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LANGUAGE LAWS AND REGIONAL IDENTITY: A CASE STUDY OF EUSKERA IN THE
BASQUE COUNTRY

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By Jenna J. Ebel

A thesis presented in partial fulfillment of the requirements for completion

Of the Bachelor of Arts degree in International Studies

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Abstract

This thesis explores the interconnectivity between language laws and regional identity, focusing on education, public health, and transnational systems. Through this case study of the Basque Country, the context and wording of the language laws in the subregions within the Basque Country are utilized to understand how they affect the usage and understanding of the Basque language, “Euskera.” Through this, the study is then focused on the Spanish autonomous community of the Basque Country to understand the effects of a minority language on educational systems, the COVID-19 Pandemic, and the connections to both the EU and the UN. Through a lens of the law, these concepts are examined to understand the right of accessibility to a minority language.

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Terminology

- Basque Country: this refers to the Basque area, I will be using this to refer to the official Spanish Autonomous Community.
- País Vasco: the Spanish term for the Basque Country or Euskadi (in Euskera). This is the formal Spanish autonomous community, it will be referred to primarily as just, the “Basque Country.”
- Euskal Herria: a term in Euskera and refers to the Basque Country. This will be used to refer to the cultural seven provinces across Spain and France that make up the cultural Basque Country in order to not overuse the term, “Basque Country” when referring to different spaces.
- Castilian: in Spanish is “Castellano,” it refers to the language commonly known in English as “Spanish.”
- State: refers to the nation of Spain, also referred to as “country.”
- Region: refers to the Spanish Basque Country.
- Euskera: also spelled as “Euskara,” sometimes referred to as “vascuence” or “Basque” is the language of the Basque people. This will be referred to as “Euskera” despite it being the Castilian term due to the possible confusion with the various uses of “Basque” to refer to the language, culture, and people.

These terms will be used in the defined way above even though, when translated to English, “Basque Country,” “País Vasco,” “Euskal Herria,” and “Euskadi” all signify the same thing.

Chapter 1: Introduction

The nation of Spain is divided into seventeen autonomous communities and fifty-two provinces. Each autonomous community has significant power over the inner workings of their community, while still being a part of the larger country. Spain's national government is a parliamentary monarchy, but each autonomous community also functions with its own regional government. The fifty-two provinces are within these larger autonomous communities and have their own local governments.¹ As a very basic analogy for understanding the governmental and administrative system of Spain, the autonomous communities are similar to U.S. states, while the provinces are more like U.S. counties within the states.

Within Spain, there are deeply rooted minority cultures and languages based in the autonomous communities and provinces, which create a rich cultural diversity. The north of the country is different from the south through both historical and cultural influences. The national government recognizes various regional languages because of this expansive and diverse culture. There are seven languages in the country and five official languages. The largest national language that is spoken throughout the entire country is Castilian — commonly known in English as “Spanish” — while the other languages are used regionally. The other four official languages are Catalan from the Northeast, Basque (Euskera) from the North, Galician from the Northwest, and Aranese from the Pyrenees Mountain region. The two non-official languages are Asturleonese from the Northwestern region between Galicia and the Basque Country, and Aragonese from the region between the Basque Country and Catalonia. All of these languages do

¹ For factual, geographical data, see Eamonn Rodgers (editor) & Valerie Rodgers (honorary assistant editor), *Encyclopedia of contemporary Spanish culture* (1999) or Pedro M. Muñoz & Marcelino C. Marcos, *España: Ayer y hoy* (2005).

reside in the North, although some dialects have spread to the South — such as Valencian, a sub-dialect of Catalan.²

The culturally Basque region is called “Euskal Herria” and is made up of seven provinces — Álava, Gipuzkoa, Bizkaia, Navarre, Labourd, Lower Navarre, and Soule —spanning across Northern Spain and the latter are in Southern France. The Spanish autonomous community of the Basque Country is made up of Álava, Gipuzkoa, and Bizkaia, and then Navarre is its own, standalone autonomous community in Spain. Each autonomous community within Spain, as well as the national governments of both Spain and France, have their own jurisdiction over the use of Euskera in their regions. Euskal Herria is much larger than what is formally called the “Basque Country,” because of the specific language laws in each region.³ The thesis will focus on the Basque Country as a case study for language laws and culture, and seek to demonstrate how language stands out as the center for Basque culture due to the most concrete, explicit rights to the usage of Euskera.

The Basque Country is home to three La Liga professional football teams and multiple Spanish National World Cup team players. There is a world-famous Guggenheim Museum and a rich food and drink culture with a Basque take on the Spanish staple, “tapas.” Despite being in the North, the terrains range from mountains, to beaches, to large cities, all with gorgeous greenery in the countryside. People in the region have the highest life expectancy and the highest average salary throughout the entire country. The Basque Country is also home to the oldest known language in Europe, disconnected from all other modern languages in all linguistic senses.⁴ The 2022 archeological discovery of the Hand of Irulegi has revitalized the question of

² For factual, geographical data, Rodgers (editor) & Rodgers (honorary assistant editor) or Muñoz & Marcos.

³ Ibid.

⁴ Ibid.

the mysterious Basque language and rich culture, in the media. Because of its rich history and my personal connection, it only made sense to focus on this region and this ancient language for my thesis.

This thesis examines how the legal status of a minority language affects its preservation, which then affects the preservation of the minority culture? This thesis pivots on the significance of language as a pillar of minority ethnic communities and culture. By utilizing the case of Euskera in the Basque Country, I will show that the enshrinement of protections for minority languages in the law allows for the continuation of minority culture. I will look at culture beyond the physical aspects and look at the language as a key part of education, public health, and public space in regional cultural preservation.

The following chapters are organized in a way that will take the reader through the historical to the present day conversations about Euskera, culture, and daily life. The first chapter explains what is Euskera, in a linguistic sense, and what are its historical roots. The second chapter looks at the legal aspect of this thesis by drawing on the national and regional laws surrounding language. The third chapter will explore the educational system, specifically focusing on language education, peer-perception, and teacher qualifications. The fourth chapter will focus on language in a public space and international law — looking at specific cases brought before the EU and the UN. The last chapter will focus on a case study of language accessibility in public health by looking at the COVID-19 pandemic. The five chapters will prove the importance of language laws in preserving minority culture and way of life.

Through each chapter, I will focus in on specific cases and examples to break down the larger topical chapters into digestible pieces with concrete evidence supporting my main argument. Within chapter two, the history chapter, I will expand on the subquestion of what

makes Euskera different from other languages and thus makes it important for preservation. Through a study of the education system, I will answer the question of how the local education system supports the argument of the importance of a minority language through their implementation of the language for both students and teachers. In chapter four, I will also examine the intersection between national and regional language laws with regulations from transnational laws set by the EU and the UN. Finally, I will explore the issue of accessibility of language in public health crises with a case study on the COVID-19 pandemic. I seek to create a broader definition of culture that extends beyond just art, or music, but culture as a way of life. And within this culture, we find language situated as a core pillar of this.

Literature review

There has been a great deal of research on the connections between language and identity within the Basque language and culture. Previous research has typically focused on only one aspect of the relations — such as language laws, education, violence, or public space. I will build on this work by combining the different subtopics into a single frame of reference to explore the role of language in the law and its effects on cultural identity. The majority of previous research is from the early 2010s or before, so this thesis will also examine the relationships in this topic in the 2020s.

Iñaki Lasagabaster’s “The Legal Status of Euskara in the French and Spanish Constitutional Systems” analyzes the usage of language laws and the context in which they were written. He focuses on the practical application of language and how it represents freedom by permitting users to communicate and form connections. He goes through each region and its laws pertaining to the usage of Euskera, similar to what chapter 3 will do in this thesis.

Lasagabaster’s work provides useful context for the legal aspect of language laws as written in

the various constitutions. His work focuses on the logistical ins and outs of language laws, but does not go beyond that. He argues the importance of language in terms of what they say and what they allow but he does not connect it to culture.⁵ I build on Lasagabaster's work by making connections between the law and the question of regional cultural identity. As I build on his work, I focus only on Spain and the autonomous community of the Basque Country in order to fully explore the cultural ties between language laws and cultural identity in a set, defined region.

Next, I build on previous research that focuses on the historical conflict surrounding the language by considering present connections between the law, culture, and accessibility, and less on violence. Traditionally, discussion about Basque language revolve around the violence surrounding Euskera over the past few centuries as seen in "Linguistic polarization and conflict in the Basque Country," by Javier Gardeazabal from 2011. Until the Carlist Wars in the 19th century, Euskera and the Spanish monarchy lived harmoniously, however the war ended with limiting rights to Euskera as well as calls for more Basque independence.⁶ About a century later, the terrorist group, ETA, a Basque terrorist group for independence, was formed in response to the Franco Dictatorship, playing a more explicit role in language identity. Certainly violence plays an important role in this topic as it serves as a way of retaining identity against assimilation, however the focus of this thesis will not surround that as I seek to understand other manners of preserving culture aside from violence. The study, "The Basque Language Abroad: Homeland and Diaspora Initiatives for Euskara" looks at the way language is used in emigration.

⁵ Iñaki Lasagabaster, The Legal Status of Euskera in the French and Spanish Constitutional Systems, in *The Legal Status Of The Basque Language Today: One Language, Three Administrations, Seven Different Geographies And A Diaspora* 115-133 (2008).

⁶ Javier Gardeazabal, Linguistic polarization and conflict in the Basque Country, in *Public Choice, The Many Faces Of Counterterrorism* 149 3/4 405-425 (2011).

Gloria Totoricagüena looks at Basque emigration abroad to the Americas, the Philippines, Australia, and even Europe and analyzes the importance of language in preserving culture while abroad. She analyzes the ways that the language was preserved as a way to create ethnic enclaves within the cities they were settling in.⁷ Totoricagüena's work introduces the importance of language in culture abroad, and I will build on this by examining the importance of language through law within the region of origin.

This thesis uses prior research to bring this argument into the modern day through my added research into cultural identity and language. One of these being, Durk Gorter and Jasone Cenoz's comparative article, "Multilingual education for European minority languages: The Basque Country and Friesland."⁸ This comparative study shows why the Basque Country provides such a useful case study as opposed to Navarre or the French regions of Euskal herria. Their article goes in depth into the different schooling models and the statistical research regarding language usage in those models in the Basque Country, emphasizing the differences between the regions. Similarly, Begoña Echeverria provides a specific case study conducted in San Sebastián, Gipuzkoa, on Basque education and perceived perceptions of language in her article, "Schooling, Language, and Ethnic Identity in the Basque Country."⁹ I draw on this research by incorporating the concept of perceived perceptions surrounding language usage in peer groups, which has been crucial in shaping the connection between schooling, language and culture. For much of my data, I will be drawing on the research from these two studies.

⁷ Gloria Totoricagüena, *The Basque Language Abroad: Homeland and Diaspora Initiatives for Euskara*, in *The Legal Status Of The Basque Language Today: One Language, Three Administrations, Seven Different Geographies And A Diaspora* 43-72 (2008).

⁸ Durk Gorter & Jasone Cenoz, *Multilingual education for European minority languages: The Basque Country and Friesland*, in *International Review Of Education/Internationale Zeitschrift Für Erziehungswissenschaft/Revue Internationale De L'education* 57 651 (2011).

⁹ Begoña Echeverria, *Schooling, Language, and Ethnic Identity in the Basque Autonomous Community*, in *Anthropology & Education Quarterly* 34 351 (2003).

This thesis focuses on the comparative aspects across the bridges of existing disciplines of language, laws, and culture while also highlighting the intersection between language law and accessibility. Previous studies each focused on one aspect of this intersectionality, however I will be building on each of these foundational blocks in the 2020s. This thesis seeks to create stronger bridges between each aspect of the culture, arguing for a holistic approach to language preservation and accessibility.

Chapter 2: Understanding Euskera

The Roots of Euskera

In order to understand the importance of the connection between language and culture, it is crucial to understand the language itself and its long-standing history. The historical timeline of Euskera demonstrates the struggles the language has had to go through to survive, thus proving, in part, why it should be legally protected. Euskera has been around for centuries without legal protection, however the burden of preservation falls completely upon the Basque people. By enshrining it in the law, it allows for the institutions to aid in this preservation, thus taking the weight off of the people and placing it on formal institutions with collective power and resources.

Euskera is descended from pre-Indo-European languages, which means that it developed before and in a different manner than the Romance languages that surround it.¹⁰ But, aside from that, there is not much else that is known about its origins nor how it survived. After the Roman Empire collapsed, which had expanded all the way to Euskal Herria, the Kingdom of Navarre rose to power in the area. The language of administration in the Kingdom of Navarre was Castilian, French, and Latin, so it is most likely that the Basque peasants continued passing down Euskera.¹¹ However, this is just one theory on the survival of the language, and honestly, it is unclear if there will ever be a clear-cut answer for the history or the survival of the language. The language is an isolate which means that it is unlike French, Spanish, or any other Romance languages, and it is thought to be one of the oldest languages in Europe. The closest language to

¹⁰ Akorbi Explains: The Isolation of the Basque Language (Aug. 6, 2018), <https://akorbi.com/akorbi-explains-the-isolation-of-the-basque-language/>.

¹¹ Ibid.

Euskera is the dead language of Aquitaine from Southwestern France, but overall, Euskera is the oldest known surviving European language.¹²

Due to the nature of the long-standing history of the Basque culture, and language, archeological artifacts are necessary to understand the roots of the people. The language was previously thought to have originated approximately 500 years ago, however in 2021, an archeological find pushes this date back even further. In the ruins of the Irulegi castle in Pamplona, the capital city of Navarre, a flat, engraved bronze hand was found, it's age evident by the blue-green oxidation. This artifact has been named the *La Mano de Irulegi* — which translates to “the Hand of Irulegi.”¹³ The hand features five words, and one of them, an ode of good fortune, is recognizable to modern speakers of Euskera. According to an education specialist in the Basque Museum in Boise, this is now the oldest example of written Euskera dating back to 72 B.C.¹⁴ The discovery of the artifact has also raised follow-up questions, but even with these questions, this archeological find is a valuable piece of Basque history. The questions it brings will allow for future research to find more truths, and the worldwide renowned of the item will help bring awareness to the Basque culture, language, and people. The Hand of Irulegi it is a testament to the significance of Basque culture and language.

The first ever book written in Euskera was written in 1545 by Bernart Etxepare and is titled *Linguae Vasconum Primitiae*. The second book was a translation of the New Testament by Joanes Leizarraga, and the third principal piece was a collection of stories and poems by Joan

¹² Akorbi Explains: The Isolation of the Basque Language (Aug. 6, 2018), <https://akorbi.com/akorbi-explains-the-isolation-of-the-basque-language/>.

¹³ Julie Luchetta, Archaeological artifact sheds light on mysterious Basque language, Boise State Public Radio News, Jan. 9, 2023, <https://www.ksut.org/history/2023-01-09/archaeological-artifact-sheds-light-on-mysterious-basque-language>.

¹⁴ Ibid.

Pérez Larrazaga, written between 1567 and 1602.¹⁵ Despite being a language that dates to a pre-Roman era, the first written works come much later. This is because Euskera was a traditionally spoken language; which both aids and troubles its survival.

In 1919, the Euskaltzaindia — the Royal Academy of the Basque Language — was formed as the responsible party for the language. It conducts research, safeguards it, and formulates rules for standardization. The academy is located in Bilbao, the capital of Bizkaia, the largest city in País Vasco. Euskaltzaindia is an integral part of the education of Euskera which will be discussed in a later chapter.

In national history, from 1936 to 1939, Spain endured a Civil War between the Republicans and the Nationalists. General Francisco Franco overthrew the Republican Government in a coup d'état in 1936 which began the war. The Nationalist party, led by Franco, consisted of the fascists, the far-right, the Carlists, and the clergy. They were supported internationally by the Germans and Italians. The Republicans consisted of the socialists, communists, and anarchists and help from small international brigades. In the Basque Country, Bizkaia and Gipuzkoa were loyal to the Republic and Álava and Navarre aided Franco. When Franco won the war in 1939 and became dictator of Spain, Bizkaia and Gipuzkoa became enemies of the State. In line with strong Spanish nationalism, Franco sought to create a unified Spain and outlawed all minority languages in the country, including Euskera. The use of the language was prohibited in public and private, and violators were punished.¹⁶ Ironically, during this time, the language was actually strengthened due to the restrictions. Regionalist groups such as euskadi ta askatasuna (ETA) — whose name is in Euskera — were formed in order to counter

¹⁵ Etxepare Euskal Institute, *What is the Basque language?* Etxepare Euskal Institutua, <https://www.etxepare.eus/en/what-is-the-basque-language> (last visited March 29, 2023).

¹⁶ Gloria Totoricagüena & Iñigo Urrutia, eds., *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora 165-195* (2008).

the Francoist policies and preserve the language. While ETA is considered a terrorist group and did enact many acts of violence, it is also part of the preservation story of Basque culture and language and shows how deep Basque identity runs. After a few decades, in 2011 ETA called for a ceasefire and then they officially disbanded in 2018. There are still protests from relatives of former members of ETA as well as Basque separatist supporters to this day, however the violence is officially over. For nearly forty years under a dictatorship, the Basque people worked to preserve the language from extinction at the threat of being persecuted. When the Franco dictatorship ended in 1975, the Basque Country government ensured that the language would be preserved by codifying it into the law.¹⁷

Linguistic Rules

Aside from a historical overview, it is also important to understand the language itself and the rules because it demonstrates the uniqueness of the language in comparison to Castilian. Euskera is vastly different from any other romance language, which emphasizes the importance of it as a crucial actor of culture, as its rich history and grammatical structures stand out from everything else. The differences in the language also demonstrate why it is vital that public services be accessible in any language spoken within a region. Euskera is a whole, independent language that marks itself as a center of Basque culture, thus meaning that it is impossible to speak of one without the other. For Basque Country, their language is part of their lifeline, which emphasizes the importance of understanding it from an outside perspective.

There are a great variety of dialects within Euskera depending on the region, which makes it difficult to standardize for preservation. Because of the various dialects by region

¹⁷ For a more indepth history of Basque history, see Minority Rights Group International, *Basques*, Minority Rights, <https://minorityrights.org/minorities/basques/> (last visited April 7, 2023).

within Euskal Herria, the Euskaltzaindia agreed on a standard dialect for official uses, educational purposes, media, and literature. Because of this standardization, called “Euskara Batua,” there have been 2,267 published works in Euskera as of 2017. Despite the efforts of the people and the institutions, UNESCO ranked the language as vulnerable overall, especially in Navarre, and then severely endangered in the Basque region of France.¹⁸ The vulnerable classifications of the language are, as will be further argued, a result of the legal status of the languages by region.

Linguistically, the rules of Euskera differ greatly from the other languages in the region. Because Euskera did not go through Romanization, the grammatical rules and pronunciations are nothing like Castilian, French, or Italian — all Romance languages — who all share common roots. To better understand the importance of language, it is important to understand the basic linguistic structures.¹⁹ And for this brief grammar lesson, the rules of standardized Euskara Batua will be taught. To begin, Euskera is a declination language, which means that the suffixes are added to the end of the word. For example:

Euskera	English
Etxe	House
Etxea	The house
Etxean	In the house
Etxera	To the house
Etxearen	From the house (belonging)
Etxeko	From the house (location)

¹⁸ Etxepare Euskal Institute, *What is the Basque language?* Etxepare Euskal Institutua, <https://www.etxepare.eus/en/what-is-the-basque-language> (last visited March 29, 2023).

¹⁹ Adapted from a lesson from University of Deusto, prof. Maite Lanzagota

Etzetik	From the house (proceeding)
Etzerantz	Homeward

There are five main vowels in the language, and a few dialects have vowels derived from French.

The five main vowels are:

- “TX” is pronounced as /ch/
- “TS” is pronounced as a smoother /ch/
- “TZ” is pronounced as /zz/
- “X” is pronounced as /sh/
- “Z” is pronounced as /s/

The language also uses a transitive “k” as a suffix to connect the subject to the verb. Overall, the language is periphrastic, which means the majority of verbs need an auxiliary verb; there are two in Euskera: “izan” and “ukan” which mean “to be” and “to have,” respectively. The structure of the sentence syntax is: subject + object + verb, however there is liberty in movement within the sentence.²⁰ As evident, Euskera is an extremely difficult language to learn because of its disconnect to any modern languages, thus making it increasingly unique to the region. Its uniqueness allows for a deep connection throughout culture, but it also emphasizes the dire need to preserve it since it is spoken in increasingly fewer areas.

The history of the language helps to contextualize the laws and culture surrounding Euskera that I will discuss in the following chapters, from stating the laws themselves to applying them to the concepts of education and public space. The linguistic rules of Euskera demonstrate how vastly different it is from any romance language, thus justifying the importance

²⁰ This serves as a brief overview of the language, for further research, see the following: <https://www.ehu.eus/documents/2430735/0/A-brief-grammar-of-euskara.pdf>

of its preservation. Euskera is not just a dialect or branch off of Castilian, it is a completely separate language. To preserve a language is to aid in the preservation of an entire culture and peoples. Although brief, the grammar lesson, it is clear that this language is set apart from its peers, emphasizing its need for preservation even more. As the world globalizes, it is important to not lose the minority languages such as Euskera because they are so vital to a whole culture, not just to linguists.

Chapter 3: Language Laws and their Context

In order to understand the laws at hand, we must step back from looking only at the Basque Country and look at Spain and France as a whole. Francisco Franco's dictatorship lasted from 1939 until 1975 and was a time of Spanish nationalism and an emphasis on the only Spanish language being Castilian. Franco emphasized a strong Spanish identity, which rejected minority cultures and languages and made the usage of them punishable under the law. After his death and the end of the dictatorship, Spain rewrote its constitution in 1978. In Article 3, Section 1, the constitution states that first, "El castellano es la lengua española oficial del Estado. Todos los españoles tienen el deber de conocerla y el derecho a usarla."²¹ This states that Castilian is the official language of all the state and that everyone should know it and has a right to use it. The following section states that, "Las demás lenguas españolas serán también oficiales en las respectivas Comunidades Autónomas de acuerdo con sus Estatutos."²² This section then notes that each Autonomous Community is allowed to decide if other languages may be official within their regions. Because of this, the provinces created their own statutes in the following years, which were then approved by the national government.

By contrast, regarding the Basque region of France, the usage of Euskera is heavily limited due to the French Constitution. Prior to 1993, an official language was not mentioned in the French Constitution, however it was added during the ratification of the Maastricht Treaty.²³

²¹ C.E., B.O.E. n. 311, Dec. 29, 1978 (Spain).

²² Ibid.

²³ Iñaki Lasagabaster, The Legal Status of Euskara in the French and Spanish Constitutional Systems, in *The Legal Status Of The Basque Language Today: One Language, Three Administrations, Seven Different Geographies And A Diaspora* 123 (2008).

The Maastricht Treaty laid the foundations for the modern European Union and is responsible for free movement between member states, the euro, and unification of the member states.²⁴ It also prompted the French to add a clause stating the intention of French to be its official language to combat the hegemony of English in the European stage.²⁵ This is seen in effect in the latest edition of the French Constitution — Edition 15 from 1958 with Amendments until 2008. Article 2 notes that “La langue de la République est le français.”²⁶ Translated, this indicates that the language of the French Republic is French. There is a sidenote indicating that this declaration refers to the official, national language. This is the only mention of an official language in the French Constitution. Because of this, the French parts of Euskal Herria — Labourd, Lower Navarre, and Soule — are not formally a part of this study as they do not have the privilege of utilizing their ethno-regional language in a protected manner. These regions are culturally Basque however, due to the lack of legal protection of language in the law, they are not central subjects for this case study on the effects of language laws on culture. This thesis focuses on accessibility and public spaces and without a legal basis for Euskera in France, there is no control group example of the usages or lack thereof.

To start regionally in the Basque Country, the Statute of Autonomy of País Vasco — also known as the Statute of Guernica — was written in December 1978 and was officially accepted by the State the following year. In article 9, section 1, it states that, “El euskera, lengua propia del Pueblo Vasco, tendrá, como el castellano, carácter de lengua oficial en Euskadi, y todos sus

²⁴ European Central Bank, *Five things you need to know about the Maastricht Treaty*, https://www.ecb.europa.eu/ecb/educational/explainers/tell-me-more/html/25_years_maastricht.en.html (last visited April 7, 2023).

²⁵ Susan Wright, *The Constitutional Implications in France of the Maastricht Treaty*, in *Tulane European And Civil Law Forum* 9 64 (2019).

²⁶ 1958. Const. 2 (France).

habitantes tienen el derecho a conocer y usar ambas lenguas.”²⁷ When translated, this section indicates firstly that Euskera, the language of the region, is like Castilian, indicating an emphasis on Euskera over Spanish in this comparison since it was mentioned first. Secondly, it gives the right to all habitants to know and use both languages. A later section also notes that language discrimination is not allowed. By codifying this into law, it indicates that this is of high importance to the region, especially given the years under the dictatorship where it was outlawed.

Moving over to the autonomous community of Navarre, in 1982, King Juan Carlos I of Spain approved the Reintegration and Improvement of the Foral Regime of Navarre. Article 9, section 1 notes that “El castellano es la lengua oficial de Navarra” and then is followed in section 2 by “El vascuence tendrá también carácter de lengua oficial en las zonas vascoparlantes de Navarra.”²⁸ Translated, this governing law of the region of Navarre prioritizes that Spanish (Castilian) is the official language of the region. Secondly, it notes that vascuence (Euskera/Basque) will have the characteristics of an official language in the Basque parts of Navarre. The language used in this law indicates a variety of messages: firstly, that all of Navarre is not Basque, secondly, that Castilian is the prioritized language in the region, and thirdly, that Euskera will not have the exact same characteristics as Castilian, legally.

Since the national Spanish government in the constitution allows the autonomous communities to select any other official languages in the region, it is important to look at the differences between that of the Basque Country and Navarre. In the Basque Country and Navarre, the specific wording of each statute and the organization of the documents display the differences in language recognition, which provide context for the differences in societal

²⁷ C.E., B.O.E., n. 306, Dec. 22, 1979 (Spain).

²⁸ B.O.E. 1982, 195.

application. In the Basque Country, Euskera is referenced before Castilian and is used as the agent to be compared to, as opposed to in Navarre where Euskera is compared to Castilian. Additionally, Euskera is mentioned in the same section as Castilian in the statute of Basque Country, while it is separate in Navarre. Euskera is, most importantly, explicitly protected against discrimination in all parts of the Basque Country.

By directly analyzing the four aforementioned laws, we can understand how Euskera is protected by the law so we can better understand each region's attitude towards it. It is important to note that each regions' power was determined by the national power — so the regions in France had no control over the lack of protection for Euskera in their borders. Because of this, France is not the case study for this study, as the Basque people in the three regions did not have the power to legally enshrine protection for their language into their laws. In Spain, the national government puts the burden of language preservation onto the autonomous communities themselves, which is why Navarre and the Basque Country have different responses to this. Navarre puts it in the law in a very basic way that leaves ambiguity, yet the Basque Country enshrines it as the highest of languages for their region. This narrows down the case study to focus on the Basque Country because it is a control group for research, as all parts of the autonomous community have a right to use Euskera. The laws set up the baseline for a deep dive into cultural understanding and application.

Chapter 4: Euskera Education

The preservation of a language is largely dependent on the continuation of the teaching of the language, which is impacted by the accessibility of the language. Whilst there are resources for learning the language as an adult, the emphasis of this chapter will focus on schooling for children as this set the foundation for the next generation and relies on parental choices of schooling, not adult decisions and motivations to learn. To begin to understand where we are generally, I present statistics sourced from a previous work of language knowledge broken into three categories: proficient in Euskera, Passive skills in Euskera, and No Knowledge. The original source uses statistics from the Basque government from 2008 and the linguistic abilities in Euskal Herria are broken down as following:

	Proficient in Euskera	Passive Skills in Euskera	No Knowledge
Basque Country	30.1%	18.3%	51.5%
Navarre	11.1%	7.6%	81.3%
French Basque Country	22.5% %	8.6%	68.9%

Figure 1: Adapted from Multilingual education for European minority languages: The Basque Country and Friesland

by Gorter and Cenoz²⁹

This survey was included in the study “Multilingual education for European minority languages: The Basque Country and Friesland” by Gorter and Cenoz which reference both these statistics

²⁹ Gorter & Cenoz, 657.

and ones from years prior. These numbers have increased since 1991, the first surveyed year mentioned in the study. Whilst this study is focused on earlier data, a 2016 survey from EUSTAT reported that for the Basque Country, 41% were proficient in Euskera, 15% had passive skills, and 44% had no knowledge.³⁰ Over the last decades, the Basque Country has had a significant increase in proficiency and a significantly lower number in “no knowledge.” This is likely because of the colloquial use of Euskera in the region, it is impossible to go a day without using or seeing Euskera in some capacity in the region. In Navarre, there is a very small percentage who know the language, either proficiently or passively, and this is due to its lack of protection in the region and lack of use. It is a minority language that is not fully prohibited nor is it inherently protected and because of this, it acts in a limbo space where the burden of teaching and knowing the language does not clearly fall to any one group. In France, where Euskera does not have any official power, the high level of proficiency is likely due to a conscious choice to teach and learn the language within families. The family dedication to the language allows it to either be known or not known, however there is little room for passive knowledge since it is not used colloquially.³¹ By understanding the jumping off point for linguistic abilities, in addition to previous decisions, this report will continue to focus on the Basque Country exclusively. Because of the ability to have linguistic influence from the classroom, colloquially, and from the family, it is a neutral place to understand linguistic education from.

In the Basque Country, there are three main education models for schools — model A, model B, and model D. Model A is intended for native Castilian speakers and they are instructed

³⁰ Eustat, Mapa Sociolingüístico de Euskal Herria 2016, https://en.eustat.eus/elementos/ele0018800/vi-mapa-sociolingustico/inf0018828_i.pdf (accessed April 7, 2023).

³¹ Echeverria, 358.

in Castilian with four to five hours of instruction in Euskera per week. Students in model A have minimal proficiency in Euskera as a second language. Model B is for native Castilian speakers who want to be bilingual in Euskera and Castilian, they are instructed 50/50 in both languages (although this can vary by school). The third model is model D which is for native speakers of Euskera (although there are many students who speak Castilian as their first language) and Castilian is taught four to 5 hours a week, while the rest of the instruction is in Euskera. This model leads to high proficiency in both languages.³² Based on data from 2011, 60% of schools in the Basque Country used model D. Of the remaining 40% of schools, in addition to the other two models there are foreign schools including British, American, German, and French ones that operate independently of the traditional three models. There are also special institutions focused on learning multiple languages, including the aforementioned ones in addition to Portuguese, Russian, and Italian. These institutions are also independent of the traditional three model system.³³ These institutions with increased language learning opportunities are being highly sought after in recent years because it creates higher language proficiency and diversification, which creates invaluable opportunities. There are certain schools for youth that teach up to 5 languages, one for each day of the week, with instruction being taught in a different language each day.³⁴ The idea of multilingualism is increasing, especially as jobs continue to take students out of their home countries for better opportunities. Despite the large variety of languages available in the region and no models focusing solely on the English language, as of 2012 EF English Proficiency Index (EPI), the Basque Country residents had 57.9% proficiency in English. This is the highest percentage in Spain, and this percentage nestles the Basque Country

³² Gorter & Cenoz, 657.

³³ Basque Linguistic Educational Models, <https://www.bizkaiatalent.eus/en/pais-vasco-te-espera/conocenos/modelos-educativos-linguisticos-vascos/> (last visited April 7, 2023).

³⁴ This was modeled through a local student whom I tutored while abroad.

on the list between Germany and Latvia.³⁵ There is no shortage of language abilities in the region, and this can and does affect personal identity of the residents.

Another large part of understanding linguistic accessibility is the understanding of the perceived connotations of the language. There is a human desire to be perceived in a desirable way, and this can take shape in language. The same way those in the Southern US may not use “y’all” in a formal presentation in order to be perceived as more professional, the same thing happens for certain languages in regions with multiple languages. In 2003, Begoña Echeverria published her study conducted in San Sebastián, Gipuzkoa in the Basque Country. She studied the connection between schooling, language, and ethnic identity. She observed both Basque-centric schools, model D, and then Castilian centered schools, model A, for her study. While in the model D school, she noticed that both genders spoke Euskera colloquially, however, when speaking to the opposite gender, they switched to Castilian.³⁶ Her observations heavily confirm the differences between the perceived perceptions of languages. Euskera is seen as more informal whilst Castilian is more formal, indicated by the use of it when speaking to the opposite gender – something understandable for students at this age who see the opposite gender as a foreign. In the model A school — a model with already limited instruction in Euskera — the use of Euskera was not enforced within the hours set aside for the language. When instructions were given in Euskera, they were also repeated in Castilian, thus allowing the students to not truly learn nor understand Euskera.³⁷ In this school, the lack of enforcement of the use of Euskera contributed to the low proficiency of the language because the children are not required to truly learn the language. They use the language in such a limited circumstance that they do not

³⁵ Basque Linguistic Educational Models, <https://www.bizkaia.talent.eus/en/pais-vasco-te-espera/conocenos/modelos-educativos-linguisticos-vascos/> (last visited April 7, 2023).

³⁶ Echeverria, 358.

³⁷ Id. 359.

typically identify as Basque, as opposed to model D students who use Basque colloquially and are more likely to identify as Basque in addition to being proficient in the language.³⁸ It's clear that education is not simply something that happens in the classroom but it is also from learned social behavior. This is an important part in understanding the usage of language because the majority of life happens outside the classroom walls, therefore it is important to understand what using Euskera daily means for someone.

As previously stated, at times teachers do not understand Euskera well enough to use it comfortably or colloquially, thus leading to new standards for teachers. To instruct students in these varied models, there also have to be qualified professionals who both understand and can teach this language to the next generation. Durk Gorter and Jasone Cenoz conducted a study on this phenomenon of multilingual education for minority languages, focusing on the Basque Country, Spain and Friesland, the Netherlands. Their study not only looks at the students in these situations, but also the educators, which is arguably even more important. As of 2011, these are the guidelines laid out for educators,

The increase in the use of Basque as the language of instruction over the last 30 years has had important implications for the educational system. Whereas in 1979 less than 5 per cent of all teachers were capable of teaching through the minority languages today over 80 per cent of the teachers are able to use Basque... To become a primary school teacher requires taking a four-year course at one of the teacher training colleges which are part of the university... Secondary school teachers obtain a university degree in a particular subject and subsequently undergo a course of advanced teacher training (at Master degree level). In-service

³⁸ Id. 367.

language training for Basque has been very important. Teachers who start without knowledge of Basque have the right to three years of full-time learning Basque, during which period they are released from teaching duties and keep their full pay.³⁹

Understanding the requirements of educators in this region heavily influences the holistic development of the students' language abilities. Should the educators not be required to have a strong grasp on Euskera then their students would not have a strong foundation to build upon. By implementing these standards from 1979 to 2008, there had already been a 75% increase in teacher proficiency, which has likely continued to grow since 2008 as well.⁴⁰ This shift has also demonstrated the strong cultural ties of the language as the 1500% increase of educational knowledge combats the years of linguistic repression under Franco. The region continuously demonstrates their support of educators being proficient in Euskera by offering full pay for up to three years as the educator learns the language. It allows the professors to learn the language without the burden of working to support themselves and possibly distracting themselves from their studies. This system just proves the Basque dedication and devotion to the language and its preservation through schools for the next generations.

Whilst this data presented from 2011 and prior provides insight into the rebuilding of linguistic education post-Franco, it is also important to note that the educational system has continued to change over the past decade to present. In their 2011 study, Gorter and Cenoz briefly mention the possible future of the educational system as English is in higher demand, as well as more immigrants come to the Basque Country.

³⁹ Gorter & Cenoz, 658.

⁴⁰ Gorter & Cenoz, 658.

They note that, as affirmed by the existing model A, having English taught only a few hours a week, does not lead to proficiency of the language. As more languages are introduced and necessary for future careers, it makes it increasingly difficult to balance all languages in the classroom to create proficiency. Not only is this affected by future desired languages, it is also influenced by the influx of immigrants who bring their own languages to the region. As of 2020, 8.4% of the population in the Basque Country autonomous community were immigrants, which is 0.8 percentage points higher than the previous year.⁴¹ This interconnectedness of the modern world has no doubt presented changes to the educational system, however, as of 2022, the three system model has continued to be preached and practiced throughout the region. As mentioned previously, there are more international language schools popping up who act independently of the traditional Basque models, however those are in a minority. Despite these increasing opportunities to learn Euskera, there are still people who live in the Basque Country who choose to not learn the language nor let their children learn it in school. There are still many parents who grew up during the Franco era and echo the same sentiments of a united, Spanish-speaking, Spain. The lasting effects of political regimes in regards to perceived connotation of a language are not erased with the end of a dictatorship. It is cases like this that show that regional discrimination is not always from the outside facing inwards, it is also just as likely to be by the same people who are living in and are from the community at the time.

⁴¹ Press Release, Eustat, The foreign population residing in the Basque Country reached 185,000 inhabitants, 8.4% of the total (Dec. 14, 2020) (on file with https://en.eustat.eus/elementos/ele0017900/the-foreign-population-residing-in-the-basque-country-reached-185000-inhabitants-8/not0017941_i.html).

This is crucial understanding as it shows that simply providing access to a language will not necessarily preserve it, instead, accessibility to the language allows for a greater understanding of the language and its culture to promote preservation on all scales. Basque culture must stand strong against the globalization of languages in order to survive. Historically, Euskera has survived due to its isolation from the world, and whilst the world opens and immigrants come and people emigrate, it is crucial to continually integrate the Basque language into the educational system in order to ensure its survival through the next generations.

Chapter 5: Transnational Legal Systems

In order to fully understand the deep-rooted importance of language in a region, it's important to look at the use of language and language regulation in public space. Being in the Basque Country does not feel the same as being in Spain — the atmosphere is different, as the Ikirruñia (the Basque flag) flies and Euskera can be heard on the streets. However, this idyllic picture does not encapsulate the struggles of the protections to use this language and therefore manifest their culture in such public ways. Public space is the manifestation of the mix between government regulation and the people. This chapter explores the bigger picture of language laws, intersecting different registers of law. This chapter seeks to explain why protective language laws must be bigger than just one region.

The European Union (EU) has legislative power over their member states, meaning that their laws supersede those of the individual nations. And while the United Nations (UN) does not have legislative power, they can influence treaties which can translate into an influence over domestic law. In cases of violation of laws within national borders, those affected can bring their cases to these higher bodies in order to find reinforcement or support against the alleged violations. This chapter is dedicated to two of these cases where the people find that the state does not protect their language rights, so they must go and petition higher up. This argues that regional language laws are bigger than just one minority region and are a crucial part of a

nation's culture even as a minority. This also seeks to see the language in the big stage, demonstrating its importance to the people and all affected.

In the European Union

As an official member of the EU since 1986, Spain has a very publicly supportive view of the EU and its policies. In 1989, Spain joined the collective monetary system, later named the “euro.” They also joined the Schengen Agreement in 1991 which opened the borders between EU countries.⁴² It is without a doubt that Spain, as a nation, values the position and power of the EU. And, because of this, it is no surprise that minority groups look towards the EU for guidance and decision in difficult situations. In 2015, the European Language Equality Network (ELEN), whose goals are dedicated to the protection, promotion, and the well-being of minority languages, wrote a question to the European Commissioner for Education, Culture, Youth, and Sport regarding the protection of minority languages. Liadh Ní Riada, an Irish Sinn Féin member of the European Parliament and supporter of ELEN, wrote to the Commission discussing the discrimination of minority language speakers in Spain. The question is as follows:

The European Language Equality Network (ELEN) report to the UN Universal Periodic Review (UPR) details many cases of discrimination against Catalan, Basque, Galician, Asturian and Aragonese speakers in the Spanish State.

The report considers that it is impossible to get justice in Spain in respect of this hate crime because the courts themselves discriminate against people who speak official languages other than Spanish.

⁴² Spain & Eur. Union, <https://www.exteriores.gob.es/en/PoliticaExterior/Paginas/EspanaUE.aspx> (last visited April 7, 2023).

In view of this evidence, ELEN stated at the UN Council on Human Rights:

‘discrimination against the autochthonous non-Castilian languages is systemic within the Spanish state system, and that this discrimination has become institutionalised’.

How can the Commission strengthen its plan to promote the teaching and use of regional languages, particularly in the context of the discrimination carried out by state officials and employees who oppose languages that are officially recognised in the Spanish State?

The Commission has taken action against Slovakia for breaching anti-discrimination legislation in its treatment of Romani-speaking children in schools. Will the Commission take a case against Spain because they are in breach of the same EU anti-discrimination standards?⁴³

ELEN seeks to find justice for minority language speaking Spaniards against, what they consider to be, institutionalized discrimination. Citing the Commission’s enforcement of language equality for Romani-speaking children, ELEN seeks the same treatment for the Catalan, Basque, Galician, Asturian and Aragonese speakers in Spain. While this is not a Basque specific issue, it does show the collective agency for international protection for all minority languages. The Commissioner Tibor Navracsics responded to this petition in the same year, stating the following.

The Commission recognises the importance of protecting and promoting regional or minority languages in accordance with the values under the European Treaties and the rights under the Charter of Fundamental Rights. However, the Commission has no

⁴³ European Commission for Education, Culture, Youth and Sport, 2015 (E-011283). Available at https://www.europarl.europa.eu/doceo/document/E-8-2015-011283_EN.html.

general power over issues relating to the use of regional or minority languages, which fall within the exclusive competence of Member States.

Notwithstanding, the Commission cooperates with international organisations such as the Council of Europe in the field of language learning and protecting linguistic diversity and regularly refers to the European Charter for Regional or Minority Languages as the international legal instrument specifically devoted to the protection and promotion of regional or minority languages. Furthermore, the EU's programme for education, training and youth and sport, Erasmus+ (2014-2020) supports language learning and linguistic diversity as one of its six over-arching specific objectives.

EU's anti-discrimination legislation is based on Article 19 TFEU, which provides the European Union competence to combat discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability and sexual orientation, but not on any other grounds.

The infringement proceedings against Slovakia referred to in the question concern discrimination of Roma children in education in breach of Directive 2000/43/EC on Racial Equality, which prohibits discrimination on grounds of racial or ethnic origin. Language as such, whether main or additional criterion, is not a criterion on which discrimination is prohibited under Directive 2000/43/EC.⁴⁴

In short, the EU Commission denies any power in protecting minority languages and states that that is up to each member state. Even through an attempt to liken the issue of Spanish language discrimination to that of Romani-speaking children in the original case, ELEN failed to compel

⁴⁴ European Commission for Education, Culture, Youth and Sport, 2015, ASW (E-011283). Available at https://www.europarl.europa.eu/doceo/document/E-8-2015-011283-ASW_EN.html.

the EU to act. Despite attempts to connect the two cases, ELEN were unable due to the nature of the standing case. They presented a weak argument for the Basques by utilizing a case that had concrete discrimination based on ethnic origins that did not translate over to the Basque case. The case in Slovakia included cases of Roma children being separated into separate schools for students with disabilities or in general, segregated because of their ethnic identity, whereas in Spain, the discrimination was not on a level that compelled the EU to act. However, it is important to note that they did attempt because of their respect for the role of the EU and their desire for aid from the EU.

The commissioner notes in his response that the EU was able to intervene in the case of the Romani-speaking children because it fell under the grounds of racial or ethnic origin. The EU's Racial Discrimination Directive does not even cover discrimination based on languages alone, it requires a breach in treatment based on clear racial or ethnic differences.⁴⁵ If ELEN had focused on one region of language and its ethnic differences — such as the Basque people, who are ethnically *and* linguistically different from the Spanish — there could have been the chance that the EU would have stepped in. The original question to the commission included too many other languages that were being discriminated against in Spain, thus weakening their argument for the Basque people. More importantly, this act just shows that this is an issue that has gained recognition by larger organizations like ELEN and this question to the commissioner serves as a stepping stone to their next actions. It also shows that the legality of a language goes beyond its codification into the law; the application and enforcement of the laws are just as important as the words on paper.

⁴⁵ Council Directive 2000/43/EC, of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, 2000 O.J. (L 180) 22.

The United Nations

Not only is this case of language laws being brought before the EU by ELEN, it is also being brought up to the UN by a state request. In January 2019, the Special Rapporteur on minority issues from the United Nations visited Spain to explore aspects of protection of minority people (national, ethnic, religious, and linguistic) and to provide guidance for the national government. The Special Rapporteur is one of the thematic special procedures of the UN Human Rights Council, and their job is to promote minority rights for an integrated society and greater respect for cultural diversity. One of the most important functions of the Special Rapporteur is to conduct country visits at the invitation of the country concerned. On their visit, they “meet with national authorities, members of the legislative and judicial bodies, civil societies and nongovernmental organizations, and the UN and other international agencies.”⁴⁶ The Special Rapporteur only makes on average two country visits per year yet receives over 100 invitations annually.

In early 2020, the Special Rapporteur completed his report of his visit to Spain and Euskal herria. He draws attention to Navarre as a case study because of their relaxed language laws in comparison to the Basque Country. He notes that Spain has made great strides over the last fifty years to allow for minority languages to be used — as juxtaposed by the Franco era — however, he also believes more must be done. Spain has a variety of anti-discrimination laws enshrined in the Spanish Constitution and various laws — such as freedom of religion, freedom of expression, freedom of assembly, access to justice, right to education, right to adequate housing, rights to persons with disabilities, and equality under the law which prevents

⁴⁶ UN Special Rapporteur On Minority Issues, available at <https://ijrcenter.org/un-special-procedures/special-rapporteur-on-minority-issues/> (last visited April 7, 2023).

discrimination against one based on birth, race, sex, religion, opinion, or any other personal or social condition — yet none of them cover language discrimination.

The Special Rapporteur places the burden on the autonomous communities to protect against language discrimination within their own borders. The report notes: “While all the above-mentioned laws may, when broadly interpreted, cover all grounds of discrimination, they do not specifically include language — an omission that is potentially inconsistent with a number of international treaty obligations for which this characteristic is fundamental.”⁴⁷ This statement rejects responsibility for the UN by stating that the laws for full protection, are in theory, already in place depending on how they are interpreted by the nation’s courts. However, by not specifically protecting against language discrimination, the Special Rapporteur is not saying that this is a breach of treaty for international obligations for Spain. While not directly telling Spain what to do, the UN is arguing that the lack of language protection could put the country in danger in terms of international treaties that they are already a part of. The UN has a diplomatic role which explains their wording of their report, however it is clear that the Special Rapporteur believes that minority language protections need to be stronger.

Because of the way that language is codified into law — which is stronger in the Basque Country and more ambiguous in Navarre — it is no surprise that the Special Rapporteur found the most cases of language discrimination in Navarre. They note that in October 2019, the High Court of Navarre “overturned provisions requiring bilingual public signage and notices in mixed-language and non-Basque-speaking areas, and setting aside any consideration of Basque as a merit in job positions unless absolutely necessary.”⁴⁸ It is clear that instead of protecting the

⁴⁷ A/HRC/43/47/Add.1

⁴⁸ Ibid.

language, Navarre is making it harder for Basque speakers to acclimate to society. Even though Navarre is divided into three sections — Basque speakers, Castilian speakers, and a mixed zone — by limiting the societal acceptance of Basque, it is harder for the language to continue as those speakers do not receive support from the government. The report also notes the increasing difficulty in receiving services in Basque from public officials. The Special Rapporteur basically condemns Navarre’s lack of protections for the Basque speakers in their region.⁴⁹ This report, as well as the previous ELEN report to the EU and the following ELEN report to the UN, show an increasing outside awareness of these issues and the greater threat they pose to the preservation of the Basque language as a whole. Should Navarre’s protections continue to dwindle, then the burden of language preservation will be left solely to the Basque Country.

The EU/UN through ELEN

Following their unsuccessful protective act for minority language speakers from the EU in 2015, ELEN looked higher, to the UN for the same protections both in 2015 and again in 2020, after the 2019 UN report by the Special Rapporteur was unsuccessful in their eyes. Aided by the Hizkuntza Eskubideen egoera (“Status of Language Rights”) report produced by the Behatokia, a foundation with the goal to oversee language rights which is endorsed by Basque Government, ELEN wrote to the UN’s 35th Universal Periodic Review in 2020. Unlike the previous ELEN report, this petition is broken down by region, so only the Basque Country section will be analyzed going forward. The aforementioned report by Behatokia is written exclusively in Euskera as well, so the ELEN summary of this will be all that is analyzed.⁵⁰ The

⁴⁹ A/HRC/43/47/Add.1

⁵⁰ If interested, the “Hizkuntza Eskubideen egoera 2018” referenced, can be accessed at the following link: https://issuu.com/hizbeha/docs/hizkuntzaeskubideeneegoera2018_1.

report states that their sources include hundreds of cases of Basque language discrimination; in all levels of public administration (healthcare, security), general activity, education, leisure, media, and in consumer relations. The report states that this language discrimination has happened at health centers, when renewing an ID card, at town hall, at sporting venues, and at shops, to name a few locations. The report also states that this is most problematic in Navarre, which is divided into three linguistic regions, with the capital being in the mixed area.⁵¹ The inclusion of Navarre in the Basque Country section is interesting as it is not within the borders of the formal Basque Country and if ELEN was attempting to include all of Euskal Herria, then they would have to mention the French part as well. The report does not do a strong job differentiating the regions from the formal boundaries and the historical boundaries.

Nevertheless, continuing on in the report, it states that only 6.8% of staff in the public administration in the Basque Country are fluent in Euskera and only 34% of their health services staff can speak it as well. This does not account for distribution, many parts of the region could be without one of these fluent speakers. Only about 4.6% of judges and prosecutors in the region are bilingual as well. In Navarre, according to the government, only 0.57% of healthcare jobs require bilingual abilities meaning that of 10,802 staff members, only 57 will speak Euskera.⁵² Based on these numbers alone, it is clear that this is a problem as one of the most basic necessities, healthcare, is not equally accessible in the language people feel most comfortable using. This is one of the points that the UN's Special Rapporteur also makes regarding this region. If Navarre claims to have preserved the Basque language in some part of the autonomous community, it needs to ensure that this is done in a way that is realistic and not just for show. At

⁵¹ Davyth Hicks. ELEN Report to the U.N. Periodic Review, 35th Session 2020: Language Discrimination Against Non-Castilian Language Speakers in Spain. 2019.

⁵² Ibid.

their core, the laws are quite broad, simply stating that both languages in the Basque Country and in some parts of Navarre should be held to the same weight. Whilst it is implied that this should encompass healthcare, schools, and day to day activities and services, it is, in the end, vague. They are there to protect the language and its users, but if those laws are too ambiguous and therefore not enforced, then they are useless.

Chapter 6: Public Health

This chapter will focus on language in public health and language in times of crisis. Times of crisis both unify and expose the flaws within the functional laws and regulations of a society. The dictatorship in Spain unified minority regions over language rights, whilst exposing some of the harm of the dictatorship to those actively living in it. There is also the case of public health, as it actively affects everyone, no matter what side of the language debate they take. This is highlighted in the case study of the COVID-19 Pandemic, where national and regional language laws were demonstrated in their full capacity. Because of this, I argue that language accessibility is a right, especially in times of public health crises. This connects to the previous chapter where the higher powers of the EU and UN failed the people by not enforcing nor overriding vague laws, thus affecting vulnerable populations in a global pandemic. As seen from ELEN's UN report, the effects of language in healthcare is well studied, but there are still not mass changes to fix these discrepancies and this was fully demonstrated during the COVID-19 pandemic.

COVID-19 Pandemic Response

In the Spring of 2020, the whole world shut down in response to the COVID-19 pandemic. This pandemic highlighted both the strengths and shortcomings of every nation as

they struggled to find the most effective way to stop the spread of the pandemic. The first total lockdown in Spain came on March 29th of that year, as all non-essential workers were ordered to remain home for the next 14 days. Each autonomous community had their own jurisdiction over the response to the pandemic. In the Basque Country, facial masks were required indoors and outdoors until mid-February 2022 and they were still required indoors until late-April of the same year. As of fall 2022, masks are still required on public transportation — a popular method of transportation for many people. Unlike the US, the use of masks was not as controversial, as Spain suffered many losses in the early months of the pandemic.

Due to the nature of a global pandemic, it is crucial that any information regarding the pandemic be equitably distributed in every vernacular. Early into the pandemic as countries began publishing basic preventative measures, the President of the Committee of Experts of the European Charter for Regional or Minority Languages notes that this information had not been shared in anything other than the official majority language of the country. She further stated that it was of utmost importance that any communication intended for the wellbeing of the citizens be published in the regional minority languages as well.⁵³ Based on this recommendation, each region of Euskal Herria — the French region, Navarre, and Basque Country — will be analyzed based on their adaption, or lack thereof, of the recommendation. Based on personal experience, the public health website on COVID-19 in the Basque Country was fully available in Castilian and Euskera.

On March 17, 2020, every French citizen received an SMS message reminding them all that the president has set a matter of protocols that must be followed to fight the spread of COVID-19 and save lives. This text message was sent solely in French, the only official

⁵³ Basque-language discrimination cases, 2020, <https://kontseilua.eus/wp-content/uploads/2020/10/Basque-language-discrimination-cases-2020.pdf>

language in France. Similarly, the official French website for the pandemic is all in French, and English. Throughout the pandemic, the French government has continued to only communicate in French.⁵⁴ Based on the French Constitution, it is no surprise that the French government's official protocols were not available in any vernacular language. However, in the case of COVID-19 being a public crisis, it raises the question of equitable distribution of information.

As for Spain, as noted in the Constitution, availability of and enforcement of protections for minority languages is left up to the individual autonomous communities. In the report by the European Language Equality Network (ELEN), the autonomous communities of Navarre and the Basque Country were separated and analyzed. In general, Spain's official website offered information and infographics in English, French, Romanian, Arabic, and Chinese. Further information however was only offered in Spanish.⁵⁵ Because of the national view on minority languages, it is more important to focus on Navarre and Basque Country's information language accessibility.

In Navarre, the information is fully available in Spanish and some of the information is also offered in Euskera. General information is offered in both languages while, for example, a website page titled, "300 non-healthy FAQs," which offered answers to many questions about health measures, was offered only in Spanish. The virtual assistant chat box is also only available in Spanish as well. Further information such as statistical data — number of infected people, active cases, hospitalization, etc. — are only offered in Spanish. In this case, it is important to see what *is* offered in Euskera as opposed to what is not.⁵⁶ It is no surprise that this is the case in

⁵⁴ Ibid.

⁵⁵ Basque-language discrimination cases, 2020, <https://kontseilua.eus/wp-content/uploads/2020/10/Basque-language-discrimination-cases-2020.pdf>.

⁵⁶ Ibid.

Navarre, since protection for the usage of Euskera is not codified into law, information does not have to be presented in this language.

In the Basque Country, as personally experienced, all information regarding COVID-19 is available in both Euskera and Spanish. Compared to the other regions in Euskal Herria, the Basque Country has gone above and beyond in terms of language accessibility. According to ELEN, services with language accessibility included current situation updates, assistance, solidarity, FAQs, economic aid, and safety information are just a few of the available resources. There are also various downloadable materials, an app, and a daily public television broadcast in Euskera. There have been a few complaints made to ELEN about actual accessibility for Basque language speakers however, overall, the accessibility in the Basque Country is much greater than any other region of Euskal herria.⁵⁷ Based on the legal status of the Basque Language, it is no surprise that the Basque Country has the greatest accessibility of information in both languages, which is crucial in a region where Euskera is widely taught and used colloquially. Even with the increased access to services and information, all people in the autonomous community have a right to receive equitable access to public services. Although there is limited to no data available detailing the number of people who exclusively speak Euskera, it does not diminish the need for complete access to public health information in both languages within a reasonable distance to any region. Since the services are public and it is public health, one thing the other regions forget, is that it must mean it is accessible to all.

The disparity of access to public health services in times of a pandemic highlights how the government sees and treats those who are a part of the underserved minority. France, for example, in following their national Constitution, neglects those who are a part of the language

⁵⁷ Basque-language discrimination cases, 2020, <https://kontseilua.eus/wp-content/uploads/2020/10/Basque-language-discrimination-cases-2020.pdf>.

minority community. Even if those people speak French due to necessity, the strict constitution still marginalizes people who are more comfortable using minority languages, for any reason. As for Navarre, luckily, any national information that was not available in Euskera in the region could be found on the page from the Basque Country. However, region specific information may not have been accessible to someone who feels most comfortable speaking Euskera. This is a disservice since the Statutes of Navarre state that Euskera can have the same weight as Castilian in regions that feel Basque, however by not offering all public health materials in all languages, the government is forcing the people to rely on their knowledge of Castilian. As for the Basque Country, while the system and services may not have been executed perfectly, the fact that Euskera was at the forefront of the information shows their regional dedication to the language. Being the first language mentioned in their Constitution also forces it to be the standard for the region, allowing the most equitable access to the language minority, which is crucial for a public health crisis such as COVID-19.

I have brought a new light to the everyday plight of language in a public space; as a citizen of the US who speaks English, being able to access all services in my country is an overlooked privilege. Having equal accessibility to services and treatment based on your chosen language should be a right, especially in where the law dictates that a minority language is an official language. As seen with the pandemic, many citizens of the Basque Country who have a legal right to use and receive services in Euskera were unable to exercise their constitutional right. Language matters because it is the key to active participation in society and culture, and one cannot connect to either of those if they do not have access to services in their language.

Chapter 7: Conclusion

Language serves as the foundation of culture and community, as a shared language allows one to create bonds with those around them, thus proving that it is crucial that language be explicitly protected in the law. From this, they can find common culture and grow into a regional cultural identity. However, this all starts with the ability to connect and communicate. This COVID-19 pandemic highlighted this importance on a new scale, as it was seen that language disparities do have an effect on the physical lives of many people. Not being able to connect and communicate with the government and other people lead to isolation and eventual language disappearance. While strong cultural ties do help to preserve culture, language laws do as well, which is why it is critical to examine them and see how they affect the usage and accessibility.

Each chapter of this thesis sought to deepen the reader's view of language and all that it permeates. The introduction introduced the idea that Spain is not a homogenous country with just one cultural identity, language, or peoples. It is a diverse country that offers so much more than what we typically think of. My time spent in Spain inspired this thesis and drove me to focus specifically on the Basque culture and language. The second chapter set out the long road from the beginning of Euskera to the modern day: the struggles and the perseverance that kept a pre-

Roman language alive into the 21st century. The third chapter broke down the national laws of Spain and France, and the regional laws in the Spanish autonomous communities. By reading directly what governs the people, I was able to connect the laws about language to reach conclusions about how the culture and language live in a day-to-day manner. Chapter four delves into the education system of the Basque Country specifically and looks at how the next generation sees the language, along with looking at social perceptions of language. Through this, preservation through education is presented as one option, with an emphasis on language. It also briefly touches on the training for teachers, another manner in which educational options are available in Euskera. The final chapters focus on Euskera in the public sphere. The issue of language preservation has been brought to both the EU and the UN, a great display of regional pride in the culture. But it also shows that they know the culture and language could be endangered, thus prompting entering the world stage and transnational regulation out of necessity. The last chapter focuses on the COVID-19 pandemic and brings the harsh realities of a lack of language accessibility. Whilst we can speak academically about the benefits of Euskera to culture, it affects people in the day to day as they need to access basic services like health care. Language ties together so many pieces of culture and daily life.

Language is a facilitator of a bigger picture. Euskera has dutifully served as a pillar in preserving the culture and the people through centuries of being the minority in the region. It has created a culture of proud people who have stood the test of time and, at times, persecution. The laws must be expanded to reflect this, not only to honor those in the Basque Country, but also to take the burden off of them as being the central force to protect this language. The call for respect and equal application of the language is still being heard from political groups, nationalists, and by the average citizens. Although ETA is no longer functioning, these protests

and calls are *from* the Basque people *in* Euskera for the protection of this language, their rights, and their heritage. By expanding language protections in the law, more people can be consistently exposed to the language and allow it to have its power. With language will come culture and a whole community because language holds the power to bring people together and gives so many a place of belonging.

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