March of 1850 (Falloux)
Regulation of the General Committees of Bizkaia (the use of Basque)
- 1851 · *Circulaire du 17 août 1851 relative aux projets de règlement pour les écoles primaires*
- 1854 · Regulation of the General Committees of Bizkaia (the use of Basque)
- 1857 · Bases Law of the 17th of July of 1856, authorized to the Government to form and pass a Law of Public Instruction (Official Bulletin of the State num 1660, 22nd of July of 1857, Page 1)
- Law of Public Instruction, 9th of September of 1857 (Official Bulletin of the State num. 1710, 10th of September of 1857, Pages 1 to 3) (Moyano Law)
 - Message of the Conference of the Basque Provincial Delegation held in Gasteiz/ Vitoria between the 6th and 8th of November, 1857

- 1858 *Constitución francesa de 4 de octubre de 1858*
- 1859 Royal Order of the 4th of July 1859 that regulates the special committee for the appointment of teachers for the Basque Provinces
- 1862 Law of the Notary Public, 28th of May of 1862 (Official Bulletin of the State num. 149, from the 29th of May of 1862, page 1)
- 1863 Law and regulation of the 25th of September of 1863 of the government and administration of the Provinces (Official Bulletin of the State num. 289, 16th of October of 1863, Page 4)
- 1867 Royal Order of the 15th of January of 1867, resolving what is convenient about the censorship of dramatic written works in one of the dialects spoken in some of the Spanish provinces (Official Bulletin of the State num 268, 24th of September of 1868, Page 2)
- 1868 · Law of Primary Instruction, 2nd of June of 1868 (Official Bulletin of the State, num. 156, 4th of June of 1868 pages 1-4)
· Royal Order of the 23rd of September of 1868 (Official Bulletin of the State, 24th of September of 1868)
· Decree of the 21st of October of 1868, declaring the adjunct municipal and organic provincial laws obligatory and in force (Official Bulletin of the State num. 329, 24th of November of 1868, Page 15)
- 1869 Constitution of 1869
- 1870 · Provisional Law of the Civil Register, 17th of June of 1870 (Official Bulletin of the State num. 171, 20th of June of 1870, pages 1-2)
· Provincial Law of the 20th of August of 1870 (Official Bulletin of the State num 171, 21st of August, 1870, Pages 20-3)
- 1871 *Circulaire de 19 novembre 1871*
- 1874 · Decree of the 9th of November 1874, approving the notary demarcation and the general regulation of the organization and governing body of the Notary Public (Notary Regulation) (Official Bulletin of the State num. 315, 11th of November of 1874, Page 375)
· General Regulation for the organization and governing body of the Notary Public of 1874 (Official Bulletin of the State num. 317, 13th of November of 1874)
- 1875 · Basis for the formation of the Regulation of the Primary Schools of this M.N. and M. L. Dominion of Bizkaia, 1875
· Provisional Regulation of the Primary Schools of the M.N. and M.L. Province of Guipúzcoa, 13th of May 1875
- 1876 · Constitution of the Spanish Monarchy of 1876
· Law from the 21st of July of 1876, abolishment of the charters (Official Bulletin of the State num. 207, 25th of July of 1876)
· Law from 16th of December of 1876 reforming the municipal and provincial laws from the 20th of August of 1870 with the attached amendments (Official Bulletin of the State num. 352, 17th of December of 1876, Pages 691 to 692)
- 1877 Provincial law, 2nd of October of 1877 (Official Bulletin of the State num. 277, 4th of October of 1877, Pages 46-48)
- 1878 Decree of the 28th of February of 1878 (Economic Agreement of the 28th of February of 1878), (Official Bulletin of the State num. 60, 1st of March of 1878, pages 505-7)
- 1880 · Arrêté of the 7th of June of 1880
· *Loi du 27 février 1880 relative au Conseil supérieur de l'instruction publique et aux conseils académiques* (Jules Ferry)

- Royal Order of the 30th of September of 1880, about the censorship of teaching in the Basque language (Official Bulletin of the State num. 274, 30th of September of 1880)
- *Loi du 21 décembre 1880 sur l'enseignement secondaire des jeunes filles*
- 1881 · *Règlement scolaire modèle* of the 6th of January of 1881
- Law of Civil Procedure: Royal Decree of enacting the law, 3rd of February of 1881
 - (Official Bulletin of the State num. 36, 5th of February of 1881)
 - *Décret du 24 avril 1881* regulation of the interior correspondence of mail and telegraphs
 - *Loi du 16 juin 1881 établissant la gratuité absolue de l'enseignement primaire dans les écoles publiques*
- 1882 · *Loi du 28 mars 1882 sur l'enseignement primaire obligatoire*
- *Règlement modèle scolaire pour servir à la rédaction des règlements départementaux relatifs aux écoles primaires publiques* from the 18th of July of 1882
 - *Arrêté du 27 Juillet 1882*
 - Organic Provincial Law of the 29th of August of 1882 (Official Bulletin of the State num. 244, 1st of September of 1882, Pages 657 to 661)
- 1883 · *Décret du 13 febrrier 1883 sur l'application de la loi du 28 mars 1882*
- 1886 · *Loi du 30 octobre 1886 sur l'organisation de l'enseignement primaire* (Loi Goblet)
- *Règlements organiques de l'enseignement primaire (Conseil supérieur de l'instruction publique)*, (December, 1886)
- 1892 Conditions of the Regional Catalan Constitution (Conditions of Manresa) 27th of March 1892
- 1895 Ruling presented at the Provincial Council of Guipuzcoa by the Commission of Promotion and passed in the session on the 12th of November of 1895 (about the practice of the official management, after obtaining the public Powers that, respecting the acquired rights, lend the City councils the ability of naming the Teachers of Public Schools that have carried out the successive positions in Guipúzcoa, or demand as an indispensable condition of the applicants, in the public examinations for the said schools, the condition of knowing the Basque language)
- 1896 Communication of the Excellency. Regional and Provincial committee of Navarre support the idea to obtain the mandatory declaration of the teaching of our language in the Basque territory, 11th of January 1896
- Report of the four Basque meetings 14th of August of 1896
- 1898 · Report directed to the President of the Cabinet by the Presidents of the three Basque meetings about the economic and administrative independence of the three provinces from the 24th of January of 1898
- <http://atzoatzokoa.gipuzkoakultura2.net/atzo1/index.php>
 - Decree of the 28th of September of 1898, about the organization of normal schools of education
- 1900 · Communication of the City Council of Ituren to its teachers, 20th of March of 1900. Memorandum that the Civil Governor of the Province of Lérida, from the 27th of March of 1900, prohibiting the use of Catalan in schools
- Royal Decree of the 21st of July of 1900, providing that the cost of the personal

- and material obligations of primary instruction be covered from now on by the State (Official Bulletin of the State num. 205, 24th of July, 1900)
- Royal Decree of the 25th of October of 1900 authorizing the City Councils of the provinces of the Basque Country and Navarre to pay for the personal and material obligations of the Teachers of the public Schools (Publication of Madrid num. 299, 26th of October, 1900)
- 1901 · Memorandum from the Civil Governor of Navarre to the teachers of the region, 29th of August 1901
- Royal Decree from the 26th of October 1901 authorizing the Minister of Instruction and Fine Arts to pay the contracts of public primary school personnel and materials given that the contracts are established prior to 1902, so that the necessary needs are included in the general budgets of their department. (Official Bulletin of the State num. 202, 30th of October 1901)
- 1902 · Memorandum from the Committee of Bizkaia to the teachers, 15th of February of 1902 (Official Bulletin of Bizkaia, 15th of February 1902, page 169)
- Royal Decree of the 21st of November of 1902 that allows that the teaching of the Christian Doctrine in the Schools persists in all of its vigor determined by articles 87 and 92 of the current law of Public Instruction (Official Bulletin of the State num. 327, 23rd of November of 1902)
 - Motion of the Committee of Bizkaia from the 3rd of December of 1902 regarding the creation of a university district
 - Royal Order of the 12th of December 1902
- 1904 · Royal Decree of the 20th of June of 1904, regarding limits for the telephone and telegraphic communications in languages and dialects that are spoken and some Spanish regions (Official Bulletin of the State num. 172, 21st of June of 1904)
- 1914 · Royal Decree of the 8th of April 1914, regarding the appointment of teachers in Navarre
- 1915 · Regulation of the Mortgage Law, approved the 5th of August of 1915
- Royal decree approving the published Regulation for the implementation of the Mortgage law the 16th of September 1909, which will govern the provisional character until the final version is presented to the State Council
- 1916 · Proposition about the free use of the Catalan language in domestic life in Cataluña (presented in the Chamber of Deputies 8th of July 1916)
- 1917 · Royal Decree of the 6th of April of 1917 approved, provisionally, the adjunct Regulation for the organization and governing body of the Notary Public (Official Bulletin of the State num. 101, 11th of April 1917 to the Official Bulletin of the State num. 107, 17th of April 1917)
- Message of the Basque Delegation to the Governor of S.M. delivered the 17th of December 1917
- 1918 · Regulation of the Committee of Public Instruction of the Regional Delegation of Bizkaia from the 21st of March 1918 (Official Bulletin of Bizkaia 29th of March 1918)
- Agreement of the Delegation of Bizkaia 14th of June 1918 to call for a public competition for subsidizing the creation and publications of school material in the Basque language (Official Bulletin of Bizkaia, 22nd June 1918)
 - Regulation for the implementation of the Rules, to which the primary school teachers that solicit and obtain subsidies of this Community will have to adhere, approved by the Regional Delegation, in its session of the 26th of July 1918 (Official Bulletin of Bizkaia from the 9th of August of 1918)

- Agreement of the Council of Bizkaia's Committee of Public Instruction for the creation of a Chair of the Basque language at the Normal School of women of Bilbao, 1918
- Report that the Basque nationalist deputies and senators send to the President of the United States, Thomas Woodrow Wilson, 25th of October of 1918
- Royal Decree of the 18th of December 1918 about the creation of an Extra-parliamentary Commission for the drafting of a Basque Statute (not published)
- Royal Order of the 27th of December 1918, appointing the persons that have formed the Extra-parliamentary Commission that will meet next in this Court the 2nd of January for the study and address, about the process of establishing the autonomous regional government and of the departments that should be recognized as regional powers (Official Bulletin of the State num. 363, 29th of December 1918)
- 1919 Ruling of the Sub-address of the Extra-parliamentary Commission created by the Royal Decree of the 18th of December 1918 (Project for the Basque Statue of Autonomy) 1919
- 1921 Call for public exam for the allotting of teaching positions (Official Bulletin of Bizkaia 9th of April 1921)
- 1922 Regulation of the Delegation of Bizkaia regarding municipal secretaries, 1922
- 1923 · Royal Decree of the 18th of September, announcing the measures and sanctions against separatism (Official Bulletin of the State num. 262, 19th of September 1923)
- Memorandum of the General Leadership of Primary Education from the 5th of November 1923 (Not published)
- Order of the General Governor of Bizkaia on the 21st of December of 1923, of the suppression of Chair of the Basque language
- Report of the Gipuzkoa Delegation to the Military Directory, passed the 29th of December 1923
- 1924 · Royal Order of the Ministry of Public Instruction and Fine Arts from the 12th of February of 1924, allowing that the Inspectors of Primary Education to continue inspecting the voluntary municipal Schools (Official Bulletin of the State num. 46, 15th of February 1924, Page 834)
- Memorandum of the General Direction of the Monopoly of Matches, 1924
- Royal Decree of the 21st of October 1924, (modified) we dispose that it be valid in its integrity in all of the Basque provinces, Book I of the Municipal Statute, without other modifications or clarifications inserted (Official Bulletin of the State num. 297, 23rd of October 1924 – Official Bulletin of the State num. 296, 22nd of October 1924)
- Call for public examination for the allotment of teaching positions (Official Bulletin of Bizkaia 24th of December 1924)
- 1925 · Royal Decree- law of the 20th of March 1925 passed by the Provincial Statute (Official Bulletin of the State num. 80, 21st of March 1925, Page 1446 to 1483)
- Royal Order of the 13th of October 1925 stipulating that the Rectors of Universities, the Directors of Teaching centers and the Inspectors of Primary Education keep watch for doctrines that are antisocial or against the unity of the Country that can be dangerous in the classes for some Professors of Teachers, proceeding to the expedient suspension from their position (Official Bulletin of the State num. 287, 14th of October 1925, Pages 194-195)

- 1926 · Royal Decree of the 17th of March of 1926, focusing governmental and judicial sanctions that will be applied to those that lack the use and respect of the Spanish language, flag, national anthem or any other national emblems (Official Bulletin of the State num. 77, 18th of March 1926)
- Royal Order of the 11th of June of 1926, focusing on the sanctions that will be imposed on the National Teachers that prescribe, abandon or hinder the teaching in their schools of the Official language in those regions that conserve another native language (Official Bulletin of the State num. 163, 12th of June 1926, Page 1510)
- 1930 Royal Order, memorandum, of the 9th of June of 1930, giving instructions in respect to the use of Catalan flags, banners and the traditional and historic flags with the meaning of “motherland” or simply regional, and equally as regards the use of other languages and dialects that are not Castilian (Official Bulletin of the State num. 161, 10th of June 1930, Page 1541)
- 1931 · Decree from the 29th of April 1931, of the repeal of the contrary provisions to the use of Catalan in schools (Official Bulletin of the State num. 111, 21st of April 1931)
- Draft of the General Statute of the Basque State (Permanent Committee of Euskol Ikaskuntza 31th of May 1931)
 - Plan of the General Statute of the Basque State (General Assembly of Basque Municipalities held in Estrella/Lizarra the 14th of June 1931)
 - Constitution of the Spanish Republic 1931
 - Decree of the 8th of December 1931, conferring on the Commissionsolicitors of the Delegations of Alava, Bizkaia, Guipúzcoa, and Navarre, with the mission to direct the work to formulate the plan or plans for the Statute or Statutes that establish and regulate the autonomous facilities that, as an expansion to those already enforced in said provinces, they will be able to grant with modification to the Constitution (Official Bulletin of the State num. 343, 9th of December 1931, Pages 1550-1)
- 1932 Plan of the Statute of the Basque Country- Navarre, 11th of March 1932
- 1933 Plan of the Statute of the Basque Country, 6th of August 1933, voted for by the people the 5th of November 1933
- 1936 · Edict of the Military Commander of Estrella, 25th of September 1936, prohibiting the use of the term “agur” for the musical instrument txistu
- Law about the Statute of the Basque Country the 6th of October 1936 (Official Bulletin of the State: Official Report of the Republic num. 281, 7th of October 1936, Pages 211-214)
 - Decree of the Presidency of the Provisional Government of the Basque Country the 9th of October 1936, constituting the Commission in charge of preparing the foundations of the Basque University beginning with the Department of Medicine of Bilbao. Appointed by the Commission. To include the teaching of the Basque language within the Department of Medicine (Official Bulletin of the Basque Country num. 4, 12th of October 1936, Pages 29-30)
 - Decree of the 17th of November 1936, creating the Basque University (Official Bulletin of the Basque Country num. 41, 18th of November 1936, Pages 324-6)
 - Order of the Department of Justice and Culture of the Basque Government, 4th of December 1936, regarding the organization educational curriculum (Official Bulletin of the Basque Country, num. 69, 16th of December 1936, Pages 560-561)

- Memorandum of the President of the Culture and Teaching Commission, 7th of December 1936 with instruction to the members of the purifying commissions (Official Bulletin of the State num. 52, 10th of December 1936, Pages 360-361)
- Decree of the Presidency of the Provisional Government of the Basque Country, 7th of December 1936, delegating the person of the Council of Justice and Culture of the Provisional Government of the Basque Country as many academic departments related to the teaching curriculum that are incumbent on the state (Official Bulletin of the Basque Country num. 61, 12th of December, Pages 521-2)
- Order from the Military Governor of Bizkaia and Guipúzcoa from the 7th of December 1936, prohibiting the use of the letters “k,” “tx” and “b”
- 1937 · Edict of the Military Governor of San Sebastian, 17th of April of 1937, about the use of Castilian
- Memorandum of the 29th of May of 1937, from the Military Headquarters of San Sebastian about the prohibition of speaking languages and dialects different than Castilian
- Decree-Law of the 23rd of June of 1937 regarding the repeal of the economic agreement. (Official Bulletin of the State num. 247, 24th of June 1937)
- Order of the 23rd of June 1937, regarding the rules regarding treatment of the public services personnel of Bizkaia (Official Bulletin of the State num. 248, 25th of June 1937, Page 2081)
- Order of the Military Commander to the mayors, 1st of June 1937, in order that they communicate to the priests their obligation to use Castilian in all acts of worship
- Order of the 30th of June 1937, regarding the transfer to the state of the services that for the reason of the Economic Agreement came to be dependent on the Regional Government of Bizkaia and Guipúzcoa (Official Bulletin of the State num. 253, 2nd of June 1937)
- Order of the 3rd of July of 1937, regarding the revision of all of the granted authorizations to the educational teaching centers (Official Bulletin of the State num. 257, 4th of July 1937, page 2204)
- Order of the 28th of August 1937, of the inquiry into the transfer of the records of treatment of the National Teachers registry
- Order of the 13th of December of 1937, of the substitution of the word “Euzkadi” to designate the School that pertains to the authorized notary for the word “Burgos” (Official Bulletin of the State num. 421, 15th of December 1937)
- Order of the Delegate of Public Order of Gipuzkoa to the First Chief of the Command of the Civil Guard of the province, 17th of December 1937, that the First Chief, through his orders, let it be known that the use of languages other than Spanish by the clergy of this province in their conversations and sermons that are directed to the parishioners will not be tolerated and that infractions that are observed will be reported to me
- 1938 · Memorandum Order of the 5th of March 1938, from the Chief of National Service of Primary Education Preamble of the School Programs passed by the Ministerial Order containing rules and methods for primary education (Official Bulletin num. 172, 19th of December 1938, Pages 3035-6)
- Communication of the Military Commander of the Durango sector to the mayors, 30th of March 1938, that they should not permit the Churches to preach in Basque, and only if at your judgment you decide that the majority of the congregation and

- assistants do not know the Spanish language you may authorize ten minutes of Basque speech that summarizes what was previously stated
- Decree-Law of the 5th of April of 1938 of the repeal of the Statute of the Catalan Autonomy (Official Bulletin of the State 8th of April 1938)
 - Order of the 29th of April of 1938 that abides by the requirement of authorization of the Ministry in charge of the Services of Press and Propaganda regarding the commercial production and circulation of books, pamphlets, and all classes of printing and recording, both Spanish and foreign (Official Bulletin of the State from the 30th of April 1938)
 - Order of the 18th of May of 1938, indicating the rules for the registration of names in the Civil Register (Official Bulletin of the State num. 577, 21st of May 1938, Pages 7435-6)
 - Order of the 21st of May of 1938, from the Ministry of Organization and Union Action that prohibits the categorically the use of another language that is not Castilian in titles, trade names, statutes, regulations, official announcements and in the holding of Assemblies or Meetings of the entities that are supported by this Ministry (Official Bulletin of the State num. 582, 26th of May 1938, Page 7532)
 - Ministerial Order of the 12th of August of 1938 declaring null and without legal value the registrations that are found made in a language or dialect different than that of the official Castilian language in the civil registry
- 1939 Order of the 8th of April 1939 about the intensification of the efficiency of the current regulations that govern the hotel industry and define the capacity of the National Tourism Service in said matters (Official Bulletin of the State 14th of April 1939, p. 2090)
- 1940 · Order of the minister of Industry and Business, 20th of May 1940, for that which prohibits the use of denominations of Brands, Names, Commercials, Establishment Titles and any other forms of industrial property in any language that is not Castilian, an exception is made for those persons that are legal foreigners already constituted in Spain according to Spanish Laws (Official Bulletin of the State 30th of May 1940)
- Rules for the censorship of movies of the Department of Cinematography 20th of October 1940
 - Memorandum of the Civil Governor of Gipuzkoa to the mayors dated the 30th of October 1940, about the surveillance and report to the authorities of the persons who recently have adopted or given their families Basque names and those in public who thus call them
- 1943 Law of the 29th of July of 1943, about the organization of the Spanish University (Official Bulletin of the State num. 212, 31st of July 1943, Pages 7406-31)
- 1944 Decree of the 2nd of June of 1944, that definitively approves the Regulation of the organization and governing body of the Notary Public that approves the Regulation of the Notary Public (Official Bulletin of the State num. 189, 7th of July 1944, Pages 5225-82)
- 1945 · Order of the 15th of January of 1945 that prohibits the designations of Spanish merchant ships with names that are not written in Castilian (Official Bulletin of the State num. 24, 24th of January 1945, Page 737)
- Law of the 17th of June of 1945 regarding Primary Education (Official Bulletin of the State num. 199, 18th of July 1945, Pages 385-416)
 - Law of the establishment of Local Government of the 17th of July 1945 (Official Bulletin of the State num. 199, 18th of July 1945, Pages 360-84)

- 1949 Communication of the Civil Governor of Bizkaia to the mayors, 27th of October 1949, requires the family members and owners of tombs and pantheons where the inscriptions are written in Basque to have the tombstones taken away and replaced with others that are written in Castilian
- 1951 *Loi n.º 51-46 du 11 Janvier 1951, sur l'enseignement des langues et dialectes locaux.* (Loi Deixonne)
- 1952 Decree of the 17th of May 1952 of the Regulation of organization, operation, and legal system of local Corporations (Official Bulletin of the State num. 159, 7th of June 1952, Pages 2532-56)
- 1955 Decree of the 24th of June 1955 that approves the articulated and adapted text of the laws of establishment for Local Government of the 17th of July 1945 and the 3rd of December 1952 (Official Bulletin of the State num. 191, 10th of July 1955, Pages 4146-80)
- 1958 Decree of the 14th of November 1958 that passes the Regulation of the Law of the Civil Registry (Official Bulletin of the State num. 18, 21st of January 1959, Pages 1186-7)
- 1959 Law of Public Order, 30th of July 1959 (Official Bulletin of the State num. 182, 31st of July 1959)
- 1964 Order of the 21st of April 1964 that establishes the use brand names, commercial names, establishment titles and any other forms of industrial property written in a language foreign or different than Castilian will be held exclusively to the rules assigned to matters in the Statute that regulated the said properties that was passed in the Decree-Law of the 26th of July 1929 and amended the 30th of April 1930 (Official Bulletin of the State num. 102, 28th of April 1964, Pages 5377-8)
- 1966 · *Décret n° 66-203 du 31 mars 1966 de création du Haut Comité pour la défense et l'expansion de la langue française*
· *Circulaire 66-361 du 24 octobre 1966: commissions académiques d'études régionales*
- 1967 Decree 193/1967, 2nd of February that approves the rewritten text of the Law of Primary Education
- 1968 Decree of the 20th of June 1968, regarding the register, record and catalog of ships (Official Bulletin of the State, 13th of July 1968)
- 1969 *Circulaire 69-90 du 17 février 1969: Enseignement des langues et cultures régionales dans les classes des premiers et seconds degrés*
- 1970 · *Décret n° 70-650 du 10 juillet 1970 relatif aux épreuves facultatives du baccalauréat portant sur les langues et dialectes locaux (abroge la deuxième phrase de l'article 9 de la loi Deixonne)*
· Law 14/1970, 4th of August, General Law of Education and Financing of the Educational Reform (Official Bulletin of the State num. 187, 6th of August 1970)
- 1972 *Décret n° 72-19 du 7 janvier 1972 relatif à l'enrichissement de la langue française*
- 1975 · Ministerial Order of the 18th of February 1976 that explains the Decree 1433/1975, of the 30th of May, regarding the incorporation of native languages (Official Bulletin of the State the 19th of February 1976)
· Royal Decree 1433/1975, 30th of May, about the integration of native languages in programs of study in Preschool centers and Basic EGB (Official Bulletin of the State 7th of July 1975)

- *Loi n° 75-620 du 11 juillet 1975 relative à l'éducation. (J.O. du 12 juillet 1975)*
- Decree 2929/1975 of the 31st of October, that regulates the use of regional Spanish languages (Official Bulletin of the State the 15th of November 1975)
- *Loi n° 75-1349 du 31 décembre 1975 relative à l'emploi de la langue française (Loi Bas-lauriol) (J.O. du 4 janvier 1976)*
- 1978 Spanish Constitution of 1978 (Official Bulletin of the State num. 311, 29th of December 1978)
- 1979 · Royal Decree 1049/1979, April 20th, regulates the incorporation of the Basque language in to the educational system in the Basque Country (Official Bulletin of the State, 22nd of August 1979)
- Ministerial Order of August 3rd 1979, that further explains the royal decree 1049/1979, 20th of April (Official Bulletin of the State, the 10th of May 1979)
- Organic Law 3/1979, of the 18th of December, regarding the Statute of Autonomy of the Basque Country (Official Bulletin of the State num. 306, 22nd of December 1979 and the Official Bulletin of the General Basque Council num. 32, 12th of January 1980)
- 1980 Resolution of the Parliament of Navarre, 3rd of November 1980, regarding the official use of Basque and Castilian in Navarre
- 1982 · *Circulaire 82-261 du 21 juin 1982 sur l'enseignement des langues régionales dans le service public d'éducation nationale (Circulaire Savary) (BOEN, n° 26, 1er juillet 1982)*
- Organic Law 13/1982 of the 10th of August, regarding the Reintegration and Amelioration of the Regional Government of Navarre from the 10th of August 1982 (Official Bulletin of the State, 16th of August 1982)
- Law 10/1982, 24th of November, foundation for the normalization of the use of Basque (Official Bulletin of the Basque Country num. 160, 16th of December 1982)
- 1983 · *Décret n° 83-243 du 25 mars 1983 relatif à l'enrichissement de la langue française*
- *Circulaire 83-547 du 30 décembre 1983: Texte d'orientation sur l'enseignement des cultures et langues régionales (BOEN n° 3, 19 janvier 1984)*
- 1984 *Loi n° 84-52 du 26 janvier 1984 sur l'enseignement supérieur (Loi Savary)*
- 1985 *Décret 85-1006 du 23 septembre 1985 portant création du Conseil national des langues et cultures régionales*
- 1986 · *Décret n° 86-439 du 11 mars 1986 relatif à l'enrichissement de la langue française*
- *Loi 86-1067 30 septembre 1986 relative à la liberté de Communications (Loi no 2000-719 du 1er août 2000 modifiant la loi no 86-1067 du 30 septembre 1986 relative à la liberté de Communications)*
- Regional Law 18/1986, 15th of December, regarding the Basque language (Official Bulletin of Navarre of the 17th of December 1986; Official Bulletin of the State, 20th of January 1987)
- 1987 *Décret du 13 novembre 1987 portant approbation des cahiers des missions et des charges de la société Radio France et de l'Institut national de l'audiovisuel*
- 1988 *Arrêté du 15 avril 1988: Les programmes du baccalauréat (BOEN n° 17, 5 mai 1988)*
- 1989 · *Décret n° 89-403 du 2 juin 1989 instituant un conseil supérieur de la langue française et une délégation générale à la langue française et aux langues de*

France

- *Loi d'orientation n° 89-486 du 10 juillet 1989 sur l'éducation*
- Law 6/1989, of the 6th of July regarding the Public Function of Basque (Official Bulletin of the Basque Country num. 144, 28th of July 1989)
- 1990 · *Décret n° 90-66 du 17 janvier 1990, fixant les principes généraux concernant la diffusion des œuvres cinématographiques et audiovisuelles modifié et complété (pris pour l'application du 2° de l'article 27 et du 2° de l'article 70 de la loi n° 86-1067 du 30 septembre 1986 modifiée)*
- 1991 · *Arrêté du 19 septembre 1991 complétant l'arrêté du 30 avril 1991 fixant les sections et les modalités d'organisation des concours d'aptitude au professorat de l'enseignement du second degré (CAPES) (JO du 6 mai 1991)*
- 1993 · Law 1/1993, 19th of February, regarding the Basque Public School System (Official Bulletin of the Basque Country, 25th of February 1993)
- Law 2/1993, 19th of February, regarding the Teachers of non-university education of the Autonomous Community of the Basque Country (Official Bulletin of the Basque Country num. 38, 25th of February 1993)
- 1994 · *Loi n° 94-88 du 1er février 1994 modifiant la loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication*
- Regional Decree 70/1994, 21st of March, regarding the regulation of the use of Basque in the Public Administrative Departments of Navarre (Official Bulletin of Navarre, 4th of April 1994)
- *Circulaire du Premier ministre du 12 avril 1994 relative à l'emploi de la langue française par les agents publics*
- Regional Decree 135/1994, 4th of July regarding the regulation of the use of Basque in the Public Administrative Departments of Navarre (Official Bulletin of Nacarra, 27th of July 1994)
- *Loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française (loi Toubon) (J.O. du 5 août 1994)*
- 1995 · *Décret n° 95-110 du 2 février 1995 relatif au soutien financier de l'État à l'industrie des programmes audiovisuels modifié*
- *Décret n° 95-240 du 3 mars 1995 pris pour l'application de la loi du 4 août 1994 relative à l'emploi de la langue française*
- *Circulaire 95-086, du 7 avril 1995 sur l'enseignement des langues et cultures régionales (Circulaire Bayrou) (BOEN n° 16, 20 avril 1995)*
- 1996 · *Décret n° 96-602 du 3 juillet 1996 relatif à l'enrichissement de la langue française*
- 1997 · Decree 86/1997, 15th of April that regulates the process of normalization of the use of the Basque language in the Public Administrative Departments of the Autonomous Community of the Basque Country (Official Bulletin of the Basque Country num. 72, 17th of April 1997)
- *Décret n° 97-449 du 29 avril 1997, modifiant les décrets n° 59-733 du 16 juin 1959 relatif au soutien financier de l'État à l'industrie cinématographique et n° 59-1512 du 30 décembre 1959 portant application des dispositions du décret du 16 juin 1959 précité*
- 1999 · *Circulaire du 7 octobre 1999 relative aux sites internet des services et des établissements publics de l'Etat*
- 2000 · *Ordonnance 2000-549 du 15 juin 2000 relative à la partie législative du Code de l'éducation (modificada posteriormente por la loi n° 2003-339 du 14 avril 2003*
- *Loi no 2000-719 du 1er août 2000 relative à la liberté de Communications - J.O.*

du 2 août 2000)

- Regional Decree 372/200, 11th of December regulates the use of Basque in the Public Administrative Departments of Navarre (Official Bulletin of Navarre, 5th of January 2001)
- 2001 · Agreement of the 8th of January 2001, regarding the Government of Navarre, passed by the "Plan of Action for the application of the rules regarding the use of Basque in the Mixed Zone" (Official Bulletin of Navarre, 19th of January 2001)
- Agreement of the 5th of February regarding the Government of Navarre for which the "Plan of Action for the application of the rules about the use of Basque in the Basque speaking zone" is approved (Official Bulletin of Navarre, 14th of February 2001)
- Regional Decree 139/2001, 4th of June, modifying the Regional Decree 347/1993 of the 22nd of November that regulates the income and allocation of positions in the Navarrese Health Services- Osasunbidea. (Official Bulletin of Navarre num. 80, 2nd of July 2001)
- Regional Decree 203/2001, 30th of July, that indicates the positions of the organic staff of the Administration of the Historic Community of Navarre and its autonomous organizations, excluding the teaching staff of the Department of Education and Culture, for which entrance is achieved by having knowledge of Basque, expressing the grade of command, or it should be considered as one merit among others
- *Décret 2001-733 du 31 juillet 2001 sur la création du conseil académique des langues régionales (JO du 5 août 2001 / BOEN n° 33, 13 septembre 2001)*
- *Circulaire 2001-166, du 5 septembre 2001: Développement de l'enseignement des langues régionales à l'école, au collège et au lycée (Circulaire Lang) (BOEN n° 33, 13 septembre 2001)*
- *Circulaire 2001-167 du 5 septembre 2001: modalités de mise en place de l'enseignement bilingue à parité horaire (BOEN n° 33, 13 septembre 2001) (modifiée par l'Arrêté du 12 avril 2003, BOEN n° 24 du 12 juin 2003)*
- 2002 · Arrêté du 3 janvier 2002, créant un concours spécial de recrutement de professeurs des écoles, en langues régionales
- Arrêté du 4 avril 2002, intitulé *mise en place d'un enseignement bilingue par immersion en langues régionales dans les écoles, collèges et lycées et la circulaire d'application du 30 avril 2002*
- 2003 · Regional Decree 29/2003, 10th of February that regulates the use of Basque in the Public Administrative Departments of Navarre (Official Bulletin of Navarre num. 19, 2nd of December 2003)
- *Circulaire du Premier ministre du 14 février 2003 relative à l'emploi de la langue française par les agents publics*
- Arrêté du 30 mai 2003 sur le programme des langues étrangères et régionales à l'école primaire (JO du 11 juin 2003. BOEN HS n° 2, 19 juin 2003). Ce texte vient compléter pour les langues régionales le programme pour les langues étrangères fixé par l'arrêté du 28 juin 2002
- Law 6/2003, 22nd of December, regarding the Statute of the Passive and Active Users of Basque (Official Bulletin of the Basque Country 30th of December 2003)
- 2005 · *Loi n° 2005-380 du 23 avril 2005 d'orientation et de programme pour l'avenir de l'École (J.O. du 24 avril 2005)*
- 2007 · Arrêté du 20 mars 2007: *mise en œuvre du cadre européen commun de référence*

pour les langues applicable aux langues régionales à compter de la rentrée 2008 (JO du 5 avril 2007. BOEN HS n°10, 4 octobre 2007)

- *Arrêté du 25 juillet 2007, mise en œuvre du cadre européen commun de référence pour les langues applicable aux langues régionales à compter de 2008 (JO du 21 août 2007. BOEN HS n°9, 28 septembre 2007)*
 - *Loi no 2007-1199 du 10 août 2007 relative aux libertés et responsabilités des universités (J.O. du 11 août 2007)*
- 2008
- Decree 123/2008, 1st of July, regarding the linguistic rights of the passive and active users of Basque (Official Bulletin of the Basque Country num. 135, 16th of July 2008)
 - *Project loi constitutionnelle de modernisation des institutions du 23 juillet 2008 (<http://www.assemblee-nationale.fr/13/projets/pl0820.asp>)*
 - Decree 152/2008, 29th of July that regulates the process of linguistic normalization of the Administration of Justice in the Autonomous Community of the Basque Country (Official Bulletin of the Basque Country num. 161, 26th of August 2008)

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In: A Legal History of the Basque Language (1789-2009)

Abstract: This work analyses the juridical and legal factors that have historically had their influence on the situation of the Basque language. It is a study of historical linguistic law that shows the close relationship between language and power. The over 250 norms that have affected the status of Basque over the last 220 years show the central position of the linguistic matter in the political construction of the States of our surroundings, and the existence of a latent and an as-yet-not-overcome linguistic conflict.

Key Words: Basque language. French Basque Country. Bilingual education. Linguistic policy. Sociolinguistics. Basque culture.