

# The Basque Language in the Basque Autonomous Community (BAC)

Urrutia, Iñigo

Univ. of Basque Country, UPV/EHU. Faculty of Economics and Business Studies. Department of Constitutional and Administrative Law and Philosophy of Law. Lehendakari Agirre, 83. 48015 Bilbo

Irujo, Xabier

Univ. of Nevada. Center for Basque Studies. 89557-0012 Reno

---

*Lan honek Euskal Autonomia Erkidegoan euskararen erregimen juridikoa azaltzea du helburu. Euskararen estatus juridikotik abiatuak eta Espainiako Konstituzio Auzitegiak euskararen ofizialtasunari emandako irakurketatik abiatuak, sektore desberdinetan (Administrazioan, irakaskuntzan, komunikabideetan...) euskararen erregimen juridikoa ikertzen da. Halaber lan honek hizkuntzen ofizialtasun bikoitzari antzeman dakizkiokeen ahulezietan eta bereziki etorkizuneko erronketan erreparatzen du.*

*Giltza-Hitzak: Euskal Herria. Hizkuntza Eskubideak. Euskara. Hizkuntza Statusa. Hizkuntza Normalizazioa. Hizkuntza Plangintza. Euskal Autonomia Erkidegoko Estatutua. Euskararen legea.*

*Este trabajo analiza el régimen jurídico del euskera en la Comunidad Autónoma del País Vasco. Partiendo del estudio del estatus jurídico de la lengua vasca y de la lectura y alcance que el Tribunal Constitucional español ha concedido al régimen de doble oficialidad lingüística, el trabajo se adentra en el análisis del régimen jurídico del euskera en los diversos sectores (Administraciones Públicas, educación, medios de comunicación, ámbito comercial...). Asimismo, teniendo en cuenta la experiencia de los últimos 30 años de cooficialidad, el trabajo trata de identificar los puntos críticos del régimen de doble oficialidad lingüística, y reflexiona sobre los retos de futuro.*

*Palabras Clave: País Vasco. Derechos Lingüísticos. Euskera. Status Lingüístico. Normalización lingüística. Planificación Lingüística. Estatuto de Autonomía del País Vasco. Ley del Euskera.*

*Cette étude porte sur le régime juridique de l'euskara dans la Communauté Autonome du Pays Basque. En partant de l'étude du statut juridique de la langue basque et de l'interprétation et portée accordée par le Tribunal Constitutionnel au régime de double officialité linguistique, ce travail analyse en profondeur le régime juridique de l'euskara dans divers secteurs (Administrations Publiques, éducation, médias, domaine commercial...). En outre, compte tenu de l'expérience de coofficialité des 30 dernières années, il tente d'identifier les points critiques du régime de double officialité linguistique et il invite à réfléchir sur les enjeux futurs.*

*Mots-Clé : Pays Basque. Droits Linguistiques. Euskara. Statut Linguistique. Normalisation linguistique. Planification Linguistique. Statut d'Autonomie du Pays Basque. Loi de l'Euskara.*

## DESIGNING THE LINGUISTIC STANDARDIZATION PROCESS

Languages are social communication instruments and, at the same time, they represent an identifying factor for communities which have their own and where these languages are more or less widely spoken. The right to a language is a right for all individuals and for groups of speakers; it is an individual and yet social right. Euskara is a basic element of the Basque People's national personality. It is an instrument of communication also providing integration and social cohesion for citizens and territories in the Basque Country. It is the link between all territories which have it as their own language, comprising a linguistic community where national Basque identity is supported. It is, at the end of the day, the Basque Country's own language, an element which characterises and singularises our community.

Basque lives alongside two of the most powerful languages on earth: French to the north of the Pyrenees and Spanish in the south. The situation of language contact which occurs in all the "Euskara/Basque territories", in Euskal Herria, is characterised by the unequal weight for each of them from the point of view of number of speakers and the social or communicative functions which are carried out in one language or another.

In the same way as occurs in all places where public powers come up against the definition of a linguistic policy, the Basque linguistic policy in the BAC is conditioned by two factors. One is objective, concerning specific language contact situation; and the other is political, referring to different levels of agreement with approaches revolving around its future and promotion, as well as the route to achieve this.<sup>1</sup>

The first factor concerns linguistic diversity in Basque society. This is, by the way, an increasingly and plural diverse society from a cultural and also linguistic point of view, which is nourished by new and diverse sources. Multiculturalism in a political community with two official languages, one with as extensive international spread as Spanish (332 million speakers throughout the world), and the other in a minority situation (700,000 speakers<sup>2</sup> in the Basque Country<sup>3</sup>) sets us future challenges which seem to demand specific measures to make linguistic integration more effective, including the country's own language. This is a real sit-

---

1. Linguistic standardisation is not only the result but also the path to achieve it according to VERNET i LLOBET: 1992, 54.

2. According to the last survey, which does not include speakers aged under 16, in absolute terms, we should talk about a linguistic community of less than a million speakers.

3. The number of Basque speakers outside the territory of Euskal Herria is not large and is concentrated fundamentally on the places that Basques have historically chosen for migration in the United States, fundamentally in Boise (Idaho) and San Francisco or Los Angeles (California), where Basque is still a standardised communication element in certain social fields. Outside these nuclei, the Basque Government has recently promoted a campaign to diffuse the Basque language abroad managing to create an approximate total of 40 Basque language chairs in different universities in Europe and America.

uation occurring in practically all stateless populations in Europe and, therefore, a real situation which many minority languages are facing in the European Union and other parts of our world.

Relating to the second factor, the current linguistic standard in the BAC is the result of a political agreement adopted at the start of the 1980s.<sup>4</sup> Law 10/1982, dated 24<sup>th</sup> November, basic law to standardise the use of Basque (LNE) continues to be the keystone in the BAC linguistic system, as the fruit of a plural agreement which would form the backbone of the Basque linguistic model in this territory. As we will have the opportunity to see later on, the different languages which live side by side in the Spanish state have different characteristics and represent different situations, because they are also subject to different legal systems so that, as an example, the linguistic model applied in the BAC has many differences from the Catalan linguistic model.

The Catalan linguistic policy, based on a very different sociolinguistic reality to Basque, started to take shape by adopting the principle of *linguistic conjunction*. Its exponent was the singular teaching model (which combines both languages, with predominant Catalan and which does not separate students for language reasons in the classrooms) and the application of generalised requirement criteria to speak Catalan to be able to apply for public employment in the Catalan Administration. On the contrary, and as a result of political agreement, the BAC model started to move forward by adopting the principle of *linguistic separation*, guaranteeing parents the right to choose the main language for their children's obligatory education (separating them in classrooms and even in different schools). On the other hand, the requirement to speak Basque to apply for work in the BAC administrations is only applied to jobs which have been previously determined as "bilingual" but not in all of them (creating two linguistic groups in public functions) and notifications to citizens are normally given in two columns written in each official language.

The Basque linguistic model in the BAC is characterised by guaranteeing spaces with linguistic freedom, aimed at satisfying the linguistic rights of whoever wants to use one language or another, meaning from one linguistic group or another, Basque speaking and Spanish speaking. There can be no doubt that the model has made significant progress, although its application also suggests aspects which leave pause for thought from the point of view of the increasingly plural future Basque society which is working towards greater integration and linguistic cohesion.

We not should forget either that Basque language is a minority language within an increasingly globalised context where communication and information tends towards globalisation. In short, Basque is a non standardised language. This explains why there is demand for a linguistic policy aimed at standardising

---

4. See COBREROS: 1998, 335-336

the use of Basque, Euskal Herria's vernacular and own language, guaranteeing linguistic rights to all citizens, which can be applied to Basque citizens in the Basque Country Autonomous Community (BAC) and the Foral Community of Navarra (CFN).

## **START POINT OF THE STANDARDIZATION PROCESS**

There are many factors which have influenced the social situation of the Basque language, among them, the political persecution it has suffered, or the legal imposition of the use of French or Spanish which its speakers have suffered for several centuries.<sup>5</sup> The Spanish monarchy and French Republic were both set up on the basis of political and legal uniformitarian process. Linguistic diversity was seen as a threat for this standardisation process, leading to a linguistic policy of repression and marginalisation of people's 'own' languages, including Basque.

When the Second Republic was proclaimed in Spain (1931-1936) Basque language obtained the status or rank of official language together with Spanish for the first time since the creation of the Spanish state. Actually, by virtue of the Autonomy Statute approved in October 1936, an autonomous Basque region was created within the Spanish Republic. For the first time, the official status of Basque alongside Spanish was formally declared by Law (Autonomy Statute of 1936, art. 1.3). The official status of Basque was declared only in three out of the four Basque territories in the Spanish state, Araba, Bizkaia and Gipuzkoa, given that Navarra was excluded from the autonomy statute.<sup>6</sup> The fast occupation of Araba by troupes loyal to Generalísimo Francisco Franco after Civil War broke out in 1936, in July the same year, made it practically impossible to make the autonomy statute's regulations concerning linguistic issues effective in this territory. In any case, Basque's official status lasted a very short time. When Franco's troupes took all the territories controlled by the Basque Government in July 1936, this led to a dictatorship which lasted 39 years from 1936 to the dictator's death on 22nd November 1975.

The dictatorship represented the appearance of a scenario aiming to unify the state through standardising the diversity of cultures and languages. One of its characteristics, along with systematically ignoring human rights and the most elementary rules of democracy, was to try and remove all cultural and political vestiges that differentiated the Basque Country from the Spanish state. The Fascist state laid down a linguistic policy to repress any demonstration of Basque or other minority languages in the State, prohibiting and punishing its use very violently.<sup>7</sup> It was therefore prohibited to use Basque in public or in private: it was prohibited to baptise children with Basque names, church services in the Basque

---

5. See CASTELLS: 1977, 286-325; 1986, 56-90; EUSKALTZAINDIA: 1977 (*in totum*); INTXAUSTI: 1990, 20-50; TORREALDAI: 1998 (*in totum*); 1982 (*in totum*)

6. See CASTELLS: 1986, 40-68

7. See TORREALDAI: 1998, 138-180

language were forbidden (curiously at first this was only after eight o'clock in the morning), all Basque schools were closed, the Basque language was erased from the administration and education system, even some Basque spellings were banned such as the "k" or the "tx" "due to their separatist connotations...". It went so far as to order families and owners of tombs and pantheons with dead family members' inscriptions in Basque to remove these gravestones and replace them with others in Spanish or simply erase inscriptions in Basque.

It was not only the Basque language which suffered the Fascist state's constrictive measures, but all national languages other than Spanish (such as Catalan or Galician).<sup>8</sup> Obviously, this assimilating linguistic policy had some very serious effects on the Basque language and other repressed languages. At the time the only linguistic policy in favour of Basque was in exile<sup>9</sup> and this provided the initial field of work for the public Basque autonomic power when designing the linguistic planning process.

## **SOCIOLINGUISTIC SITUATION**

The BAC covers a relatively small area, 7,000 km<sup>2</sup>, and is home to 2,100,000 inhabitants.<sup>10</sup> The distribution of the population between the BAC's three Historic Territories is unequal: 53% of this total corresponds to Bizkaia, 32% to Gipuzkoa and 15% to Araba. As a consequence of the very low birth rate, over the last few decades BAC population has decreased, showing progressive aging. We should also add a certain migratory return flow to this which has caused the Basque population to stagnate and even regress. However, from 2001 data seemed to show the start of a slight demographic recovery process.

Something which could be of interest in this snapshot of the sociolinguistic situation relates to the origin of the population. From the 1950s there was a massive migratory flow attracted by industrial employment, mainly in Bizkaia but also in Gipuzkoa. It has been calculated that Basque population doubled during the 20th century due to immigration, fundamentally from Extremadura and Andalusia (Spanish speaking). 27% of the current Basque population (564,656 persons) were born outside the BAC. However, the arrival of foreign immigrant population, although incipient, shows a growing progression year after year. Despite the fact that the percentages which represent immigration today are relative (according to the latest official data it stands at about 5%),<sup>11</sup> we might still think

---

8. About Catalonia see FERRER I GIRONES: 1993 (in totum);

9. IRUJO: 2005, 337-486

10. Official data from the Basque Statistics Institute can be consulted on: [http://www.eustat.es/ele0004400/tbl0004432\\_c.html](http://www.eustat.es/ele0004400/tbl0004432_c.html)

11. According to the data provided by the Minister of Work and Social Matters, this refers to 57,395 people who had a residence card or permit in 2005; according to INE data and the Population and Housing Census, 2001 this referred to 31,000 people (data also adopted by EUSTAT - statistics for migratory movements, 2004-). This data can be consulted on the Basque Statistics Institute website: <http://www.eustat.es/estad/arbola.asp?idioma=c>

that there could be certain transcendence in the mid term on the Basque sociolinguistic situation. Full integration of this collective seems to require a specifically focussed linguistic policy, which makes it possible to access the knowledge and use of the country's own language, without being limited to searching for integration through the Spanish language.

To date, four sociolinguistic surveys have been run which analysed the population's linguistic skills: in 1991, 1996, 2001 and 2006 (published in 2008).<sup>12</sup> Using the sociolinguistic survey database and complementing it with data extracted from the population census (from 1981) the BAC Sociolinguistic Map has been created (published in 2005 referring to data from 2001). The Map shows that, in 1981, when the linguistic policy was created, 66% of the population over five years old were monolingual Spanish speakers, 12% were passive bilinguals and 22% bilingual using the Basque language correctly. Ten years later, in 1991, the percentage of monolingual Spanish speakers dropped 10 points to 57%, passive bilinguals rose four points to 16% and bilinguals reached 26%, four points more than in 1981. Finally, in 2001, 50% were monolingual Spanish speakers (984,656 people who do not understand or speak Basque), 32% were bilingual (they speak Spanish well and Basque quite well) and 18% passive bilingual (they speak Spanish well but speak Basque with difficulty, although they understand). This means that in twenty years the percentage of bilinguals has risen 12% whilst the number of monolinguals has dropped 16%.

The 2006 sociolinguistic survey reflects these very same figures and progressions (but excluding young people under sixteen years old). According to 2006 data the BAC has 1,850,500 inhabitants aged sixteen or more, 30.1% of whom (557,600 people) are fully bilingual, meaning that they speak both Basque and Spanish well. A further 339,600 (18.3%) are able to understand Basque although they do not speak it well; these will be referred to as passive bilinguals. The rest (953,300 people, i.e. 51.5%) are non-Basque speakers, in other words, people who do not know Basque at all. Over the past fifteen years, from 1991 to 2006, the number of full bilinguals has increased by 138,400. Their proportion has also grown: from 24.1% of the whole population in 1991 to 27.7% in 1996, 29.4% in 2001, and again to 30.1% in 2006. It is interesting to note that despite the fact that the overall over-fifteen population has constantly grown, there are at present 119,300 fewer completely non-Basque speakers today than fifteen years ago, falling from 59.2% of the population in 1991 to 51.5% in 2006. In the same period the percentage of the population who although they do not speak Basque perfectly can understand it has risen, from 8.5% to 18.3%.

Progressive figures show that Basque's standardisation process is moving forward. The percentage of bilinguals is increasingly higher; whilst monolingual numbers are increasingly lower (an annual increase in the rate of bilingualism of just over 0.5%). There is therefore a constant level of people taking on Basque.

---

12. Available in English in [http://www.euskara.euskadi.net/r59-738/en/contenidos/informacion/inkesta\\_soziolinguistikoa2006/en\\_survey/adjuntos/IV\\_incuesta\\_en.pdf](http://www.euskara.euskadi.net/r59-738/en/contenidos/informacion/inkesta_soziolinguistikoa2006/en_survey/adjuntos/IV_incuesta_en.pdf)

The growth of bilinguals and the reduction of monolinguals have occurred in the three Historical Territories with similar percentages although the sociolinguistic situation in each one continues to be diverse, as diverse as the situation they started from. In Araba the percentage of bilinguals has quadrupled in the last twenty years going from 7% to the current 14.2%, in Bizkaia it has gone from sixteen to the current 23%, and in Gipuzkoa from 43 to 49%.

In conclusion, in 2006 one in every three people in the BAC was bilingual. Within the same age group, half of the population of the BAC declared themselves to be monolingual Spanish speaking; and 18% passive bilingual. This is general data but it can be combined with more specific readings. So, if we look more carefully at the different age ranges, those over sixteen are majority monolingual Spanish speakers, whilst one-third is bilingual and less than the 20% passive bilingual. This data contrasts with the data obtained in the lower age range, between five and fourteen years old,<sup>13</sup> where we find that two-thirds 66% is bilingual (186,400 young people), 23% is passive bilingual and only 12% is monolingual Spanish speaking.

The reading is positive, in so far as the data reflects a linguistic transformation tending towards the recover of Basque on the one hand and the projection of bilingualism, understanding this to be a source of cultural wealth. Taking into account the age ranges we have referred to, this is a linguistic transformation which has fundamentally occurred in the schools system. So then, the data also leads us to think about the limitations of the school system to achieve the aim of bringing Basque to students which we will talk about later). It can be understood this way because in the fifteen to nineteen age range, only 56% of students speak both official languages properly. In other words, the school linguistic system designed around the principle of separation guarantees Spanish is learnt but it does not guarantee that students are completely immersed in Basque, which is an aspect currently being corrected (as explained later on). In short, practically half the population finishing obligatory education in the BAC will not attain the legal objective of graduating with an appropriate knowledge of Basque.

Finally, we should highlight the change in the collective of Basque speakers caused by the massive incorporation of young neo-Basque speakers (bilingual and yet their first language is not Basque). Among the youngest generations, new-Basque speakers widely exceed Basque speakers (bilingual with Basque as their first language). Neo-Basque speakers usually speak Spanish at home and live in cities. The data shows that, as opposed to what you might think, the majority of bilinguals over five years old (66.3%) live in urban areas, mainly in the metropolitan areas of the three capital cities (Bilbao, San Sebastian and Vitoria) and in towns with more than 10,000 inhabitants. This is due to the demographic concentration falling mainly in urban nuclei, which are mainly made up of Spanish

---

13. This data can be consulted on the Sociolinguistic Map at the following address: [http://www1.euskadi.net/euskara\\_adierazleak/euskara\\_adierazleak\\_dat/docs/O166\\_c.pdf](http://www1.euskadi.net/euskara_adierazleak/euskara_adierazleak_dat/docs/O166_c.pdf)  
Also in the Euskal Herria linguistic indicators system (EAS) which can be accessed over the Internet at [http://www1.euskadi.net/euskara\\_adierazleak/zerrenda.apl?hizk=c&gaia=25](http://www1.euskadi.net/euskara_adierazleak/zerrenda.apl?hizk=c&gaia=25)

More recently in the Fourth Sociolinguistic Survey (op. cit. previous food note) p. 15

speakers where the density of Basque speakers is low, limiting the possibilities of using it. However, the highest density of Basque speakers is found in small and medium sized populations. When all is said and done, relating to measuring use, the number of people who usually speak Basque are less than half the people who are capable of doing so.

## **STATUS OF BASQUE: DOUBLE JOINT OFFICIAL STATUS**

From a legal point of view, the status of Basque is shaped by a triple condition. The Basque language is:

- One of the two official languages in the territory of the Basque Country Autonomous Community, along with Spanish, which is official in the whole Spanish State. It should be highlighted that, by virtue of the Spanish Constitution, it is obligatory to speak Spanish. The duty to know a language only refers to Spanish and not the rest of the official languages in the Autonomous Communities. The duty to speak Spanish has been interpreted so as to exclude by the Constitutional Court, which denied the possibility for Autonomous Communities' legislation to establish a similar duty for their own languages.<sup>14</sup> However, the new Catalonia Autonomy Statute has included in article 6.2 that "All persons have the right to use the two official languages and citizens of Catalonia have the right and the duty to know them. The public authorities of Catalonia shall establish the necessary measures to enable exercising these rights and fulfilling this duty". This article has been appealed against before the constitutional court which should make a decision on its constitutionality.
- Despite not having planned its full official status within the field of the European Union, it is one of the languages referred to in paragraph 2 of article 53 of the Treaty on European Union,<sup>15</sup> occupying an intermediate status

---

14. The Constitutional Court has interpreted that "Art. 3.1 of the Constitution establishes a general duty to know Spanish as the State official language; duty agreeing with other constitutional dispositions that recognise the existence of a common language for all Spanish people, and whose knowledge can be presumed in any case, independently of residence or neighbourhood factors. The same does not occur however, with other so-official languages in Spain in the respective Autonomous Communities, as the aforementioned article does not establish this duty for them, without this being able to be considered discriminatory, by not respecting the co-official languages from the aforementioned suppositions which give fundament to the obligatory nature of knowing Spanish. (STC 84/1986, dated 26th June, FJ 2).

15. According to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007

See. also, Declaration on Article 53(2) of the Treaty on European Union that rules as follow "The Conference considers that the possibility of producing translations of the Treaties in the languages mentioned in Article 53(2) contributes to fulfilling the objective of respecting the Union's rich cultural and linguistic diversity as set forth in the fourth subparagraph of Article 2(3). In this context, the Conference confirms the attachment of the Union to the cultural diversity of Europe and the special attention it will continue to pay to these and other languages. The Conference recommends that Member States wishing to avail themselves of the possibility recognised in Article 53(2) should communicate to the Council, within six months from the date of the signature of the Treaty of Lisbon, the language or languages into which translations of the Treaties will be made.

along the official languages in the Union and those other languages which have not been recognised for any effect.<sup>16</sup>

- Basque is a minority language which benefits from this status and has been accredited with linguistic rights which are recognised by international law, particularly the European Charter for Regional or Minority Languages in 1992.<sup>17</sup>

To the extent that the latter two aspects have been analysed in relevant chapters of this work, we will focus on the first aspect: the double official linguistic status.

One of the basic aspects of the political-territorial configuration of the Spanish State through the Autonomous Communities relates to language. The very conceptual configuration of the Autonomous Communities in article 143 of the Spanish Constitution (CE) refers to the cultural (and linguistic) factor as fundamental to political autonomy. Relating to the autonomic linguistic regime, article 3.2 of the CE declares the official status of “the other languages in Spain” apart from Spanish in the respective Autonomous Communities according to their Statutes. The autonomy statute (basic institutional standard for the autonomous community) is therefore the instrument which has to establish the profiles of Basque’s official status in the BAC.

The Basque Country autonomy statute (Organic Law 3/1979, dated 18<sup>th</sup> December) called the Gernika Statute, because this is where the Basque Parliament approved it, deals with the status of Basque in two articles, 6 and 35. Article 6 states:

1. Euskara, own language of the Basque People will have, like Spanish, official status in the Basque Country, and all its inhabitants will have the right to know and use both languages.
2. The common institutions of the Autonomous Community, taking into account the sociolinguistic diversity in the Basque Country, will guarantee the use of both languages, regulating their official status and they will arbitrate and regulate the measures and resources required to assure its knowledge.
3. Nobody can be discriminated against for reasons of language.
4. The Royal Academy of the Basque language – Euskaltzaindia is the official consultation institution referring to Basque.
5. As Basque belongs to the heritage of other Basque territories and communities, in addition to the links and correspondence which the academic and cultural institutions maintain, the Basque Country Autonomous Community can request that the Spanish government hold and present, when appro-

---

16. URRUTIA, I: 2006 (II), 707-745. On the current Basque statute in the EU see EU Council Agreement, General Matters and foreign affairs, dated 13th June 2005 (doc. 9499/05 press 131). Ref to work of A. MILIAN & MASSANA in this work.

17. Ratification, 9th April 2001; publication in BOE dated 15th September 2001.

priate before the General Courts for authorisation, treaties or agreements which permit cultural relations to be set up with States where these territories or communities are located in order to safeguard and promote the Basque language.

The precept legally configures the status of Basque in the BAC on the basis of five parameters which we will summarise below:

1. *Shared official status.* Spanish is the official language of the whole Spanish state, including the territory of the BAC. The Gernika Statute declares the official status of Basque and Spanish jointly over the territory of the Autonomous Community. The double official status regime jointly between Basque and Spanish produces the effect that the formal legal status of the two languages is equal in this territory. From the formal perspective, the shared official status means equality of languages.<sup>18</sup> As stated in the Constitutional Court “the co-official linguistic regime established by the Constitution and the Autonomy Statutes assumes not only co-existence but also cohabitation of both languages.<sup>19</sup> However, this equality does not formally correspond to real material equality.
2. *Linguistic rights and duties.* The official language status represents implicit recognition of validity and legal effectiveness of manifestations made in this language. The language can be conceived as a formal element of the legal act, but it is above all a communication mechanism. From there we can take it that the declaration of the official nature of Basque also attributed rights to citizens. The official shared nature of Basque and Spanish in the BAC produces the citizens’ basic right to use Basque or Spanish indistinctly.<sup>20</sup> Anyhow the actual sociolinguistic situation in the country and particularly the lack of knowledge of Basque among people working in public services obviously limits Basque speakers’ rights.<sup>21</sup> Freedom of language goes from being a manifestation of freedom of expression to become a subjective public right, which will demand that public powers not only recognise effects of the manifestations made in either of the two official languages but also that the response to exercising the right to choose should be in the same language as the citizen has used. The right to choose the language forms part of the basic content of the statute for shared official status. The use of Basque or Spanish is configured by citizens as a right to freedom, as regardless of the official language that they use in their relations with public powers in the Autonomous Community, they have to produce effects. This is precisely the defining factor for the double official status model applied in the BAC.

---

18. COBREROS: 1989, 44; ALBERTÍ, 1999, 93.

19. Constitutional Court Sentence (STC) 337/1994, 23rd December, FJ 6.

20. AGIRREAZKUENAGA: 2003, 84; AGIRREAZKUENAGA: 1999, 109.

21. AGIRREAZKUENAGA: 1998, 343

The Gernika Statute does not explicitly establish linguistic duties with regard to citizens as opposed to the new Catalonia Statute in 2006. It only guarantees linguistic rights and requires that Basque institutions regulate “the required measures and resources to assure knowledge” of both official languages.

The Constitutional Court has stated on this matter that “from recognising the co-official status of Spanish and an autonomous community’s own language the mandate is derived for the public, state and regional powers, to include both official languages as an obligatory school subject, in order to assure the constitutional and statutory right to use it”.<sup>22</sup> The declaration of the official nature of Basque requires that it is incorporated into regulated teaching with the intensity required to assure its knowledge. Here emerges a “duty to knowledge,” a duty to learn the Basque language at school for all the students enrolled in schools in the BAC. This is a duty to learn Basque which emerges indirectly from the official nature of Basque<sup>23</sup>.

3. *Basque as a language in its own right.* During Parliamentary processing of both the autonomy statute and principally the law to standardise Basque, there was intense debate on this term. Reading the discussions leads us to consider the political transcendence that all the parliamentary groups conceded to the concept, to the extent that it could represent an unbalancing factor for the position of legal equality between the two official languages.<sup>24</sup>

The concept of “own language” incorporates a collective dimension, as opposed to an individual dimension which characterises the recognition of linguistic rights linked to double official status. Both act on different planes. The double official status is symmetrical regarding the guarantee for the linguistic rights, whilst the “ownness” is interpreted as a factor which justifies measures awarding preference of use to the own language, acting within the framework of guaranteeing linguistic rights.

The joint official status of Basque and Spanish awards rights to citizens whilst the declaration of own language acts within the field of promoting the language.<sup>25</sup> The nature of “own language” legitimises the measures aimed at encouraging the use of the language declared as such, Basque. In this respect, the Supreme Court has said that

---

22. STC 337/1994, 23rd December, FJ 4; also STC 87/1983, 27 October FJ 5 and STC 88/1983, same date, FJ 4.

23. URRUTIA, I: 2005, 366.

24. The minutes from the sessions on 18th and 29th June 1982 (in commission) and 24-25 November (in plenary session), suggesting the positions of the different political groups around the concept have been compiled in the BASQUE PARLIAMENT publication: 1991. Processing art. 6 of the Statute can be following in TAMAYO: 2006.

25. Vid. MIRAMBELL: 1999, 57

it is constitutionally possible for autonomic legislation to incorporate preferential use of the Gallego language in Public Administrations, for the autonomous community and local Galician entities.<sup>26</sup>

The specific scope of the principle of own-ness will depend, not on the concept itself, but on the legislator, who has to work out its scope. So then, the required compatibility between the principle of own-ness and the double official status principle removes the boundaries for operating the former.<sup>27</sup> Standardized operation in the own language (in Basque) is possible; it has to make itself compatible with the citizen's right to choose the language derived from the shared official status.

4. *No linguistic discrimination.* Art. 6.3 of the BAC autonomy statute declares the principle of non linguistic discrimination. In a joint double official status system the principle of equality and non linguistic discrimination is related to the shared status of the languages. Recognition of the same status for both languages supposes that citizens can use the language of their choice; this right must be guaranteed by the public power both in Basque and in Spanish. In the BAC no problems were raised relating to the right to use Spanish and its correlative guarantee. So then the level of Basque among Administration service personnel became a requirement to give real weight to the right to a linguistic option.

The principle of equality of languages has an essentially legal nature, and must be applied to a context or situation of inequality of languages explained by multiple reasons. This is why the public powers have to articulate positive action measures in favour of Basque, the least favoured language, to make the equality principle work. Limiting the differentiation of treatment constitutes discrimination, understanding that this occurs when different treatment cannot be justified, it is not reasonable for the purpose or the measures or effects produced are out of proportion.<sup>28</sup> We should distinguish between “discriminatory treatment” and “unequal treatment” or “positive discrimination” with the aim of making formal equality between Basque and Spanish real and effective.

5. *Promoting linguistic standardization.* Official status is a formal principle but the Gernika statute also assumed its material dimension, by enabling public powers to articulate a process with the end result of producing an egalitarian situation between Basque and Spanish. This enablement is characterised by its purpose. The linguistic standardisation process is conceived as a need that the statute awards to regional institutions.

Apart from the five basic references which have already been mentioned, the Gernika statute contains other linguistic conditions, such as the configuration of *Euskaltzaindia* as an official advisory institution referring to Basque; it recognis-

---

26. Constitutional Court Sentence 25th December, 2000 (FJ 7).

27. AGIRREAZKUENAGA: 1999, 112; MILIAN: 2002, 341; VERNET: 1996, 83.

28. On the different perspectives of the principle of equality and no linguistic discrimination see DE WITTE: 1985, 5-40.

es the BAC initiative to request from the central state government that International Treaties or Agreement relating to Basque are held, which has barely been fulfilled (art. 6.5), fundamentally due to lack of initiative or interest from the different central governments. Finally, article 35 of the statute refers to assessing knowledge of Basque as a preferential merit when accessing jobs in the legal system. As far as this is concerned, we should think that merely taking knowledge of Basque into consideration to take possession of and exercise legal functions in the Basque Country is maybe not the most appropriate way of guaranteeing the linguistic rights of subjects that legitimately exercise the option to use their country's own language before a legal body (right referred by the Sentence of the Constitutional Court 82/1986, FJ 11).<sup>29</sup>

## THE BASQUE LANGUAGE STANDARDIZATION LAW

Regarding the *legal framework*, we should emphasise Law 10/1982, dated 24<sup>th</sup> November, basic standardization of the use of Basque (LNE) which continues to be the basic law regulating the issue after more than 25 years in force. This is an important law in its meaning, to the extent that it represented the transit from the previous legal situation of iron ruled monolingualism (Basque was simply prohibited and its use was punished), opening up legal possibilities for teaching and using Basque. As a law it has made significant progress. None of the articles in the LNE have been formally modified or derogated by later laws, which reflects the consensus and parliamentary agreement which we referred to in the introduction, although some of its precepts have been reinterpreted these days in the light of the sector-based ruling which was approved afterwards.

Despite the high level of consensus with which it was approved in the BAC parliament, the LNE was subject to an appeal for unconstitutionality made by the president of the Spanish government, finally resolved by the important Constitutional Court Sentence 82/1986, dated 26<sup>th</sup> June. This sentence, with high legal-technical value, threw out allegation of incompetence made by the president, and only declared unconstitutionality for three precepts which would not affect the basic core of the ruling, so it was thought that the ruling generally "came off well".<sup>30</sup> Nevertheless this fact reflects how the state government views the standardisation of Basque.

There is currently a debate on whether it should be modified.<sup>31</sup> It must be taken into account that current Basque society is very different from the start of the

---

29. It shares the opinion of VERNET: 1999, 317.

30. Vid. COBREROS: 1989, 105. The articles declared unconstitutional were 6.2 (relating to the use of the language when there is no agreement between the intervening parties in the procedure; 8.3 (relating to the exclusive use of Basque locally), and 12.1 (on the qualification of the sworn translator).

31. See Basque Parliament resolution no. 4, dated 10th December 1999 which says "the Basque Parliament considers it necessary to develop legislation relating to standardising the use of Basque to make progress in initiatives to standardize Basque in most Basque speaking nuclei, in the media, in State Administration located in the Basque Country, in the socio-economic field, in the new information and communication technologies, in guaranteeing consumers' linguistic rights, in taxation incentives and local public entities." See: Comments by AGIRREAZKUENAGA: 2003, 278.

1980s. Important political transformations have occurred, such as joining the European Union, with the effects this might have on the linguistic perspective. There have been commercial, economic and social transformations, cultural globalization processes, from the world of communications and audiovisuals, the emergence in the technological field of infrastructure, networks, information highways which did not exist when the LNE was approved. We could think about the areas where the LNE is lacking, such as socioeconomics, managing public services, etc. or other fields where the law is too rigid, such as making bilingualism necessary in areas which are majority Basque speaking. But perhaps it would be more urgent to consider the convenience of reforming or reviewing some aspects of the law whose ineffectiveness seems to be demonstrated in practice, as occurs in education and in particular in the linguistic separation system. In short, it is proposed if possible at this time to find new political and social consensus around Basque working towards designing a single linguistic model which incorporates both languages in the same classroom.

As we expressed in the introduction, the law works from recognising Basque “as the most visible and objective sign of identity for our Community and an instrument to fully integrate the individual in it through knowledge and use.” Working from this perspective, Basque is recognized “as an integrating element for all citizens” in the BAC and it affirms the wish to “incorporate the rights of Basque citizens in linguistic matters in our legal ruling.” So then “the character of Basque as a language in its own right for the Basque People and as an official language alongside Spanish should not undermine the rights of those citizens who, for different reasons, cannot use it.”

The regulation contained in the LNE presents the following four characters:

1. It affirms the symbolic perspective of the Basque language, as an expression of the singularity of the Basque People or as an identifying element of a national reality.
2. The law acts as a source of linguistic rights (although many of the rights it declares are derived directly from the double official status regime).
3. We should highlight the linguistic policy model which this introduces, based on the separation principle, with symmetrical rights and duties (for official use) regarding both official languages.
4. The service-related perspective, guaranteeing recognized linguistic freedoms, in which the principle of progression gains ground, attested in many articles<sup>32</sup> and particularly in the third Additional Condition of the LNE. It is clear (and was expressed as such in the Supreme Court Sentence dated 23<sup>rd</sup> January 1998)<sup>33</sup> the lapse of time between the LNE coming into force to the present day means that the progression clause must currently be interpreted restrictively, without space for its allegation to make citizens' linguistic rights more relative.

---

32. Vid. Art. 6.1.b, 14.1, 15.2, 20.1, 25 of the LNE.

33. Aran.668, 1998.

The LNE lists citizens' rights and the duties of the public powers concerning linguistic matters. In general, for all BAC citizens, it recognises for the "right to know and use the official languages, both orally and in writing" (art. 5.1). The right to use is recognized for the whole BAC territory, both publicly ("independently of the strictest sense of the state, regional or local character of the different public powers"),<sup>34</sup> and in private. The LNE then declared the following "fundamental linguistic rights":

- a) Right to communicate in Basque or Spanish orally and/or in writing with the Administration and with any Organism or Entity located in the Autonomous Community.
- b) Right to receive teaching in both official languages.
- c) Right to receive periodic publications, radio and television programmes and other media in Basque.
- d) Right to carry out professional, work, political and trade union activities in Basque.
- e) Right to express yourself in Basque at any meeting.

Recognition of these fundamental linguistic rights (developed more specifically in Title 2 of the LNE) is completed with the imposition of public duties. Article 5.3 states that "public powers will guarantee these rights can be exercised, in the territorial field of the BAC, so that they are effective and real." Public powers are entrusted to guarantee the recognised rights. This is not only a matter of guaranteeing a negative status (not limiting the exercise of linguistic freedoms) but also articulating the necessary measures to make them effective. The law configures linguistic rights as real subjective rights.

## **BASQUE AND PUBLIC ADMINISTRATIONS**

The LNE guarantees citizens' right, inherent in the double official status regime, to use both Basque and Spanish when dealing with the Public Administration throughout the whole BAC territory, as well as the right to be attended in the official language of their choice. The second paragraph of art. 6.1 LNE refers to the Administration's response to exercising the right to use Basque, attesting that it would adopt "the opportune measures and the necessary media would be arbitrated to guarantee this right is exercised progressively."

What is the system applied by the Basque Administration to "guarantee this right is exercised progressively" in use? This refers to the system of linguistic profiles.<sup>35</sup> The linguistic profile system is an original system altogether but it has imported its defining basic elements from other European and American models. The main reference point is the bilingual job system applied by the federal administration in Canada, aimed to guarantee "institutional service bilingualism" (Eng-

---

34. STC 82/1986, dated 26th June, FJ 2.

35. Vid. AGIRREAZKUENEGA: 1994, 7-50; URRUTIA: 2001, 91-128.

lish/French).<sup>36</sup> The second contribution comes from the linguistic circuits system in the Brussels Capital Region, in Belgium (Flemish/French).<sup>37</sup> And the third is the integration in the sociolinguistic data planning system (the percentage of bilingual population living in the field of influence of the corresponding Administration), characteristic of the Finnish model (Swedish/Finnish).

Art. 14.2 of the LNE states that “the public powers will determine deadlines by which it is mandatory to know both languages.” Linguistic job characterization is conceived as the backbone of the system. The requirement to speak Basque to join the Public Administration met early support in the Constitutional Court doctrine.<sup>38</sup> However, it has always caused legal controversy and was taken to the Courts of Justice. This conflict, resulting from the almost systematic impugnation of any public employment offer published in the BAC in the 1980s, led to negative consequences for the standardization process at the time when the Basque Autonomic Administration was being created and undergoing its greatest expansion. The majority of civil servants taken on at that time were employed without any requirements to speak Basque, meaning that the linguistic rights which the law theoretically guaranteed were diluted in practice to the extent that civil servants do not have the linguistic skills required to deal with Basque speakers.<sup>39</sup>

The linguistic profile system<sup>40</sup> consists of setting a determined linguistic profile (LP) for each job in the civil service. The LP is determined by the level of skill in Basque required to do the job. The LP for each job is set through Job Relations. There are four linguistic profiles in ascending order of Basque skills (LP1, LP2, LP3 and LP4) which are assigned to posts according to the linguistic skills each one requires. Every job has its LP. The second element to take into account is the “obligation date” which is the date when it is obligatory to comply with the LP to access and provide the corresponding job. So, we talk about mandatory LP (where candidates had to accredit their corresponding profile) and non mandatory LP (not requiring profile accreditation). When the LP goes from being offset to mandatory the person currently doing this the job must accredit their LP; a

---

36. As I have had the opportunity to justify, the Basque model is separate from it to the extent that it tends towards “individual functional bilingualism” (URRUTIA: 2001, 94).

37. Vid. VANDERNOOT: 2004, 381.

38. See STC 82/1986, dated 26th June, FJ 14 (referring to art. 14.2 LNE). See also ERKOREKA: 1998, 425-439

39. Recent sentences seem to abound in the same line such as the STSJVP dated 26th October 2007 (JUR 2008\32694) which affirms that “there can be no doubt about the constitutional legitimacy of the requirement to speak Basque as a requirement to get a job with the BAC administration, given that the aim is to guarantee co-official status and in short citizens' rights to use Basque in their relations with the Administration is legitimate. So then the need for this knowledge is not accredited in the slightest when attending to the job's external relations from the time when, as affirmed in the request, relations are established in Spanish and the documentation required to do the job in Spanish or in English” (FJ 3).

40. See Law 6/1989, dated 6th July, of the Basque Public Function; Decree 86/1997, dated 15th April, which regulates the standardization process for the use of Basque in Basque public administrations.

series of day releases and temporary time off is available to take free classes in the Basque language.

The number of mandatory LP and offset LP is determined according to the “rate of obliged compliance or obligation” which is calculated on the basis of data relating to knowledge of Basque among the population living in the territory corresponding to this administration, using the following formula:

$$\text{Rate of obliged compliance} = \% \text{ Basque speakers} + (\% \text{ almost Basque speakers} / 2)$$

There are two fields which have remained outside the profile system application: healthcare and the police.<sup>41</sup> The education system, however, applies a variation on the system, characterized by the existence of two singular profiles, LP1 (teaching posts which do not use Basque) and LP2 (teaching posts requiring Basque). Obligation rates are determined by law based on the linguistic models followed in the school.<sup>42</sup>

The profile system is just a planning technique but what about the bilingualism model adopted by the BAC? The joint official status of the languages gives legislators several options when configuring the bilingualism model. It is like this to the extent that, as the constitutional court says,

the use by public powers of only one of the co-official languages can be made indistinctly, by ones' own initiative or even chosen by the interested party, when this is regulated, as long as this does not damage the rights of any interest party who can validly plead that they do not know the language being used (...). The fact that the whole procedure can be done in Basque is the natural consequence of the official nature of this language in the BAC, which leads to efficacy, within its field, of the actions carried out in it.<sup>43</sup>

On the basis of this doctrine we should attest that from a legal point of view the use of official languages can be regulated, although this can give rise to very different ways of carrying out the law. The law will determine which legal acts should be carried out simultaneously using the different languages, which acts can be adopted exclusively in the citizen's own language and under what conditions. So then, whatever the legal realization which determines the linguistic model, it should in any case guarantee citizens' right to a language option, without this necessarily meaning the simultaneous use of both official languages.

Article 8 of the LNE establishes, in paragraphs 1 and 2, the basic rules according to which both “legal conditions” and “official resolutions which

---

41. For the health sector, Law 8/1997, dated 26th June, of the Euskadi health order, art. 28; and for the Ertzaintza Law 4/1992, dated 17th June, for the Basque Country Police, art. 39-50, and Decree 133/1997, dated 10th June, which regulates the process of standardizing Basque in the Ertzaintza.

42. URRUTIA: 2001, 91-128.

43. STC 82/1986, FJ 9.

emanate from public powers,” such as “the acts where public powers intervene,” “administrative notifications and communications” have to be written in both languages. Sentences from the Basque Country Court of Appeal<sup>44</sup> have extended the requirement to simultaneously write all types of administrative documents in both languages, even material actions. As this is the dominant interpretive line, it must be said that in practice several acts are still dictated exclusively in Spanish, not so much referring to official publications (Official Journals, autonomic bulletins and Foral bulletins are written in double columns in both languages) where the requirements for bilingual writing are mostly guaranteed, but rather in notifications, and mainly in reports and other acts which are exclusively or principally internal. In addition, we should highlight, when we talk about infringement of rights that we are referring to the Basque language, as it is Basque speakers’ linguistic rights which are violated when these notifications are written exclusively in Spanish, with the consequent job of requesting them to be written in Basque.

The joint use of both languages is only exempt for notifications and administrative communications when “the private interested parties expressly choose to use just one of the Autonomous Community’s official languages” (art. 8.2). This refers to notifications in a single language, as an exception to the rule of simultaneous use, which can logically be exercised for both languages.

Relating to the *Periphery State Administration* located in the BAC, the LNE establishes in its Additional Third Condition that the Basque Government will promote, in accordance with the competent bodies, the adoption of measures tending towards progressive standardisation of the use of Basque in State Administration. However, in practice significant progress has not been made relating to introducing bilingualism into central state government work located in the BAC.<sup>45</sup> The linguistic skills of State administration service personnel have become essential, if not the very official nature of Basque will also suffer in this field.

## TEACHING

The basic characteristic of the educational linguistic system is the application of the principle of the freedom to choose the teaching language, which differentiates it from other linguistic systems which have been implanted such as Catalan or Gallego.<sup>46</sup>

The right to choose the teaching language at all education stages is declared in article 15 of the Basque standardisation law which states that “all students have the right to receive teaching both in Basque and in Spanish in the different levels of education.” As previously mentioned, the LNE configures a system of

---

44. See, among others, Basque Country Court of Appeal Sentence dated 30th December 1995.

45. See the reflections of AGIRREAZKUENAGA: 1998, 352

46. URRUTIA: 2005: 468-470

“linguistic separatism”,<sup>47</sup> based on the coexistence of different linguistic teaching models. The law introduces the system but it does not set the linguistic models; this work is done through regulatory standards.<sup>48</sup> The linguistic models are as follows:

- Model X: vehicular use of *Spanish* except in English class. This means that classes are given exclusively in Spanish and English classes are taught. Basque is not taught. This model has disappeared in practice and it is only applied for temporary residents in the BAC who do not have previous knowledge of Basque and are not going to acquire it as their stay is temporary. This currently covers 0.1% of students in the BAC.
- Model A: *vehicular use of Spanish* except in English class and for Basque language and literature. This means that classes are given exclusively in Spanish but English and Basque classes are also taught. This currently covers 19.9% of students in the BAC.
- Model B: *mixed vehicular use* of both official languages (50%). The classes are given half in Basque and half in Spanish. English classes are also given. This currently covers 23% of students in the BAC.
- Model D: the vehicular language is *Basque*, except for English and Spanish language and literature. This means that classes are given exclusively in Basque with Spanish language as a subject. This currently covers 57% of students in the BAC.

The most transcendent effect of this system involves separating students into different classes for language reasons.

The system's development depends on two factors, namely: social demand for each model and the public service field. Planning has to be connected to social demand. The legislation has not configured the right to language options as a right which can be exercised in the public teaching centre of choice. The right to this option must be exercised within the framework established by the public powers. The TSJPV jurisprudence attests that although it is true that the parent's wishes and the sociolinguistic reality of the area are criteria which prevent the education administration from assigning linguistic models in the centres arbitrarily, behind the back of majority options, these are just planning criteria.<sup>49</sup> These criteria have to be taken into account by the administration, but they do not configure rights. The parent's right to choose the linguistic option for each centre is not recognised, not even the right to establish a specific model when a determined number request it. Freedom to choose does not imply the configuration of the service.

---

47. MILIAN: 1994: 100

48. Decree 138/1983, dated 11th July, which regulates the use of official languages in non university teaching

49. See Basque Country Superior Court Sentence dated 26th October 2000, FJ 4 (Aran RJCA 2724) and STSJPV 28th September 2000, FJ 3.3 (Aran RJCA 2284); STSJPV 9th October 2001, FJ 3 (Aran JUR 42746). This jurisprudence is in accordance with STC 195/1989, dated 27th November, FJ 3 and STC 19/1990, 12th February, FJ 4.

Recognition of the freedom to choose from linguistic models reinforces some models and weakens others. Social demand for the models with the greatest presence of Basque have been constantly increasing, mainly model D (increasing 10 points in the last 10 years), to the detriment of model A (dropping 10 points), whilst B remains practically stable at around 23% of students.

For an outside observer of the Basque sociolinguistic situation, the social push for the Basque-only model is maybe surprising. It is an indubitable demonstration of Basque society's commitment to bilingualism and social awareness that model D guarantees the best balanced levels of knowledge of both official languages (not the case for model A which does not guarantee Basque is learnt) whilst in the remaining teaching subjects the levels of learning and performance do not vary from model to model. On the other hand, academic performance levels and the third language (English) or even fourth language (French as an optional subject) knowledge levels in the Ikastolas or model D schools have obtained excellent results which have been recognised on a European level on numerous occasions.

If the first pillar on which the linguistic system is based is recognition of the freedom to choose the vehicular language, the second pillar is the guarantee of knowledge of both official languages on finishing obligatory schooling. The target to "achieve real skills for written and spoken comprehension and expression in both languages, so that at least they can be used as functional languages and for ordinary use" is established as a priority. The Constitutional Court has referred to learning Basque and Spanish as a consequence of the official character of both languages "this naturally supposes that both languages must be taught in schools in the BAC with the intensity that means this target can be met";<sup>50</sup> on another occasion the same Court added a second target, "on finishing basic studies, students know and can use both co-official languages in the Autonomous Community correctly".<sup>51</sup> This court has put emphasis on the efficacy of achieving linguistic targets. Integrating Basque and Spanish into the teaching system is not understood to be neutral, but aimed at achieving certain targets effectively.

The most controversial aspect of the BAC system lies in numerous technical studies proving linguistic capability deficits among students on finishing obligatory schooling, mainly through model A (where the teaching is given entirely in Spanish) and B (mixed model).<sup>52</sup> This refers to a situation which is currently in the process of being corrected, as it turns out to be incompatible with the shared official status of the languages and with the principle of linguistic integration

---

50. STC 87/1983, 27th October, FJ 5 and STC 88/1983, 27th October, FJ 4.

51. STC 337/1994, 23rd December, FJ 12.

52. See for all the most recent from the Basque Educational Research and Evaluation Institute (depending on the Education Ministry), "evaluation of level B2 of Basque," accessible from Internet <http://www.isei-ivei.net/cast/pub/B2CAST.pdf> which concludes the need to reform the current linguistic models in order for students to get the results required by the standard.

which has to act through the education system. The education system cannot lead to creating two communities in the BAC separated by a linguistic barrier as could be occurring in the neighbouring Foral Community of Navarra. It would be better to move towards a more integrating model, a linguistic conjunction model, although equipping it with sufficient flexibility so it can adapt to the country's different sociolinguistic contexts.

Since 2006 there has been intense social and political debate in the BAC relating to whether the linguistic separation system should be modified. The debate took place as a consequence of the demand that the BAC Parliament took to the Basque Government Department of Education in order to design a new education model moving beyond the linguistic models system in force.<sup>53</sup>

Shortly it is expected that the parliament will start processing a new law project concerning linguistic policy in education which will modify the system in force. There are two master lines for the new linguistic system:

1. It clearly establishes the levels of knowledge which have to be guaranteed by the school regarding the official languages and English. The law project adapts to the language learning levels recommended by the European Council.
2. The second fundamental principle is strengthening the autonomy of schools in their linguistic aspect. This approach is based on making it possible for each school to define which language it will use as its teaching language according to the linguistic characteristics of the students and the sociolinguistic environment where the center is located. The basic objective of achieving balanced bilinguals in both official languages has to mark the measure of vehicular use of the official languages. Possibly each sociolinguistic context, each school, requires a determined linguistic policy in order to guarantee language knowledge results from their students. This is precisely what the law project is suggesting. The articulation of each school's linguistic autonomy will be laid down in the linguistic project which has to be approved by each centre, instrument which will regulate the treatment of languages in teaching and extra-curriculum aspects of the school.

Taking into account that the conditions of the surrounding area and social interaction favor the use of Spanish and that the evaluations have demonstrated that exposure to Basque in the teaching-learning process is fundamental in terms of acquiring sufficient oral and written communicative competence, Basque must occupy a pre-eminent position. The law project establishes that at least 60% of non linguistic curricular areas and subjects should be given in Basque language. Schools will have autonomy to determine the language in which the rest of the areas or subjects will be given. Spanish will also be used

---

53. Proposal no of the Law "relating to the educational linguistic system" approved on 2nd December 2005 (Official Basque Parliament Bulletin dated 16th December 2005).

as a learning language to guarantee appropriate knowledge of it. Foreign languages will occupy the place each school determines within their linguistic projects, always guaranteeing that the competence levels set for official languages are achieved.

Everybody is aware of the operative difficulties that such an open model can cause. However, working from the valorization of linguistic diversity, the project emphasizes the guarantee for higher levels of bilingualism, which could be sufficiently flexible to respond to and accommodate the different sociolinguistic realities in the country.

Regarding the university area, in the same way as for the non university field, the Statutes for the University of the Basque Country/Euskal Herriko Unibertsitatea (UPV-EHU)<sup>54</sup> establish a linguistic separation model which guarantees students “the right to receive teaching in either of the official languages within the framework of the teaching schedule” (art. 15.b) and “the right to take exams and evaluation tests in either of the official languages within the teaching schedule” (15.j) and also to carry out, publish and defend research in either of the official languages (art. 165.1). In the UPV-EHU, students can take all their studies entirely in Spanish and as far as the linguistic schedule permits it, they can also study totally or partially in Basque. However there are important differences from one faculty to another. Whilst in some faculties it is possible to take all courses in Basque (Law), in other faculties this possibility is minimal, and it must be done in Spanish. Essentially the studies available to students in Basque are a long way from matching what is offered in Spanish, even though an important effort is being made to correct this irregular situation.

## **MEDIA**

There can be no doubt about the transcendence of the written and audiovisual media (radio and television) to diffuse and standardise a minority language. In this respect, article 5.2.c in the Basque standardization law declares the fundamental linguistic right to “receive periodic publications, radio and television programs and other media in Basque.” The scope for this right is specified in articles 22-25 of the LNE.<sup>55</sup>

Article 22 of the LNE refers to the service-related reversal of the right to be informed in Basque, stating the following: “the Government will adopt the measures leading to increasing the presence of Basque in the social media, tending towards the progressive equality in the use of both official languages.” This sets the target of equalling the presence of both languages in the media.

In order to meet this objective, the LNE plans two lines of action:

---

54. Approved by Decree 322/2003, dated 23rd December.

55. See LASAGABASTER:1990 and LASAGABASTER and LAZCANO: 2004

1. Relating to the “BAC media” the government “will promote the preferential use of Basque”.<sup>56</sup>
2. Regarding “Radio Televisión Española transmission centers” the Basque Government will boost linguistic standardization in order to “assure appropriate presence of Basque as the Basque Country’s own language”.<sup>57</sup>

Finally the LNE centers different fields which must be included in promotional activities such as “radio-broadcasting, the press and publications, cinematography, theatre and shows and image and sound reproduction media”, regarding those that “will develop the opportune qualification within the laws which consider and regulate the previous points”.<sup>58</sup>

Since the start of the 1980s (when the Basque standardization law was approved) to the present day, the audiovisual world has undergone an enormous evolution which gives us a situation today which was unimaginable twenty five years ago. Think for minute for example that back then the television service was only provided by the state channel Radio Televisión Española and the Basque channel Euskal Telebista (in BAC), whilst now new technology (cable, satellite, TDT, TV over the Internet, telephone TV, local TV, etc.) has multiplied possibilities for receiving information, practically from anywhere in the world. Faced with this new scenario, not contemplated by the LNE, we need to interpret the “right to receive information in Basque” more broadly, linked to the principle of linguistic pluralism.<sup>59</sup>

Regarding Basque on the television, we should start by referring to the Basque public television service ETB. Law 5/1982, dated 20<sup>th</sup> May, created Euskal Irrati Telebista, the Basque Public Radio Television Entity (EITB), to directly manage the public audiovisual service. Art. 3.h of this law refers to the use of Basque adopting “the need for balance in the overall offer of radio/TV broadcasts in the Basque language” as a criterion in the BAC. In the current situation with two channels provided by Basque television Euskal Telebista (ETB), the balance has moved by means of the linguistic specification of each channel: ETB1 in Basque and ETB2 in Spanish. On the other hand, ETB is integrated in the digital platforms which run digital broadcasting via satellite (ETB-Sat integrated in Vía Digital, and Canal Vasco which is mainly broadcast in America and which broadcasts in Basque and Spanish).

As far as Radio Televisión Española (RTVE) is concerned, its new legislation sets the target to “promote territorial cohesion, plurality and linguistic and cultural diversity” in the Spanish state.<sup>60</sup> However, the lack of interest shown by

---

56. Art. 23 LNE.

57. Art. 24 LNE.

58. Art. 25 LNE.

59. See art. 20.3 of the Spanish Constitution.

60. Art. 3.2.e) of Law 17/2006, dated 5th June, for state owned radio and television.

RTVE management bodies, along with difficulties to control programming decisions legally has made the real presence of Basque practically nil. Faced with this fact, we could still argue legally that the right to receive information in Basque is an authentic subjective right, whose service-related content could also be required of RTVE programs,<sup>61</sup> mainly in its regional link-ups for both Basque autonomous communities, BAC and CFN (where the presence of Basque is minimal).<sup>62</sup>

Legislation on locally broadcast television also includes the principle of linguistic pluralism.<sup>63</sup> Meanwhile the reform of the standard on terrestrial digital television plans for the state government to boost the use of the different official languages in the state on channels adjudicated in the calls for bids.<sup>64</sup>

One question which has not been established by the LNE, but which is particularly important nowadays, involves setting linguistic quotas for television programs. Law 25/1994, dated 12<sup>th</sup> June,<sup>65</sup> included the order from the state on the European rulings on radio and television broadcasting, establishing in article 5.1 the need for television operators to reserve at least 51% of their time to broadcasting European audiovisual work; the second paragraph of the article states "more than 50% of the reserve time referring to the previous point will be dedicated in turn to showing European work in its original expression in any Spanish language." Relating to local television stations, autonomous communities can set the rules for equivalent contents.

Regarding analogue local television and digital local television (working from law 10/2005, dated 14<sup>th</sup> January),<sup>66</sup> autonomous communities, as well as exercising their authority in matters of linguistic standardization, are also authorized to award authorizations or broadcasting licences (local television concessions).<sup>67</sup> The scope for the use of Basque is set by the regional administration which can

---

61. LASAGABASTER and LAZCANO: 2004, 123.

62. See DIAZ NOCI: 1998, 459.

63. Art. 6.c) of Law 41/1995, dated 22nd December, on local land-based television (modified by Law 10/2005, dated 14th June).

64. Law 10/2005, dated 14th June, on urgent measures to promote digital land-based television, for deregulating cable television and promoting pluralism, establishes that "the government will promote the use of the different official languages of the State through channels adjudicated in the concessions to provide public TDT service in the Autonomous Communities which are recognized by their respective autonomy statutes.

65. Law 25/1994, dated 12th July, which incorporates the Spanish legal order directive 89(552/CEE on the coordination of legal, regulation and administrative conditions of the Member States relating to exercising radio and TV broadcasting activities. Modified by Law 22/1999, dated 7th June.

66. See Law 10/2005, dated 14th January, on urgent measures to promote TDT, deregulate cable TV and promote pluralism which modifies Law 41/1995, dated 22nd December on analogue Local Television. Also see Royal Decree 349/2004, dated 12th March, which approves the National Technical Plan for digital Local television.

67. Art. 9 and 13 of Law 41/1995, dated 22nd December, for analogue Local Television.

reserve a number of channels for broadcasting in Basque or a percentage of broadcasting on each channel in this language. The Basque standard on local television has chosen the latter system, with the aim of promoting the use of Basque as the preferential broadcasting language.<sup>68</sup> However, the criterion also relates to the sociolinguistic situation in the broadcasting zone of influence.

In the local television channels managed directly by the municipalities a minimum quota of 50% programming time in Basque is set. This is a minimum and general percentage for all municipally managed local television stations. This percentage should be increased in areas where a higher percentage of bilinguals are living.<sup>69</sup> In this way, in programming zones of influence which include municipalities where the percentage of Basque-speakers is, for example, 70%, the percentage of programs in Basque in the directly managed channels should be 70%.

As far as the local private (or commercial) television channels are concerned, it is established that

privately managed television channels must dedicate at least 20% of programming time to Basque, regardless of the town's sociolinguistic rate. In towns which exceed this percentage, programming will be done in Basque in proportion to the level of bilinguals in the corresponding service area.<sup>70</sup>

This means that the criterion to set the linguistic quota in Basque is the percentage of bilinguals who live in the broadcasting area for the corresponding local television station, setting a minimum quota of 20%. No channel has reserved its programs entirely in Basque, although it has been seen that in towns with less than 50% bilinguals, the government will have the ability to reserve a channel for a later call for bids, if none of the offers presented guarantees this 50% programming from the start.<sup>71</sup> It is also planned to assess improvement in programs in Basque (above minimums) as an adjudication criterion.<sup>72</sup>

Relating to *private television*,<sup>73</sup> with state broadcasting cover, guarantees of linguistic pluralism (regarding Basque) are also absent in practice. Based on the BAC's authority to regulate the use of Basque in the media, it should be possible to set linguistic quotas for programs on private TV stations. The same can be con-

---

68. Decree 190/2006, dated 3rd October, regulating the analogue Local Television service, art. 52.1.

69. Art. 22.2 of Decree 190/2006, dated 3rd October, regulating analogue Local Television service. Indexes of bilingual people are extracted from the data made public by the Basque Statistics Institute (EUSTAT) regarding the population of municipalities included in the area of influence of the local television service. As new data is published, the indexes must be altered (art. 22.5).

70. Art. 22.3 of Decree 190/2006, dated 3rd October, quote.

71. Art. 22.4 of Decree 190/2006, dated 3rd October, quote.

72. Art. 14.2.a) of Decree 190/2006, dated 3rd October, quote.

73. See law 10/1988, dated 3rd May, on Private Television. See particularly STC 127/1994, dated 5th May, FJ 8.

cluded for *cable television* for which the Autonomous Communities have certain authorities (percentage of independent audiovisual programs, distribution of certain television services, programme contents) although no linguistic provision has been set yet in the BAC.

As far as the *radio* is concerned, only FM radio is within the BAC's authority.<sup>74</sup> Basque public radio broadcasts entirely in Basque on FM over three channels with wide distribution. There are also specific rules for the linguistic issue relating to municipal and private concessions. Decree 138/1994, dated 22<sup>nd</sup> March, establishing the FM radio broadcasting public service concession regime with frequency modulating for municipal entities, establishes a minimum quota percentage for the presence of Basque in article 2. It is calculated according to the percentage of Basque-speaking population. If the program is aimed at children, the presence of Basque must be equal to the percentage of knowledge of Basque in the age group the program is targeting. Meanwhile Decree 240/1986, dated 11<sup>th</sup> November, refers to indirect management of the public service. The rule does not establish a system of quotas, although it does mention "the balanced use of the two official languages in the Community" among the criteria to adjudicate concessions (art. 8.a). As a complement, the Basque Government annually articulates promotion measures aimed at boosting the presence of Basque (minimum 25 hours a week) in radio broadcasting shows.

This line of promotion is also used to boost the *written press* in Basque. There is currently just one newspaper written entirely in Basque, *Berria* (which took over from the legally closed *Euskaldunon Egunkaria*).

## **PRIVATE AND COMMERCIAL SECTORS**

Relating to the private sector, article 5.2.d of the Basque standardization law declares "the right to develop professional, labour activities,.... and trade union activities in Basque" as well as the right to "express yourself in Basque in any meeting" (5.2.e). This imposes on public powers that they must guarantee exercising these rights, in order for them to be real and effective (art 5.3).

The LNE contains scarce reference relating to the use of Basque in non-public fields, as this was totally insufficient to articulate a public policy in this field.<sup>75</sup> In the LNE chapter dedicated to the "social use of Basque"<sup>76</sup> it states

Basque public powers will take the opportune measures and required resources working towards promoting the use of Basque in all fields of social life, to make it possible for citizens to carry out different mercantile, cultural, associative, sports, religious and any other activities in this language (art. 26).

---

74. Vid. Law 31/1987, dated 18th December, on the Telecommunications Order, art. 26

75. URRUTIA: 2006, 446.

76. Chapter 4 of title II of the LNE.

The linguistic policy planned by the LNE in this *inter private* field is limited to promotion instruments, and not through limiting techniques. The LNE has not planned any type of duty or linguistic limitation (customer service, relations, written use in documentation, invoicing, etc).<sup>77</sup>

In the field of private relations the linguistic regulation presents special complexity to the extent that linguistic interventions can enter into conflict with the principle of linguistic freedom which is basic in this field. However, public powers can intervene to guarantee consumers' rights, which also include linguistic rights, even though their scope will have to have its intensity tempered to the characteristics of each relationship.<sup>78</sup>

Basque Law 6/2003, dated 22<sup>nd</sup> December, approving the Consumers and Users' Statute completed the lack of ruling dedicating special attention to linguistic rights of consumers and establishing linguistic obligations for service providers and goods suppliers.<sup>79</sup> This is a ruling which has been technically refined, using a combination of connection points to articulate the linguistic regime for the socio-economic field.

Consumers and user's statute attests the right to "use both official languages in the terms of this law and other legal rulings" (art. 4.f) Specifically, art. 37 of the consumers' statute declares that "in compliance with the terms of *progression* ... consumers and users have the following linguistic rights:

- a. Right to receive *information on goods and services in Basque and Spanish*.
- b. Right to use *either of the official languages in their relations* with companies or establishments which are operating in the territorial field of the Autonomous Community; these must be in a position to be able to deal with them regardless of the official language they express themselves in."

The specific scope of both linguistic rights is made to depend on the nature of the service providing entity. A distinction is made between public entities, subsidized entities and general interest sectors (including universal and general interest public services) and establishments open to the public. Within these, the ruling differentiates between "large commercial establishments" and those which belong to "large entities" from other establishments, determining respect for each case of different linguistic requirements. Depending on the type of entity the ruling requires guaranteeing different levels of linguistic rights, giving details of the minimum written presence of Basque in each case. The paradigm of the Basque ruling is producing *bilingual* signs, warnings, communications, documents, contracts, invoices, etc. As far as oral use is concerned, the consumers' statute only requires establishments which "are in a position to be able to

---

77. URRUTIA: 1999, 67-90.

78. MILIAN: 1999, 465-519.

79. Law 6/2003, dated 22<sup>nd</sup> December, of the Statute for Consumers and Users, articles 37 to 42.

attend” to consumers in Basque. The terms used lead us to understand that an authentic linguistic right has not been declared which might be demanded by consumers. In any case, the standard does not contemplate resorting to sanctions for transgression of the linguistic duties it establishes.

The Basque consumer statute also includes linguistic rulings on matters of labelling regarding products distributed within the BAC, making it possible to use both languages indistinctly, without affecting protection of health and safety, the ruling can require the specific use of a specific language (art. 41). This is consistent with the doctrine laid down by the Constitutional Court Sentence 147/1996, dated 19<sup>th</sup> September, which attests that it is legitimate for the BAC to require the use of their own official language, in the same way that it is legitimate for the state to impose the obligatory use of Spanish on labelling based on state authorizes for health reasons. We could maybe criticise this argument for the excessive expansion of state authority over health which, beyond substantial contents or obligatory information on food ingredients, it also seems to include the language in which they have to be written, which is highly debatable or could even be understood to once again violate the linguistic rights of Basque speakers or speakers of the state’s national languages, except for Spanish.

## **CONCLUSION**

Basque is a basic element of the Basque people’s national identity. It is an instrument of communication, integration and social cohesion for citizens and the Basque territories. Basque is a bond between all territories where it is their own language, forming a linguistic community on which the Basque national identity is based on. It is the Basque Country’s own language.

The double official status regime jointly between Basque and Spanish in the BAC produces the effect that the formal legal status of the two languages is equal in this territory. From the formal perspective, the shared official status means equality of languages. The official shared nature of Basque and Spanish in the BAC produces the citizens’ basic right to use Basque or Spanish indistinctly, that is to say, the freedom of language use.

In any case it is important to point out that there are some factors that work out differences between both languages. Firstly, the co-official character that the Basque language holds in the BAC is not comparable to the Spanish language’s. The Spanish Constitution states that within the Spanish state, citizens have the right and also the duty to know the Spanish language while they only enjoy the right to know the Basque language. Said another way, it is essential to know Spanish and only optional to know Basque. And secondly, the legal declaration of the official status of a non-normalized language can not have immediate effects on the actual situation of it.

The double official status, which governs in the BAC, is of a formal legal nature, having to apply it in a context of unequal position of languages that can

be explained by many factors. Equality of languages at a legal level between Basque and Spanish have to be applied in a context of an unbalance situation between them. By treating them as equal when the reality is that they are in an unequal situation, the danger is that the inequality can be perpetuated. That is why in view of the equality principle it is necessary to take positive actions to ensure the substantive equality for the Basque language in consideration of its official status.

Working from the valorization of linguistic diversity, it is essential to continue making efforts in order to achieve a future Basque society in which language rights will be entirely guaranteed, especially in those areas where the right of using it are not fulfilled, like justice administration, state administration, ... The challenge is to achieve a plural and diverse Basque society but at the same time linguistically more integrated, allowing the right to use both official languages in all contexts without discrimination and ensuring the right to learn and know it.

## BIBLIOGRAPHY

- AGIRREAZKUENAGA, Iñaki (1990): "La exigencia del euskara en el acceso a la función pública: jurisprudencia y planificación normativa" in Edorta Cobreros (coor), *Euskararen lege araubideari buruzko Jardunaldiak / Jornadas sobre el régimen jurídico del euskara*, Oñate, Herri Arduralaritzaren Euskal Erakundea/ Instituto Vasco de Administración Pública, p. 259-270.
- AGIRREAZKUENAGA, Iñaki (1991): "Reflexiones jurídicas sobre la oficialidad y el deber de conocimiento de las lenguas" in Various Authors, *Estudios sobre la Constitución española. Homenaje al profesor Eduardo García de Enterría*. T. II, Madrid, Civitas.
- AGIRREAZKUENAGA, Iñaki (1994): "La cooficialidad lingüística en la Administración Foral y local del País Vasco" in Various Authors, *Cuestiones particulares del régimen foral y local vasco*. Bilbao, Herri Arduralaritzaren Euskal Erakundea/ Instituto Vasco de Administración Pública, p. 7-50.
- AGIRREAZKUENAGA, Iñaki (1998): "Principios, planificación y pluralismo lingüístico en Euskal Herria", *Revista Internacional de los Estudios Vascos* no 43-2, p. 341-354.
- AGIRREAZKUENAGA, Iñaki (1999): "Fundamentos y realidad de la planificación lingüística en las Administraciones Públicas Vascas" *Revista de Llengua i Dret* nº 31, p. 107-125.
- AGIRREAZKUENAGA, Iñaki (2003): *Diversidad y convivencia lingüística. Dimensión europea, nacional y claves jurídicas para la normalización del euskara*. Donostia-San Sebastián, Gipuzkoako Foru Aldundia / Diputación Foral de Gipuzkoa, 422 p.
- ALVERTÍ, Enoch (1999): "El régimen de doble oficialidad y los derechos y deberes lingüísticos" in Various Authors, *Estudios Jurídicos sobre la Ley de Política Lingüística*, Madrid, Generalitat de Catalunya / Marcial Pons, p. 77-106.
- ARGULLOL, Enric (1999): "La competencia legislativa de la Generalitat de Catalunya para establecer normativas lingüísticas y normalizar el catalán" in Various Authors, *Estudios Jurídicos sobre la Ley de Política Lingüística*, Madrid / Barcelona, Generalitat de Catalunya / Marcial Pons, p. 25-44
- CASTELLS, José Manuel (1977): "El idioma en la política estatutaria" in EUSKALTZAINDÍA, *El libro blanco del euskara*, Bilbao, Elkar, p. 286-325.

- CASTELLS, José Manuel (1986): *Reflexiones sobre la autonomía vasca*, Oñate, Herri Arduralaritzaren Euskal Erakundea/ Instituto Vasco de Administración Pública, 215 p.
- CASTELLS, José Manuel (1990): "Administración pública y doble oficialidad lingüística en la CAPV" in Edorta Cobreros (coor), *Euskararen lege araubideari buruzko Jardunaldiak / Jornadas sobre el régimen jurídico del euskara*, Oñate, Herri Arduralaritzaren Euskal Erakundea/Instituto Vasco de Administración Pública, p. 93-114.
- CASTELLS, José Manuel (1996): "La posible remoción del puesto de trabajo por razones lingüísticas: condiciones y requisitos" in *Revista Vasca de Administración Pública* nº 44(II), 46-61.
- COBREROS, Edorta (1989): *El régimen jurídico de la oficialidad del euskara*, Oñate, Herri Arduralaritzaren Euskal Erakundea/ Instituto Vasco de Administración Pública.
- COBREROS, Edorta (1989): "Algunas reflexiones sobre la Ley de Normalización del Euskera", *Revista Internacional de los Estudios Vascos* no 43-2, p. 333-339.
- DE WITTE, Bruno (1985): "Linguistic equality. A study in comparative Constitutional Law" in *Revista de Llengua i Dret* nº 6, p. 5-40.
- DIAZ NOCI, Javier (1998): "Los medios de comunicación y la normalización del euskera: balance de dieciséis años", *Revista Internacional de Estudios Vascos* no 43-2, 441-459
- EUSKALTZAINDIA (1977): *El libro blanco del euskara*. Bilbao, Elkar, 542 p.
- EUSKALTZAINDIA (1979): *Conflicto lingüístico en Euskadi*. Bilbao, Ediciones Vascas, 253 p.
- ERKOREKA, Josu Iñaki (1998): "El euskera en la Administración Pública Vasca: origen, situación actual y perspectivas", *Revista Internacional de los Estudios Vascos* no 43-2, 425-439
- FERRER I GIRONES, Francesc (1993): *La persecució política de la llengua catalana*. Edicions 62, 6 edit, Barcelona.
- INTXAUSTI, Joseba (1990): *Euskara euskaldunon hizkuntza*. Vitoria-Gasteiz, Eusko Jauriaritza/ Gobierno Vasco, 307 p.
- IRUJO AMETZAGA, Xabier (2005): *Euskal Erbeste Politikoa Uruguain (1943-1955)* Zarautz, HAEE-IVAP.
- LASAGABASTER, Iñaki (1990): "El euskara y los medios de comunicación" in Edorta Cobreros (coor), *Euskararen lege araubideari buruzko Jardunaldiak/ Jornadas sobre el régimen jurídico del euskara*. Oñate, Herri Arduralaritzaren Euskal Erakundea/ Instituto Vasco de Administración Pública, p. 209-234.
- LASAGABASTER, Iñaki y LAZCANO, Iñigo (2004): "La convivencia lingüística en los medios de comunicación de Euskal Herria" in *Revista Vasca de Administración Pública* nº 69 (II), p. 101-150.
- MILIAN i MASSANA, Antoni (1984): "La regulación constitucional del multilingüismo" in *Revista Española de Derecho Constitucional* nº 10,
- MILIAN i MASSANA, Antoni (1994): *Derechos lingüísticos y derecho fundamental a la educación. Un estudio comparado: Italia, Bélgica, Suiza, Canadá y España*. Madrid, Civitas/Generalitat de Catalunya, 478 p.
- MILIAN i MASSANA, Antoni (1999): "La exigencia de "al menos en catalán" como gananía de la presencia social de la lengua catalana" in Various Authors, *Estudios Jurídicos*

- sobre la Ley de Política Lingüística, Madrid, Generalitat de Catalunya / Marcial Pons, p. 465-510.
- MILIAN i MASSANA, Antoni (2000): *Público y privado en la normalización lingüística: cuatro estudios sobre derechos lingüísticos*. Barcelona, Atelier / Generalitat de Catalunya, 208 p.
- MILIAN i MASSANA, Antoni (2002): "Comentarios en torno a la Ley del Parlamento de Catalunya 1/1998, de 7 de enero, de política lingüística" in *Revista de Administración Pública* nº 157
- MIRAMBELL, Antoni (1999): "El catalán como lengua propia de Catalunya" VVA.A., *Estudios Jurídicos sobre la Ley de Política Lingüística*, Madrid, Generalitat / Marcial Pons, p. 45-76.
- PARLAMENTO VASCO (1991): *La ley básica de normalización del uso del euskara. Colección de trabajos parlamentarios* nº 6; Vitoria-Gasteiz, 654 p.
- TAMAYO, Virginia (1981): *Fuentes documentales y normativas del Estatuto de Gernika*. Diputación de Alava, Vitoria, 876 p.
- TORREALDAI, Juan Mari (1982): "Euskararen zapalkuntza (1936-1939)", *Jakin*, nº 24.
- TORREALDAI, Juan Mari (1998): *El libro negro del euskara*, Donostia, Tartalo.
- URRUTIA, Iñigo (1999): "Apuntes jurídicos sobre el paisaje lingüístico en Euskal Herria" in *Revista de Llengua i Dret* nº 31, 1999, 67-90.
- URRUTIA, Iñigo (2001): "El sistema de perfiles lingüísticos docentes y su técnica de aplicación" in *Revista Vasca de Administración Pública* nº 61 (II), págs. 91-128.
- URRUTIA, Iñigo (2004): "Régimen jurídico de las lenguas y reconocimiento de la diversidad lingüística en el Tratado por el que se establece una Constitución para Europa" in *Revista de Llengua i Dret* nº 42, p. 231-274.
- URRUTIA, Iñigo (2005): *Derechos lingüísticos y euskara en el sistema educativo*, Pamplona, Pamiela / Lete, 852 p.
- URRUTIA, Iñigo (2006 II): "The legal regime of languages and the recognition of the linguistic diversity in the European Constitution" in *Revue Juridique Themis* vol 40.3.
- URRUTIA, Iñigo (2006): "El estatuto del euskara en el País Vasco" in J.M. PÉREZ (coord.), *Estudios sobre el estatuto jurídico de las lenguas en España*. Barcelona, Atelier.
- VANDERNOOT, Pierre (2004): "L'emploi des langues dans la région bilingüe de Bruxelles-Capitale" in *Revista Vasca de Administración Pública* nº 69 (II), p. 381-390.
- VERNET i LLOBET, Jaume (1992): *Normalització lingüística i accés a la funció pública*, Barcelona, Fundació Jaume Callís, 214 p.
- VERNET i LLOBET, Jaume (1996): "Planificación lingüística en las Administraciones Públicas del Estado: en especial Administración periférica y justicia" in *Revista Vasca de Administración Pública* nº 44 (II), p. 77-100.
- VERNET i LLOBET, Jaume (1999): "Los principios de mérito y capacidad en la provisión de plazas de magistrados, jueces, fiscales y personal al servicio de la Administración de Justicia en las Comunidades con doble oficialidad lingüística" in Iñaki Agirreazkuena (dir.), *La Administración de Justicia en un Estado plurilingüe*, Madrid, Cuadernos de Derecho Judicial / Consejo General del Poder Judicial, p. 273-325.