

The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora

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Analytic Summary

Bastarache, Michel (Heenan Blaikie LLP. Metcalfe, 55, suite 300. K1P 6L5 Ottawa. Canada): **The Experience of Canada in Dealing with the Adoption of Legislation and the Administration of Justice in Two Official Languages at the Federal Level** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: Language rights created immense political controversy before and after Confederation. Limited guarantees for English and French appear in the Constitution of 1867 however, the regime proved unsatisfactory. All major constitutional controversies since then have centered around language rights. The federal official languages act in 1968 was followed by provincial legislation on languages. The Supreme Court of Canada became the main actor in the debate and resistance from the provinces led to a further interventionist role for the Court.

Key Words: Canada. Minority Language Rights. Constitution Act 1867. Charter of Rights 1982. Judicial Role.

Totoricagüena, Gloria (Pentsamendua: Basque Global Initiatives. 918 N. 18 th. Boise, Idaho 83703): **The Basque Language Abroad: Homeland and Diaspora Initiatives for Euskara** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: In diaspora communities, maintaining the language of a homeland can be tied to expectations of ethnic authenticity and legitimacy. Though speaking Basque is lauded by fellow immigrants and latter generations, Basque diaspora identity is more tied to ancestry than any other factor. Fieldwork questionnaires demonstrate that “Being Basque” does not depend on being able to speak Basque. Basque Government programs and funding have greatly affected the availability of Basque language maintenance possibilities.

Key Words: Basque. Diaspora. Language maintenance. Ethnicity. Euskal etxeak. Multilingualism.

Pons Parera, Eva (University of Barcelona. Faculty of Law. Constitutional Law and Political Science. Av. Diagonal, 684. Edificio Ilerdense. 08034 Barcelona): **International Legislation and the Basque Language** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: This article studies the contribution of international organisms to the preservation and promotion of Basque. Starting with an analysis of the characteristics and scope of international regulation, three protection paradigms are applied to Basque: human rights, minorities and linguistic diversity. Finally, an assessment is made of the potentialities and limitations of international legislation.

Key Words: International Law. Human Rights. Linguistic minorities. Linguistic diversity. Council of Europe.

Milian-Massana, Antoni (Universitat Autònoma de Barcelona. Law Faculty. Edifici B. 08193 Bellaterra): **Recognition of the Basque Language in EU Law: A Pending Issue?** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: This paper provides an analysis of the European Union's linguistic legislation and of the effects of the Union's policy on the position of non-state languages. The European Union's construction process has followed a transfer of power from the Member States (and the Regions with legislative powers) to the EU institutions, which have their own legislative, administrative and judicial powers. The EU's impact on the situation of the languages is two-fold and regards the operability of integral plurilingualism applied with an excluding nature as regards non-state languages, and the exercising of the community freedoms of circulation and movement which disfavors non-state languages.

Key Words: European language law. Minority languages. Linguistic policies. EU language requisites.

Lasagabaster, Iñaki (Univ. of Basque Country, UPV/EHU. Faculty of Economics and Business Sciences. Constitutional Law and Philosophy of Law. Lehendakari Agirre, 83. 48015 Bilbo): **The Legal Status of Euskara in the French and Spanish Constitutional Systems** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: The article examines the juridical regime of Basque in the Spanish and French Constitutions, in order to subsequently analyse the content of the governmental structures of each political administration in the seven territories. With reference to Navarra, mention is made of the restrictive form of recognising the *officialness* of Basque adapted, as well as the limiting policy of the use of the Basque. In the French Basque Country, the juridical impossibility of achieving *officialness* is commented on as well as the recent recognition of regional languages as part of the French heritage.

Key Words: Basque language. *Officialness*. Constitution. Statute.

Cobarrubias, Juan (Seton Hall University. Educational Leadership Management and Policy. 400 South Orange Avenue. JH # 443. South Orange 07079. New Jersey): **History of the "Normalization" of Basque in the Public Administration Sphere** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: This essay provides a clarification of the concept of normalization and distinguishes Linguistic Normalization from Political Normalization. It describes the history of language planning efforts in the Basque Autonomous Community within the context of the current Spanish Constitution. It provides a sociolinguistic account of the political history of Basque Foral tradition and Foral Culture which enhance our understanding of the current dialog on issues of Political Normalization.

Key Words: Linguistic normalization. Political normalization. Language planning. Functional model of language planning. Fueros. Foral law. Foral culture. Functional spread.

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): **The Basque Language in the Basque Autonomous Community (BAC)** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: This work analyzes the legal framework of the Basque language in the Autonomous Community of the Basque Country. First of all, it analyzes the official status of the Basque and Spanish languages in view of the jurisprudence of the Spanish Constitutional Court affected that has the scope and margins of the dual official status of languages in the Basque Autonomous Community. After that, it extends on the legal regime of languages in some social sectors (Public Bodies, Education system, media, the commercial use of languages, ...). Regarding the experience of the last 30 years of language policy, this work also tries to identify the weaknesses of the dual official status of languages, and contains some reflections about the early future challenges.

Key Words: Basque Country. Language rights. Basque language. Language status. Language normalization. Language planning. Statute of Basque Autonomous Community. Basque language Act.

Irujo, Xabier (Univ. of Nevada. Center for Basque Studies. 89557-0012 Reno); **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): **Basque in the Foral Community of Navarre (CFN)** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: The status of the Basque language in Navarre is characterized by the enforcement of a system of linguistic zones that modulates citizens' linguistic rights depending on where geographically they wish to exercise such rights. In this chapter, the authors describe the legal situation of the Basque language and analyze the development of the linguistic policy in Navarre over the last few years, characterized as it is by its progressively restricted treatment with respect to its own language, which has brought about rebukes from European instances.

Key Words: Language Rights in Navarre. Basque language. Legal status of languages. Basque in Public Bodies. Education. Media.

Jauréguiberry, Francis (Université de Pau. Avenue de l'Université. F-64000 Pau): **The Basque Language in the French State** (Orig. en)

In: *The Legal Status of the Basque Language Today: One Language, Three Administrations, Seven Different Geographies and a Diaspora*, 1-265

Abstract: This article presents an historical and sociological interpretation of the place the Basque language holds in France. After resisting the drive of the French language with flying colors until the end of 19th century, the Basque language experienced a slow decline throughout the 20th century, to the point where it was threatened with extinction at the beginning of the 21st century. However, when the Basque language in France appeared to be about to take its last breath, an unprecedented mobilization in its favor appeared. A hypothesis is considered, in terms of a search for identity and linguistic emotion in a postmodernist world, as an explanation of this phenomenon.

Key Words: Basque language. French Basque Country. Bilingual education. Linguistic policy. Sociolinguistics. Basque culture.