Regional and Minority languages in the European Union: a comparative study.

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Introduction

Language policy and planning in the European perspective: the EU, Italy and Spain

Since a couple of decades the European Union¹ has been paying more and more attention to the issue of Language Policy and Politics (LPP). This has coincided with an increase in research and theory in the field of LPP. LPP is a relatively recent field of research: research into this field started in the 1950s and 1960s. In this period many Western-trained linguists became interested in issues concerning the (former) colonies. These countries often found themselves with multiple languages within their (new) borders.

The subject of this thesis is Language Policy and Politics in Spain and Italy in the context of the European Union. The question will be asked "Have the linguistic policies of Spain and Italy regarding Regional and Minority Languages converged in the second half of the 20th century, and how do these changes fit into the linguistic framework of the European Union in that period?". In this way, Europeanization will be researched in this particular field for these countries.

A general expectation in the field of European Union policy studies is that policies of member states will converge and become more similar. One would expect the same to be true for the language policies regarding minority languages. By researching the topic of Europeanization we can broaden the knowledge concerning converging policies in the European Union. It will be interesting to find out if that is the case in the field of language policy as well. This research will contribute to the academic field of research with regard to Europeanization and linguistic rights policy in the European Union.

Various sources of information will be used in this research. Changes in national and regional language policy will be viewed mainly through legislative documents, both from national and regional governments in the two member states. European policy and legislative documents will also be used for the third chapter, in which we research the European framework regarding language policy. In addition to this various academic resources dealing with language, language policy and politics will be used.

¹ Note: for purposes of clarity I will refer to the European Union and its predecessors as European Union/EU at all times, even when talking about the period before 1992. Names of regions and other areas will be referred to in English, unless noted otherwise.

This chapter will start with an introduction into the field of Language Policy and Politics, a short look at the similarities and differences between Spain and Italy and a short introduction to Language Policy and Politics on a European level. That will be followed by the build-up of the rest of the research.

National, Regional and Minority Languages

The thesis will start off with an introduction into Language Policy and Planning (LPP), but the first question to be answered is: what is a language? A universally accepted definition of a language does not exist and in the end a classification is often based on legal documents or personal preference. No language exists in a vacuum, which means there is always contact with other languages. There is often no clear boundary between two different languages (geographically or linguistically).

If we look at Italy, for example, we find a big continuum of various dialects and languages. People in Sicily will speak a totally different dialect (of Italian) compared to people in Genoa, Northern Italy. For the Italian law however these two are both considered a dialect of Italian instead of a different language. Scholars might disagree with this definition. Sicilian universities don't generally carry courses in Sicilian, but study the language as part of *dialettologia* (the study of dialects). Official recognition can be important for a language or dialect, as issues like education and communication with the government (in all its forms) are state-sanctioned and recognition can greatly boost the status and prestige of a dialect or language. In conclusion, what sets a language apart from a dialect is official recognition on a state or regional level.

The European Charter for Regional or Minority Languages (ECRML) defines regional or minority languages (RMLs) as "languages traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; they are different from the official language(s) of that state, and they include neither dialects of the official language(s) of the state nor the languages of migrants."

In this thesis the focus will be on the biggest RMLs in two EU Member States: In Spain I will focus on Catalan, Basque and Galician, while in Italy I will look at German and French. Depending on the definition they might not be the biggest minority languages (Sicilian has roughly 5 million speakers in Italy), but I have decided to focus on only officially recognized languages. French and Italian are the only two languages that have co-official status with Italian (within their respective regions) and as such have a similar status to the researched languages in Spain. Catalan, Basque and Galician are the three largest minority languages in Spain. Catalonia also recognizes Occitan in parts of the Autonomous Community, but for the purposes of clarity and brevity it will not be taken in consideration.

Language Policy and Politics

Although Language Policy and Politics (LPP) is an interdisciplinary field it is mainly considered an own branch of sociolinguistics, this development has been relatively recent. During the 1950s and 1960s many linguists from the West went to many newly-formed nations in Africa and, South America and Asia to help the creation of grammars, writing systems and dictionaries for indigenous languages. Many of these sociolinguists considered their activities as beneficial to the nation-building process and unification.²

The general trend in those times was that a major European language should be used for formal domains (such as the government) and the indigenous languages should be used in less-formal settings. The (unintended) result was that the status of the less-formal languages often decreased and the formal language became the language of prestige. As higher education was also in the more prestigious language this did nothing to change differences between classes.

In the following decades more scholars became concerned that the involved scholars had aided the cultural inequalities in the countries and became more critical of language policy. Although the involved countries faced much larger challenges and language wasn't the only involved factor many scholars saw them as a part of the greater pattern of Western ideology influencing national development negatively.

In the 1990s focus in Language Policy and Politics aligned itself more with critical theory, which "investigates the processes by which social inequality is produced and sustained". Many scholars argued that language inequality is a product (implicitly or explicitly) of hegemonic ideologies, at the expense of minority languages.³

This all shows the importance of language for identity. As a language is one of the very first things one shares with a certain community, it can be a very important form of identification with said community. Many states today are made up of different ethnicities, so there can be a rivalry between various languages. A ruler or ruling party might therefore decide to oppress a

² Ricento (2005) p20

³ Ricento (2005) p45

certain ethnical group and its language in order to favor a different group. Both Italy and Spain have been influenced by a dictator with oppressive language policies in the 20th century and are therefore an interesting subject for research in this field.

Italy and Spain

Two of the most interesting countries with regard to language policy are Italy and Spain. Italy, one of the founding members of the EU (EEC), has a multitude of different languages and dialects within its borders – ranging from Greek, Albanian, German and French to local dialects such as Friulian, Sicilian and Sardinian. These communities and languages/dialects have had various levels of protection over the years, thanks to the fact that various regions (*regioni*) were allowed to determine their own language policy.

Spain joined the European Union later on, in 1986, after it had ousted dictator Franco and had introduced a democratic government. Under Franco minority languages had been oppressed heavily, with strict rules regarding the use of minority languages, with some languages even banned within its borders. Despite this oppression certain minority languages remained alive and after the end of the regime a lot changed for these languages and their statuses. These changes will be discussed further in the chapter dedicated to Spain.

For both countries the focus will be on the largest minority languages within the borders. As explained above, for Italy this means the focus will be on French and German as spoken in the northern autonomous regions of The Aosta Valley and South Tyrol. In the case of Spain on the other hand the attention is on the three minority languages of Catalan, Basque and Galician.

Similarities and differences:

The choice for these two countries paints a picture of two very similar and yet very different countries. Both countries have a relatively short history of democracy and a similar level of wealth (in 2013 Spain had a GDP per capita of 32.295 USD, while Italy had 35.597, which puts them on position 13 and 12 in the EU, respectively)⁴ and they are both in the top five of biggest EU-countries by population. Under the previous voting system in the European Council Spain had 27 votes, while Italy had 2 more at 29.⁵ In both countries the researched minority languages are

⁴ World Bank, 2013

⁵ In November 2014 the voting system changed but a member state can still request it on certain issues until 2017.

regional languages, which means they are mostly spoken in a certain region of the country, and not elsewhere in the country.

The differences are also numerous between the countries, especially when looking at the language situation. Although both countries have a strong national language which is spoken by a large majority of the population the size of the minority languages is very different. Around 15% of Spanish citizens state they have Catalan, Basque or Galician as their maternal language, while less than 1% of Italians is brought up speaking French or German (roughly 6 million versus roughly 0,5 million, respectively).

Another interesting difference is that the minority languages in Spain are almost exclusive to the Spanish regions⁶ and aren't recognized outside the country. In the case of Italy, with the languages of French and German, this is obviously very different. The German minority, for instance, has received political support from the Austrian government, which is something the discussed languages in Spain haven't had.

The European Perspective

Obviously both countries must be viewed within the dimension of the EU. The European Union's agenda has included LPP mostly since the beginning of the 1990s. From this period on the EU, which saw both its number of Member States as well as the scope of its cooperation increase, became more and more interested in the issue. With the continuation of both these trends in the following 20+ years and the increase in criticism the issue of minority languages has become ever more prevalent and important.

Europeanization

Since the 1990s there has been a relatively new perspective in the field relating to politics in the European Union. This is based on researching how the EU's increased influence has impacted domestic policies of member states. This is a process called Europeanization.⁷

Europeanization in general suggests a 'top-down' movement where domestic policy has been influenced by European developments ('at the top'), but this assumption may be too simplistic – there might be a lot of complex factors that come into play in a situation like this. Local interest

⁶ The Basque language is also spoken in parts of France

⁷ Ladrech (2010) p3

groups in the countries may have had more influence and the national government might have put the issue on the European agenda in order to influence decision making on the national level.

In general it is a useful way to examine European influence on national decision making, though, even if the origins of certain directives and policies are not taken in consideration. Thus, Europeanization as a concept assumes that domestic policies of EU member states over time will converge. As European countries continue to work more closely over the years one assumes that they will be influenced by their fellow member states – not only through direct, or *hard* EU policies but also by soft and indirect policies.

Buildup of the thesis

After this introduction the research starts with an analysis of the language policies of Italy and Spain, starting with a brief introduction of the development of the national language (Italian and Castilian, respectively). This development also shows how this particular variety became the language of prestige in the countries. This will also include language policies as enacted by the dictators in both countries.

A larger part of the analysis will be dedicated to the linguistic changes after the regimes of the dictators, due to the bigger influence of the European Union and the rapid changes made in those years. All 5 considered languages have seen their status and standing improve in that period. These chapters will focus mainly on the respective efforts of the involved regions on improving their languages. There will also be a more general overview of national efforts regarding these languages – exploring whether countries tried promoting these languages or not.

After this part the thesis continues with a look at the Language Policy of the European Union. The EU has become more interested in Language Policy since the 1990s, so most of that chapter will be concerned with the two latest decades. With the rapid increase in Member States the number of languages in the European Union increased too. This also meant that national and minority languages have been on and off the agenda in various ways since then.

After this there will be an analysis of these various regimes of Language Policy and a look at how the European Union has influenced RML-policy in these two member states. Particular point of interest is if the policies of the two countries have converged to similar policies after the increased interest shown by the European Union since the 1990s.

1 Italian language and language policy

Brief history of the Italian Language

Like all Roman languages Italian can trace its roots back to Latin. It was often mistakenly seen as 'based' on Latin, but is nowadays mostly regarded as a continuation of Vulgar Latin, as is true for all other Romance languages. With the growth of the Roman Empire the Romans spread their language all over Europe. Since all the regions had varying levels of contact with Rome and other languages they all evolved over time to be different from each other. A region further away from Rome would have less Roman influence and more contact with other languages, which in turn would increase the other languages' influence. This caused regions further away from Rome to evolve more than those closer to the capital.

This led to Latin becoming more of a series of dialects rather than one language. These forms of spoken Latin were called Vulgar Latin, or the 'Latin of the people'. It should be noted that this Vulgar Latin is not a later form of Latin (as opposed to the notion of classic Latin), but rather a simultaneous form of Latin as spoken by the common people: 'The Latin-speaking population who were little or not at all influenced by school education and literary models'.⁸

With the evolution of Vulgar Latin into Italian we arrive at a cut-off point where it stops being Latin and is the first form of Italian. Generally the first examples of written Italian are considered to be either the Indovinello Veronese (a riddle written by a monk in the 8th or 9th century) or the Placiti Capuani (juridical documents from the second half of the 10th century)⁹. These are considered the first known documents that are so far removed from Vulgar Latin that they are in Italian. In the following centuries the language continued to evolve. As society evolved, so did the languages. Many city-states appeared on the Italian peninsula, each with their own dialect or language, but no shared language between them, apart from Latin.

Questione della lingua

In the 16th century the forms of Vulgar Latin had reached a maturity and recognition it hadn't seen before, with literary classics as well as scientific articles written in the language. Judicial systems still mostly used Latin in those days.

⁸ Herman (2000) p7

⁹ Marazzini (2004) p14

The 16th century was also a time of great linguistic debate, in which scholars discussed which language should be used in Italy. Apart from the question which dialect it should be, this debate was about loan-words, literary influences, language of the common people and Latinisms. Scholar, poet and linguistic theorist Pietro Bembo advocated the use of Tuscan as the perfect model, specifically that of Petrarch, Boccaccio and (partly) Dante: Tuscan of the 14th century. He felt Dante wasn't a great model as he used too much 'common' language.

Three centuries later, in 1821, Milanese writer Alessandro Manzoni was working on his novel *Fermo e Lucia*, but struggled to decide on which language to use. Over the next 20 years he changed his writing from his own Milanese dialect into Florentine dialect, after a phase in between which he called Toscano-Milanese. This version is seen as an Italian masterpiece and a basis of literary fiction for many Italians. Twenty years later Manzoni was asked by Minister Broglio of Education of the new Italian Kingdom, for his proposal how to effectively diffuse the Italian language on the Italian population, advising to teach the Florentine dialect in schools as a national language. Manzoni's suggestion was adopted by the government, eventually leading to nationwide teaching of the Florentine dialect, which would become Italian.

1860 - 1945

Although the peninsula was unified in 1861, there was no such thing as a cultural and linguistic unity in the new country. The territories were defined by big differences regarding traditions, habits and economic and social development. Despite the fact there was a common literary model this was only used by the elite, while the lower classes lacked a common conversational language as there hadn't been much inter-regional exchange in the centuries before.

Although hard statistics are lacking, Italian linguistic-historian Tullio De Mauro calculated the number of speakers of Italian to be around 600.000. On a population of 25 million this leads to about 2,5 % Italophones¹⁰. Castellani later put the number at about 2,5 million, or 10%.¹¹ In any case a very low number. With the unification also came free and obligatory elementary schooling in the whole country for the first time, although many children still didn't go to school. Even forty years later, in 1906, 47% of children did not go to school. The newly adopted system was based on the educational system of the Piedmont region. This increase in educational levels for children was a big step forward

¹⁰ De Mauro (1963) p30.

¹¹ Castellani (2000) p25

and the Piemontese system was considered one of the most advanced educational systems of the time.¹²

Apart from scholastic education there were multiple factors that helped the linguistic unity of Italy. Tullio de Mauro identified bureaucracy, the army, press, emigration and internal migration as the most important ones. These will now be discussed briefly.

The new country used the new language for all bureaucratic events, which led to people being forced to use the language. Obligatory military service was also a new factor. This forced people from multiple regions to spend time together and communicate among themselves in their common language.

In the second half of the 19th century around 7 million Italians left the country to find work abroad, in the Americas or elsewhere in Europe. Many of these were disadvantaged farmers from the Rural South and probably illiterate, which meant a lot of the illiterate and dialect-speaking population left the country. Of the emigrants that later returned to the country, many had had new experiences and newfound appreciation for education. Many of them were forced to learn different languages, or, when they met other Italians from different regions, different Italian dialects. So millions of dialect-speaking illiterates left the country and many of those came back more educated.¹³

With growing industrialization from the second half of the 19th century onwards, the cities in the North started to grow and many poor workers moving there to find work. This too, meant they had to speak something else than their own local dialect.

Fascism (1922-1945)

With fascism came, in the early 1920s, a clear linguistic policy, manifested in an authoritarian way. Most noteworthy were the aspects that fought foreign loanwords and dialectal expressions. Another major point was the oppression of ethnic minorities. Xenophobic policies of Fascism went as far as forcing people with foreign-sounding names to change them to a more acceptable Italian form. These things had as goal to achieve linguistic unity, which was still not there at the time. ¹⁴

The fight against foreign words and language increased during the regime's tenure, with a ban on showing films in a foreign language in cinemas being instated in 1930. A law of 1940 banned the use of foreign words on film posters, professional activities and forms of publication. The fascist regime also made it clear it wanted to fight the so-called 'plague' of illiteracy. This was also tied to the fight

¹² Marazzini (2004) p3

¹³ Marazzini (2004) p40

¹⁴ Klein (1986) p23

against dialects, as most dialects had no written tradition, so dialect-speakers were not able to write and read in their own language or dialect. As well as an internal form of propaganda the issue was also seen as important regarding other countries: a low level of illiteracy was seen as prestigious.

As the regime wanted to have one language for one country, they also tried to eliminate other languages within its confines – particularly the languages spoken in the new provinces. However before Mussolini came to power this hadn't been the issue. In 1919 Minister of Foreign Affairs Tittoni guaranteed 'the highest of respect for their institutions and their language', which was confirmed by King Vittorio Emanuele III when the new Chamber of Deputies was inaugurated. Mussolini agreed with this point of view in 1919, although he later changed is position.¹⁵

In the 1920s this position changed: "the Germans of Alto Adige don't represent a national minority, but an ethnic relic". As the number of speakers of a different language than Italian was the biggest in Alto Adige, this region was targeted the most. In this case the status of the language changed from an official language to that of a discouraged language and later on even a forbidden language – at least in public.

The newly added territories in the North (mainly Alto Adige and The Aosta Valley) were the most targeted regions linguistically, but that didn't mean other groups of speakers weren't targeted. Speakers of languages such as Slovene or Albanian were also repressed. As their numbers weren't as big as those in the North and they weren't usually as close together as the other peoples, they weren't deemed to be as much of a threat as the aforementioned groups.¹⁶ With regards to Sardinian, this wasn't an issue for the Fascist regime, as Sardinian was simply regarded as another form of Italian.

National language policy of Italy

Italian is the dominant language in Italy without a doubt, but it does not have a constitutional basis. The 1948 constitution does not include an article assigning official status to the language. Italy is far from unique in this regard, as countries like the United Kingdom and the United States have a similar situation.

Article 6 of the constitution does however imply a dominant language, as it provides safeguards for linguistic minorities: "The Republic safeguards linguistic minorities by means of appropriate measures."¹⁷ The official status of the Italian language was later recognized in law 482 of 1999 which

¹⁵ Klein (1986) p69

¹⁶ Klein (1986) p70

¹⁷ Constitution of the Italian Republic, article 6.

states in its opening article "The official language of the Republic is Italian". ¹⁸ This law, which deals with the protection of minority languages, was a result of certain ideological developments in Italy at the time:

The early 1990s were a period of dissatisfaction among the Italian population and saw the transition to the so-called Second Republic. This period also saw the development of autonomist movements and political parties, the most notable of them is the Northern League (Lega Nord). One of the major political points of the Lega Nord was the protection of the Northern Italo-Romance dialects, which they saw as a major part of their identity and their efforts placed the issue on the agenda. No consistent legislative action was taken¹⁹.

In 2006 the option of adding a clause to the constitution which would make Italian the official language was explored. After an amendment was submitted in the lower house of the parliament a committee of experts published a report regarding the situation, which welcomed the proposal, although it did point out that the status of Italian was "undisputed and uncontroversial". It also pointed to the trauma of the fascist language policy, which it saw as a reason not to include an official language in the 1948 Constitution.²⁰ Despite the approval of the proposal by the committee and the Chamber of Deputies the Senate never approved the amendment as it was blocked by then-coalition party Lega Nord.

While at that time the Lega Nord saw that amendment as a threat to the status of their own dialects in recent years they have come to a more favorable position regarding the Italian language, as they feel it should be protected against the perceived threat of minority languages and cultures. Proficiency, as they see it, is a "convenient gate-keeping device for limiting immigrants' access to certain professions and trades"²¹.

All in all, despite the lack of an official constitutional status for the Italian language it is by all means a *de facto* national language.

Law 482/1999

Despite the abovementioned article 6 of the Constitution, which protects linguistic minorities there was no consistent application law in force until 2000 (law 482 was passed on December 15 1999²²).

¹⁸ 1999 I 482 (1): La lingua ufficiale della Repubblica è l'italiano.

¹⁹ Coluzzi (2008) p459

²⁰ Guerini (2011) p113

²¹Guerini (2011) , p114

²² Legge 15 Dicembere 1999, n 482, Norme in materia di tutela delle minoranze linguistiche storiche

As will be discussed later on in this chapter, regions like The Aosta Valley and South Tyrol passed their own specific laws in the meantime, protecting their own language rights.

Other minority groups also strove to fight for protection but due to various reasons had difficulty attaining this, leading to a patchwork of various rules and regulations in different parts of the country. Law 482 aimed to overcome this situation by naming 12 classic linguistic minorities. Among these were French and German, but also large groups like Friulian and Sardinian, which had previously struggled for recognition.

The 1990s saw a lively debate among intellectuals in the newspapers, with many of them criticizing any form of intervention favoring local dialects and languages – both from the left and right of the political spectrum. Local and autonomist groups that came to prominence in the 1980s (such as the Lega Nord) provided much of the support for the law.

Apart from the ideological issues the law is also controversial as it simplifies the complex linguistic landscape and according to linguists it creates practical problems²³. Among other problems the law always refers to languages and never about dialects. The articles discussing the protection for minorities define the minorities so strictly that certain small minorities are excluded. These problems stem from the fact that the law was passed in a paradoxical linguistic situation. Dialects and languages suffered a decline due to the influence of the national language but at the same time revitalization efforts were growing.²⁴ Although on a local level more attempts came to grow the local minority languages they were not able to influence the national decision-makers, leading to this situation.

All in all, a complex and multi-faceted linguistic situation. For the sake of brevity the national linguistic background will not be discussed further, instead the focus will be on the specific linguistic situations of South Tyrol and The Aosta Valley. This will include a look at the linguistic buildup, legal provisions and the educational system.

Language and Education

Educationally Italian also has seen clear preference compared to dialects for most of the existence of the Italian Republic. As part of the nation-building efforts Italian was forced on students, often at the

²³ Dal Negro (2010) p116

²⁴ Dal Negro, 2010 p122

expense of dialects. Dialects were perceived as showing a lack of education and a sense of inferiority for the speakers.

This situation continued until well in the 20th century, also thanks to the efforts of the Fascist regime, which I have discussed above. Only in the 1970s and 1980s the Educational Board started to recognize the value of dialects spoken by school-children, rather than a nuisance. One example of this change in attitude is the 1985 Primary School Curriculum, which stated that, while the primary objective of the educational activity was the developing knowledge of Italian, "the occasional use of the dialect as a marker of cultural identity also deserves respect". This change shows a change in attitude after years of oppression for dialects and minority languages: instead of replacing the dialect they sought to *add* more knowledge to the repertoire of the student.

South Tyrol

South Tyrol is a northern province of Italy, part of the Trentino-Alto-Adige region. Its Italian name is Alto Adige. The province has a population of around 510 thousand inhabitants. Roughly two-thirds have German as their maternal language. Around 23 percent speak Italian as their first language and around 4 per cent state Ladin as their first language²⁵. For this paper the focus will be on the interplay between German and Italian and therefore will not go into the smaller Ladin minority.

Italian and German languages have coexisted in South Tyrol for centuries. The situation in the region was problematic in the first half of the 20th century (mainly during the fascist years), but has improved ever since, as will be shown in the following paragraphs.

The coexistence of the two languages historically didn't mean that the groups had much contact – there was not a lot of bilingualism (in which speakers speak both languages) among either group. Most Italian-speakers lived among the Eisack/Etsch rivers, while the German-speakers were more prevalent in the mountainous regions. In places with more traffic and inter-group contact there was of course language contact. These regions include the river-regions and the Bolzano and Merano regions. This effect accelerated in the last century, with economic modernization. Due to factors like the feudal system and a mostly rural lifestyle however, the division between the groups remained firmly in place until the 19th century.

The national revival in Italy in the 19th century also came with the feeling that Italian should be spoken in all parts of the country. South Tyrol was added to Italy after the World War, which had

²⁵ 2011 Census

linguistic consequences for the region. This became more obvious after the fascist regime took control in the 1920s. Mussolini's regime banned the use of German dialects and German in public domains, so Italian became the only official language. Public workers who did not speak Italian were dismissed from their post and replaced by Italian officials. All court cases were to be in Italian and German-speakers in court were only allowed to speak in Italian – even between two German speakers.

All official sings and inscriptions were Italianized. The name South Tyrol and any references to it were repressed. The German-language press was forbidden, as well as listening to Austrian or German radio. Even German last names had to be changed to sound more Italian.

In the 1930s these efforts were strengthened by an industrialization campaign for the city of Bolzano. This campaign was paired with a move of many Italian-speaking workers to the city, which strengthened the status of the language in the city. German-speaking workers were discouraged to obtain jobs in this Industrial Zone.

In 1939 Mussolini and Hitler decided that the people of South Tyrol should be given the choice to either remain in Italy and assimilate into Italian culture (including the Italian language) or leave the region. This was called the "South Tyrol Option". Around 80% of inhabitants voted for German, with a little over 10% voting to remain Italian. In absolute numbers this amounts to about 180 thousand inhabitants. Before the war broke out around 70 thousand people moved to the Nazi-Germany. This movement came to an end in 1943. Many of those that moved to Germany returned after the war.²⁶

After WWII South Tyrol remained Italian for political reasons, despite strong protests by the German-speakers in the region, who wanted to join Austria. In September 1946 the De Gasperi-Gruber Agreement was signed, named after the Italian Prime Minister and the Austrian Foreign Minister, which was later included in the 1947 Peace Treaty of Italy.

Although the agreement had lofty ideals and included, among others, "parification of the German and Italian language in public" and the right to "elementary and secondary teaching in the mothertongue", the wording of the treaty was vague and relied heavily on the interpretation of the Italian Government: generously or restrictively. The 1948 Statue of Autonomy that followed showed that Italy's interpretation was of the restrictive kind. (Alcock, 2001)²⁷

²⁶ Weigend, Guido. "Effects of Boundary Changes in the South Tyrol". Geographical Review 40.3 (1950): 367

²⁷ Alcock (2011) p166

Autonomy statutes

The Italian government combined the South Tyrol province with the Trento province, forming the region of Trentino-Alto-Adige. Trento was larger and almost entirely Italian, so this region was effectively dominated by Italians from the start. Because the major legislative powers were with the Regional government (made up of the provincial governments, there was a clear advantage for the Italian-speakers.

The statute led to political unrest in the region, with bomb attacks and violence in the 1960's. With Austria becoming increasingly unhappy about the situation and a growing international interest for minority issues, the Italian government decided to bring the question to international forums. The UN urged the two parties concerned to resume negotiations and to find a solution for all differences relating to the implementation of the Paris Agreement (UN). This led to intense negotiations and an agreement for a so-called Package of 137 measures, in 1969.

In 1972 a new Autonomy Statute was adopted, which gave the South Tyrolese much of what they wanted. In the preamble the Italian State committed itself to protect local linguistic minorities, stating that this was a matter of national interest. The name South Tyrol was also officially added to the region's name.

The new statute brought more protection for German-speakers. Ethnic proportions would have to be applied in nearly all public bodies, which would lead to a huge increase for German-speakers as the province also gained new legislative powers. Every public administration employee would also be required to be bilingual and had to pass a language test. This system was extended to other public services in 1994.

German also receives equal status compared to Italian, as promised in the 1947 Paris Agreement. German was now to be considered a local official language, although full equality in police and court proceedings came much later, in 1993. This also had to do with the required schooling of the relevant employees, which was an issue that took a long time to resolve.

Regarding to education each language group now had an autonomous school board under control of the Province. This means that children are educated in their mother tongue, which teaches the other language after the second or third year of primary education. This division has been a source of political dispute, with Italian-speakers saying their children don't have much opportunity to use German outside of the school environment. The German-speaking group has defended the situation, citing concerns that German ability of the children might be hampered by an increase in education in the Italian. ²⁸

In 1992 the Austrian government issued the so-called Streitbeilegungserklärung, officially declaring the dispute closed. Three years later Austria also became member of the EU and Schengen-area, which meant the abolition of much of the borders and limitations between the two countries.

The Aosta Valley

The Aosta Valley (Italian: Valle d'Aosta, French: Vallée d'Aoste) is a small mountainous region in the North-West of Italy. It is the smallest and least densely populated region of Italy. It has a population of about 120 thousand inhabitants. 96,01 per cent of residents say they can speak Italian, with 75,41 stating they speak French. Tests done in 2013 on the fluency of students in French shows that high school students show results comparable to those obtained by their partners in French speaking countries. Roughly 55 per cent state they speak the Valdostan Franco-Provencal dialect, which we will leave mostly aside in this chapter, focusing mostly on the interplay between French and Italian.

The Aosta Valley has been a French-speaking region for many centuries. It was even the first region in the world to adopt French as its official language: in 1536, three years earlier than France itself. With Italian unification in 1861 Italian also became an official language.²⁹

From the eleventh century the Aosta region belonged to the House of Savoy, until it was ceded to the new Italian state in 1861. From that year until the end of World War II the French language was subject to suppression in favor of the Italian language, particularly during the Fascist years. This led to an element of the Resistance movement in the Valley that not only was fighting the fascists, but also struggled for an autonomous or independent status of the region. There were also demonstrations which called for annexation by France. Vying for Italian unity historians and other supporters obtained a promise from the Italian government for an autonomous status of The Aosta Valley and recognition as its official Language.

In 1948 the Special Statute of Autonomy for The Aosta Valley was passed³⁰, recognizing the special status of the region. Article 38, 39 and 40 of the Statute state the most important linguistic provisions for the region:

Art 38: The French language and the Italian language are of equal status in The Aosta Valley. Public acts can be written in either one or the other language, except for judicial authority, which will be written in Italian.

²⁸ Eichinger (2002) p141

²⁹ Street (1992) p901

³⁰ Legge costituzionale 26 febbraio 1948, n. 4 / Statuto special per la Valle d'Aosta

Art 39: In schools of every order or grade that are dependent on the region an equal amount of hours shall be dedicated to the teaching of the French language as to that of the Italian language. The teaching of some subjects can be provided in the French language.

Art 40: The teaching of various subjects shall be organized by the norms and programs active in the State, subject to possible adaptions for local needs. (*Translation mine*, SB)³¹

This last provision, article 40, has been taken advantage of in recent years, thanks to so-called Adaptations³². They provide for teaching primary school classes in French for half the time, starting in 1988-89.

At present the education system provides equal teaching for Italian and French, from kindergarten to high school. In pre-primary and primary schools Italian and French have the same amount of hours, while in participating schools non-linguistic disciplines may be taught in French and English, with varying timetables depending on degree and type of school.³³ English is taught as a foreign language starting in primary school.

In 2005 a regional reform bill was passed for the first school level (n.18/2005)³⁴, showing a favor towards plurilingualism. There is also an attempt to meet the needs of different communities, including the smaller German- and Franco-Provençal speaking minorities that are also present within the Valley. According to Aosta-based linguist Vernetto this shows a European perspective, with the possibility of protecting both the regional identities (in French, Franco-Provençal and German). It also shows a possibility of increasing the importance of the teaching of European languages, such as English. She states the region is moving in a plurilingual direction, where "the development of the desire to learn languages throughout one's life and the enhancement of all the languages that make up the plurilingual repertoire of each individual cannot be marginal objectives, particularly in a region that bases its identity on its claim of its diversity".³⁵

More power for the region leads to more freedom for minority languages.

This analysis shows that the regional and minority languages in Italy have enjoyed a revival in the regions after the increased freedom granted to them by the Italian national government. In South Tyrol the main factor was the Autonomy Statute of 1972, giving the German-speakers in the region the freedom to decide on their own linguistic measures. After this statute the rights of German-

³¹ Legge costituzionale 26 febbraio 1948, n. 4 / Statuto special per la Valle d'Aosta

³² Adaptations of Primary School Programs of Instruction to the Socio-Cultural and Linguistic Exigencies of the Autonomous Region of the Valle d'Aosta (deliberation 1285, 12-02-1988)

³³ Vernetto (2012) p35

³⁴Legge regionale 1° agosto 2005, n. 18

³⁵ Vernetto (2012) p35

speakers in the region increased. In Aosta a similar Statute had been introduced much earlier, shortly after the Second World War, but practical improvements (regarding education) started to be discussed in the 1980s and introduced later that decade.

2 Language policy in Spain: Basque Country, Catalonia, Galicia

History of the Spanish Language

Like Italian, Spanish is a Romance language, which means it also started out as a form of Vulgar Latin. Due to the longer distance from Rome Romanization in the Spanish peninsula started in the 3rd century BC. Although the use of Latin was not enforced in the area (an almost impossible task at the time), many locals still learned to speak and write the language out of convenience as well as prestige. Roman settlers taught the language, which meant that more people learned the language in the North and East of Spain, as there were more Roman settlers in those regions.

This also meant that in certain regions the local dialects were more important than in others, as the Roman influence was smaller. The language now known as Spanish (Castilian) has its roots mostly in the Northern-Central part of Spain (around Burgos), which was not an economically prestigious part of Spain and thus would have had a form of Latin that strayed particularly far from the prestige norm at the time of the Roman collapse.

After the Roman collapse in the 5th century BC Spain was controlled by the Visigoths. They were partly romanized at the time and because they formed only a small part of the population they soon abandoned their own languages in favor of Latin. Toledo became the center of government. The city kept its symbolic importance after it was taken over by the Moors in the 8th century. When this city was reconquered by Castilian troops in 1085, it was one of the first that returned under Christian rule, giving Castilian a lot of prestige. The Moors had failed to conquer the Northern and Northwestern parts of the peninsula. Castilian has its roots these Northern parts of Spain, which means its roots lie in a form of Latin which had strayed from the Roman standard a lot.

While the Castilians continued to reconquer the peninsula, which ended with the capture of Grenada in 1492, they too spread their language. Many others also adopted it as the prestige of the language attracted people. King Alfonse X (The Learned), who ruled Castile and Leon from 1252 to 1284, had a big influence on standardizing Castilian. He started many scholarly projects, including science, law and literature and greatly contributed to the creation of a standard form. During his reign Castilian also superseded Latin as the language of administration.

In the 18th century the Catholic Church in Spain also adopted Castilian, as well as the educational system of the time. The *Real Academia de la Lengua Española* was founded in 1713. A century later, when Napoleon invaded, Spanish patriotism rose. This was, however, quickly followed by a European-wide movement of regional patriotism, leading to a rise in cultural activities in Catalan,

Basque and Galician, among others. Castilians also participated in these so-called Linguistic Renaissances.

Spain in the 20th century: Francoist dictatorship

Spain entered the 20th century in a volatile situation, with a conservative centralist government and the need to modernize its economy and industries. The newfound interest in regional identities in the periphery contributed to tensions in these regions, leading to the Civil War of 1939. Franco's powers, which favored a centralist position over regionalist identities, won the war, leading to harsh repression of peripheral minorities. In those years the language question was a highly political topic: non-Castilian languages were seen as anti-patriotic and those languages were therefore forbidden in public use and even ridiculed.

Non-Castilian languages were proclaimed to be inferior and designated as dialects rather than languages to emphasize this inferiority. The ruling powers viewed non-Castilian languages as uneducated and of the peasantry. Non-standard variations of Castilian (like Andalusian) were mocked in a same way.

In the early parts of the Francoist dictatorship any infringement against the law was heavily punished, with fines and imprisonments. These early stages have even been described as a cultural genocide³⁶. In 1966 linguistic laws became more relaxed, with the introduction of The Fraga Law, which allowed people to teach mother-tongue languages other than Castilian, and publishing in these languages was allowed once more. The regime at the time felt that it had not much to fear of the regional languages, as it had done enough to repress them in the preceding decades. Certain regional cultural associations were founded in this period and were allowed to exist as they weren't perceived as a threat. An example is the Catalan "Nova Cançó"-movement, which attempted to normalize the use of Catalan in popular music and was publicly opposed to the regime.

Cultural and linguistic awareness was triggered by the oppressive Francoist language policy and minority languages stayed alive under the regime. The strict language laws even served as a point of reference to build an opposition around³⁷: the linguistic oppression could be used to find more supporters for the opposition against the Francoist regime, with a clear example of in what way cultural minorities are being suppressed.

After Franco: 1978 Constitution

³⁶ Webber (1991) p15

³⁷ Mar Molinero (2000) p85

After Franco's death in 1975 the country became a democracy once more, headed by the King. This new democracy needed a constitution, which was drafted in the following three years. After the years of Francoist oppression the democratic opposition strongly identified with regionalist sentiments, in particular those of the the Basque Country and Catalonia. Many of these aspirations were taken into account when a new constitution was drafted.³⁸

The Constitution was drafted between June 1977 and October 1978 by seven representatives of the whole political spectrum in Spain at the time. The constitution deals with recognition of linguistic and cultural pluralism and outlines mechanisms for the creating of regional autonomies, i.e. self-governing communities. One of the most controversial and important issues was the existence of various nations within the country: Although Catalonians, Basques and Galicians are often defined as minorities (as they are described in this paper as well), within their own territories they are in the majority and Catalan nationalists demanded this to be included in the constitution.

Because the constitution was concerned with emphasizing the country's unity, there was a lot of opposition to this standpoint: many people felt that the need for unity in the country was not compatible with autonomous rights for these regions. In the end product Section 2 of the Preliminary Part does recognize and guarantee the right to self-government of the nations and regions. The line that precedes it emphasizes the "indissoluble unity of the Spanish Nation.³⁹

The subsequent passing of Statutes of Autonomy, which were added hierarchically below the constitution, (which will be discussed later on in this chapter) makes the system at least partly federal, but "corresponds closest to a decentralized regional-state model (...) in that the competences within the state of the territories holding autonomy are different."⁴⁰

The 3rd article of this new constitution deals with linguistic rights. The drafters tried to acknowledge Spain's multilingual heritage, leading to a document full of compromises. It also states that "Castilian is the official Spanish language of the State", and that "all Spaniards have a right and duty to use it", making it unique in that it states that it is the citizens' *duty* to know it. Another point of this article is that "other Spanish languages will be official in the respective Autonomous Communities in accordance with their statutes". This gives other languages official status, but only in their respective regions – elsewhere in Spain they are by definition second to Castilian. What follows is the statement that "the richness of Spain's different linguistic varieties is a cultural heritage which shall be the

³⁸ Martinez Herrera (2010) P6

³⁹ Spanish Constitution, art 3

⁴⁰ Nagy (2012) p184

object of special respect and protection", without then stating what this respect and protection should consist of. The fact that it is about "linguistic varieties", rather than "languages" gave dialects of Castilian the chance to draw up guidelines regarding their varieties, as seen on the Canary Islands, for example.

Despite the ambiguity and lack of constitutional framework provided, local languages have seen a significant rise since the late 1970s. Apart from Article 3 this is due to relevant Autonomy Statutes and local Linguistic Normalization Laws. The greatest improvements came in the regions where local identity is the strongest, namely Catalonia, Basque Country and Galicia.

Language Policy in Spain has been described example of a successful language policy. ⁴¹⁴²⁴³ Trenz even goes as far as to say that "the battle about the status of minority languages has been won". He links the success with the marginalization of radical nationalism in Catalonia and Galicia, acceptance of the idea of unity in diversity within the new framework and thirdly Europeanization, which offers opportunities for cross-border cooperation and involves minority associations in European networking⁴⁴

Trenz' view isn't universally shared among scholars who point at the conflicts between local and the national governments, which often revolve around the constitution. Regions and the national state continue to compete on issues like competences, partly due to the ambiguity of the document. As Keating and Wilson (2009) observe, the battle between the periphery and the center is likely to continue, as a compromise is very far away.

In the following part of this chapter we will analyze the linguistic situations in the Autonomous Communities of Catalonia, Basque Country and Galicia, with particular notice for their Statutes of Autonomy and educational practices.

Catalonia since 1978

Since the 1978 Constitution was approved the Catalonian government has adopted various policies that were meant to reintroduce the Catalan language in public life. Initially they were widely accepted and enjoyed a consensus, but in later years controversy grew.

223-244, 2002

⁴¹ Trenz (2007) p168

⁴² Conversi (2002) p88

⁴³ Nagy (2012), p186

⁴⁴ Trenz (2007) , p170

The Autonomy Statue of Catalonia [Organic Law 4/1979] made Catalan an official language and guaranteed the right to use it (Article 3):

1. The [own] language of Catalonia is Catalan.

2. The Catalan language is official in Catalonia, as also is Spanish, which is official throughout the Spanish State.

3. The Government of Catalonia will ensure the normal and official use of both languages, will take the measures necessary in order to ensure knowledge of them, and will create the conditions making it possible for them to achieve full equality in terms of the rights and duties of citizens of Catalonia.⁴⁵

In 1983 the Law of Linguistic Normalization⁴⁶ was passed, broadening the linguistic rules of the Statute of Autonomy. Among other things it emphasizes the Catalan language as a sign of cultural identity of Catalonia and prohibits linguistic discrimination (Article 2). Educationally the law guaranteed the knowledge of both Castilian and Catalan by all students when they finish their obligatory education. It also prohibited the separation of students for reasons of language (Articles 14-20)⁴⁷

The 1983 law was very controversial, leading to many challenges in the Spanish Constitutional Court. The 1994 decision of this court challenged various articles of the law, mainly regarding the educational aspects. It took issue, for example, with one of the provisions that stated the duty of students to know Catalan, as the Constitution only provides for the duty to know Castilian. This disagreement stems in part from the ambiguity of the constitution (Nagy)

In 1998 Catalonia passed the Linguistic Policy Act⁴⁸, which regulates all relevant aspects of the language policy currently in force in Catalonia. It modifies the 1983 Language Normalization Act, aiming to be more extensive and precise. The Act mentions three major objectives. Firstly it serves a way to unite exiting language policy with the law - it incorporates a number of decrees that were passed in previous years, prescribes that all civil servants and people working in the public sector must be able to use both official languages.

Secondly it aims to increase the presence of Catalan in the media and cultural industries, and to improve actual use of Catalan in social and economic fields. It sets a quota for number of radio stations, TV channels and cinemas that must broadcast in Catalan. Lastly it is supposed to be the instrument to achieve full equality between Catalan and Spanish in Catalonia.

⁴⁵Catalonia Statute of Autonomy, English, 1979

⁴⁶ Llei de la Normalització Lingüística a Catalunya, 1983

⁴⁷ Nagy, 2012 p193

⁴⁸ Ley 1/1998, de 7 de enero, de política lingüística, 1998

The act distinguishes between two different concepts with regard to the status of languages in the context of Catalonia. It states that Catalan is Catalonia's own language and adds that both Catalonian and Spanish are official languages in the territory of Catalonia. It also states that Catalan is the language of normal and preferential use in public administration bodies and public media.

Because it is Catalonia's *own language*, it has to be used, as a rule, in Catalan administration and institutions, which means that it is to be used in internal communications and external communications in which no individual citizens are concerned. If an individual Catalonian citizen is involved he has the right to choose between Spanish and Catalonian. The standard language used will be Catalonian, and citizens must generally request a translation in Spanish.

As far as education is concerned, the major objective is to ensure that all children know both official languages when they finish primary education. Seeing as 80 per cent of Catalan schoolchildren receive their whole primary education in Catalan one can conclude that this policy has been successful.

Galicia since 1978

Galician is the co-official language in the Spanish region of Galicia, a region with about 2.8 million inhabitants. Approximately 2 million persons speak Galician, while most of the other 800 thousand speak it as a second language. Since Franco's death the legal status and protection of the language have improved noticeably, but these improvements haven't led to an increase in speakers of the language.⁴⁹

In 1981 Galician was recognized by the Autonomous Statute as the 'own language' of the Autonomous Community of Galicia where it is co-official with Spanish. In 2004 the "General Plan for the Normalization of the Galician Language" was approved by the Galician Parliament.

The 1981 Autonomy Statute of Galicia has provisions very similar to those of Catalonia, with Article 5 stating:

- 1. The own language of Galicia is Galician.
- 2. The Galician and Castilian languages are official in Galicia, and everyone has the right to know and use them. ⁵⁰

⁴⁹ Mateo (2013) p44

⁵⁰ The 1983 Language Normalization Act added that it was every Galician's duty to know the language, but this was declared unconstitutional in 1986.

3. The public authorities of Galicia shall ensure the normal and official use of both languages, foster the use of Galician in all spheres of public, cultural and informative life, and provide the necessary means to facilitate its knowledge⁵¹

In 1983 Galicia too passed a Language Normalization act⁵² which emphasizes that the role of own language is a "vital core" of the Galician identity. It prescribes that both Galician and Castilian are official languages of the institutions and administrations of the region, government and public entities. The authorities for this reason promote progressive training in the use of Galician for personnel assigned to these areas.

Despite the aforementioned progress compared to the Francoist era the first period after the fall of the regime was characterized by a *laissez-faire* attitude with didn't do much to improve the status of Galician. This period, roughly until 2005⁵³, was marked by a loss of speakers. Major ruling party in this era was the Partido Popular de Galicia, which had formed a majority government from 1990-2005.

In 2005 the bipartite regional government of Spanish Socialist Party and Galician Nationalist Bloc came into power, which was marked by efforts to reverse language shift by promoting Galician in all spheres of public life, emphasizing linguistic parity in education and creating a network of Galician-speaking kindergartens. This policy also included aid for Galician translation.

In 2009 there were new elections which were heavily influenced by the language issue. The Partido Popular stated they felt Galician was imposed upon the citizens. They came back into office and started reversing many of the decrees that were brought in by the previous government.

They denied the existence of a 'language conflict' in society and closed *Galescolas*, and repealed the Education Decree to replace it with the Decree on Multilingualism. This decree reduces Galician as the medium of instruction to one third of subjects and explicitly bans the use to teach Maths, Physics and Chemistry in the language. These were approved despite massive backlash and public demonstrations.

Basque Country since 1978

The Basque country is one of the two regions in Spain were the Basque language is spoken, the other being the Autonomous Community of Navarra. It is also spoken by a small group of people in France. Basque is not a Romance language, which makes it unique among languages in Spain. Basque is one of the last remaining European languages that is of pre-Indo-European descent. Of the approximately

⁵¹ Translation: Nagy (2012)

⁵² Ley 3/1983, de 15 de junio, de Normalización Lingüística. http://noticias.juridicas.com/base_datos/CCAA/ga-I3-1983.html

⁵³ Baxter (2013) p229

2.1 million people in the Basque Autonomous Community (BAC), 59,5 per cent speak Basque well or with occasional difficulty.⁵⁴

The Statute of Autonomy of the Basque Country was adopted on the same day as its Catalan counterpart, in 1979. Its linguistic provisions are found in Article 6^{55} :

1. «Euskera», the language of the Basque People, shall, like Spanish, have the status of an official language in Euskadi. All its inhabitants have the right to know and use both languages.

2. The common institutions of the Autonomous Community, taking into account the socio-linguistic diversity of the Basque Country, shall guarantee the use of both languages, controlling their official status, and shall effect and regulate whatever measures and means are necessary to ensure knowledge of them.

3. No-one may suffer discrimination for reasons of language

In 1982 the Basque parliament passed the *Basic Law Normalizing the Use of Basque*, its law of Language Normalization similar to the ones we've seen in Catalonia and Galicia. It states that Basque is the most visible and objective sign of identity in the Basque Country. It ensures the right to use, both languages in relation to administration (justice included). It also ensures the right to education in both languages and provides for progressive Basquization of personnel of public administration.

Normalization is achieved through education (as in Catalonia), but whereas Catalonia has a model of linguistic integration the Basque Country has chosen the form of linguistic separation. Parents may choose one of three linguistic models for their child's education: A, B or D⁵⁶. Model A is mainly in Castilian-language with Basque as a compulsory subject. Model D has Basque has its language of instruction for all subjects except Spanish language and literature. Model B, the middle ground, has subjects taught in both languages. 66% of inhabitants in the BAC state they would choose the model D school, with 25% preferring model B.⁵⁷

For Basque speaking people models with more Basque education are promoted, while Castilianspeakers have other models promoted to them. More Basque-heavy schools have seen an increase in popularity in recent years, also among native Castilian-speakers. These choices sometimes caused friction in Basque-heavy schools, as the models weren't intended for children who grew up in a

⁵⁴ Eustat, 2006

⁵⁵ http://noticias.juridicas.com/base_datos/Admin/lo3-1979.html

⁵⁶ The Basque language traditionally doesn't use the letter C, so this letter was skipped in the classification of the programmes.

⁵⁷ 2013 Fifth sociolinguistic survey

Castilian-speaking household.⁵⁸ This statistic shows that the Basque language has been successfully promoted within the Basque Country, as people that did not grow up with the Basque language still want their children to learn it.

In 1998 the government approved the General Plan for Promotion of the Use of Euskera, which is the most recent comprehensive language policy.⁵⁹ It analyzes accomplishments and shortcomings of previous policies and makes recommendations. Block, who researched Language Policy in the Basque country,⁶⁰ sums up the documents main points, which boils down to a focus on the value and need of the language, bilingualism and the Basque youth.

The Basque Department of Education has carried out various studies comparing the proficiency of students of several of the models and their educational levels. Their results indicate that early schooling in Basque generally does not hinder linguistic development of the family language and at the same time allows a good knowledge of the second language. When Euskara is used as the primary language in education the results don't reflect this. In a nationwide study researching reading comprehension of the Castilian language Basque children scored slightly above average compared to their counterparts from the rest of the country.

More power to the regions: more freedom for minority languages?

In Spain we see a movement similar to that in Italy: the regions that were discussed in this chapter all received more freedom to decide upon linguistic policy in the 1970s. In Spain this movement arrived a bit later than, for instance, South Tyrol. Of course, this has to do with the Death of Franco and the need for a new constitution afterwards.

So both countries granted more freedom to the regions in the 1970s. This has had mostly similar effects. Catalonia and the Basque Community both take this chance to improve the status of their particular language, similar to what happened in South Tyrol. Particularly in these two regions the language policy has been very successful, leading to increases in the amounts of speakers and very popular basic educational systems for children within their borders.

A particular exception to the rule is Galicia. They too declared their language to be official as soon as they had the chance, soon after the new constitution of Spain had been finalized. After this moment, however, they have not actively encouraged the usage of Galician, except in the short period of time

⁵⁸ Huguet (2007) p78

⁵⁹ Nagy (2012) p201

⁶⁰ Block (2005) p50

in which the Partido Popular de Galicia was not in power, in which a Galician revival attempt was made.

3 Language rights, regulations and frameworks regarding minority languages in the European Union

EU Language Policy and Politics

Roughly 10 per cent of the population in the EU Member States speaks a different language than the majority language in their own country. Besides the 24 official languages of the 28 member states, more than 60 other regional or minority languages are spoken, with varying levels of protection among them. Some are official, some are merely recognized, and some are neither.

Increasing cooperation between European states in the field of human rights protection forces new viewpoints on the regulation of language rights. As language is an important part of identity for minority groups, it becomes a key symbol of the struggle of various minorities for rights, autonomy and more.

In this chapter we will take a look at international documents regarding language and minority rights. Because language is regarded as an essential human right language rights often go hand in hand with human rights, so the Human Rights Declaration will also be discussed. The discussed documents have influenced language policy in the European Union, even if they are not necessarily drafted by the European Union. However, hey often are a requirement for admission to the EU, and as such are important for minority rights in EU-countries.

The 1950s – 1990s: post-war period, start of Language Policy.

Although minorities initially received little attention in international treaties, there have been various provisions regarding language use in these documents. The Universal Declaration of Human Rights (UDHR), passed by the UN General Assembly in 1948, declares that "everyone is entitled to all rights and freedoms set forth in this declaration, without distinction of any kind, such as (...) language".⁶¹ There were attempts to include specific provisions regarding language but none of them was successful.

As the body of international documents regarding human and minority rights protection increased since the Second World War, so did the documents addressing language, with many of them at least stating that human rights shall be safeguarded regardless of "race, sex, language or religion". This includes the European Convention on Human Rights Art 14⁶². More provisions were made specifically

 ⁶¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), art 2
⁶² Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, art 14

for minorities, including in the International Covenant on Civil and Political Rights (ICCPR) and the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. These clauses had the survival of minority groups, cultures and languages in mind.

Since its inception in the 1950s the European Union has always recognized the national languages of its member states as official and working languages. An obvious political decision, especially considering the key role languages play in determining national identities. Any country joining the Union would be very reluctant to do so if they could not bring in their own language.

As the number of member states (and level of cooperation) remained relatively stable until the mid-1990s the linguistic debate didn't really come up that much in the first 3 decades of the Union's existence. The admission of Ireland and the UK in 1973 only added English, which has the international prestige to be added to the repertoire without much discussion.

In the late 1980s and early 1990s however, a debate on language policy started. Many scholars and intellectuals engaged in debates regarding the language regime of the European Union and its language policies, and discussing possible alternatives. The concerns were also related to the increased cooperation and the coming of the Treaty of Maastricht. American political scientist Jonathan Pool in 1996, while exploring the question of an "optimal language regime for the European Union", provides us with a short overview of some views on the language policy of the early 1990s:

"With the EU becoming more active and considering the admission of additional member states, the struggle over official languages has begun to resemble a crisis over official languages. Observers have described the EU's choice of official languages as "potentially explosive" (Coulmas 1991 b: 6) and as having potentially calamitous effects. Among these effects are the corruption (Born 1992; Haberland and Henriksen 1991) or death (Pavlidou 1991: 286) of languages; the collapse of translation services (Haarmann 1991: 20; Roche 1991: 144); damaging costs, delays, and misunderstandings in multilingual operations (e.g. Cwik et al. 1991; Reuter Library Report 1992); unfair discrimination among official languages in frequency of use, speed of translation, and deference conferred, as well as even greater discrimination against the many local languages with no official status (Ammon 1991: 81-83; Barrera i Vidal 1991; Born 1992; Coulmas 199 la: 34; Haberland and Henriksen 1991); and pressures against free choice by individuals among official languages (Roche 1991)".⁶³

⁶³ Pool (1996) p166

Since the 1990s

Since 1989 there has been an increase in the protection of various minority groups and several documents have been adopted addressing these rights. Not all of these documents explicitly addressed language rights, but they are often part of provisions regarding identity and culture. In the 1990s ethnic conflicts in Central and Eastern Europe were a cause for concern. International organizations actively moved to codify commitments on minority rights protection.

In Europe, the Organization for Security and Co-operation in Europe (OSCE) adopted new political declarations, which underlined the efforts of the Member States and included detailed references to member states' commitments to the protection of minority rights. The Council of Europe (CoE) adopted two international treaties: The European Charter for Regional and Minority Languages (ECRML) in 1992, and its 1995 Framework Convention for the Protection of National Minorities (FCNM).

Besides these legal documents the European Parliament, European Union and the OSCE High Commissioner on National Minorities have issued guidelines. So emerged a framework of internal law regarding language rights which impacts national legislation concerning Minority Languages. Most of the aforementioned documents however, are very difficult to enforce before a court of International Law, thus making them only 'soft laws'.

ECMRL and FCNM: two European treaties

The 1992 Language Charter is not aimed at the protection of minority communities, but rather has the primary goal of "protection of historical regional and minority languages of Europe", stressing that this is "an important contribution to the building of a Europe based on cultural diversity".

The ECMRL aims to create a framework for protecting regional and minority languages, stressing that "the importance of a multicultural approach in which each category of language has its proper place". The first part of the Charter provides provisions and definitions; in Part II we find general obligations for all signatories. The Third Part has concrete provisions for different activities, but states can choose which ones they want to implement, based on their particular situation.

The Framework Convention is the most extensive document from the CoE regarding minority rights. It is usually considered the first legally binding multilateral treaty on national minority rights.⁶⁴ It has been signed by 43 states and ratified by 39.⁶⁵ The Framework covers a wide range of issues, including

⁶⁴ Vizi (2012) p143

⁶⁵ Italy signed the document in 2000 but has not yet ratified it. Spain signed in 1992 and ratified in 2001

specific rights for minorities and underlines the importance of the right to use minority languages and the freedom of expression in both public and private spaces.

Interpreting the FCNM is a difficult task as the language used in various provisions is vague and nonspecific, leaving a lot of room for discussion for signatories. Despite these weaknesses the treaties are an important step towards designing a Europe-wide legal framework.

Both the Charter and Framework show a positive approach to multilingualism in their preambles, explicitly calling for respect for cultural and regional identities, and linking them to the "cultural wealth and traditions" and the "enrichment of society".⁶⁶⁶⁷ This approach shows the tolerant approach to minority languages and linguistic diversity in Europe, although this is has not necessarily led to legal implications: Legal norms implementing the ideas are diverse and largely dependent on existing national practices.

Except for France all member States of the EU have signed the FCNM. Belgium and Greece are still to ratify the document. 18 countries out of 27 have also ratified the ECMRL. The question of language rights, however, has generally been an issue left to the individual member states rather than the EU.

Cultural Diversity and Language Rights in the EU

Within the EU language rights have been built on two pillars. On the one hand there is the issue of official languages within the Community, which was important since 1957. On the other hand there is an increasing demand for the full recognition of cultural and linguistic diversity within Member States, starting from the 1980s, the same decade in which we saw an increase in interest in regional and minority languages in Spain and Italy. Official languages are an issue of Community Law, but the struggle for legal recognition of minority cultures has not yet made a breakthrough into European Law.

Article 53 of the Treaty on the European Union⁶⁸ states that the wording of the Treaty is equally authentic in all 23 languages cited in it, the Treaty Languages. A Treaty Language, besides prestigiously called official, is also a language in which EU citizens may address EU institutions and Art 44 of the European Charter of Fundamental Rights (ECFR)⁶⁹ formulates the right to petition in

⁶⁶ Council of Europe: Committee of Ministers, European Charter for Regional or Minority Languages: 23 September 2009, ECRML (2009) 6, preamble

⁶⁷ Council of Europe, Framework Convention for the Protection of National Minorities, 1 February 1995, ETS 157, preamble

⁶⁸ TEU, art 55(53)

⁶⁹ ECFR, art 44

these languages, combined with article 20 (d) of the Treaty on the Functioning of the European Union⁷⁰

The political equality of Member States demands the respect for the formal equality of languages within the EU, reflected in the joint official status of the 23 languages today and it applies exclusively to Member State languages. Multilingualism as defined in the Treaty is based on the principle of equality and serves as a defense against the dominance of certain languages, such as English.

Whenever the extension of the list of official languages is on the agenda the Member States speak of State Languages, which are languages that are official in the whole Member State. This excludes those languages that have only limited official status within a country (i.e. only in certain parts of the Member State). Languages such as Catalan and Basque therefore cannot be an official language in the European Union as they are only official within their respective provinces. This leads to the full exclusion from all types of official use of non-state languages regardless of their internal status. So Basque and Catalan cannot be used in EU institutions based in those regions, as they are only official in the region but not in the EU. The minority languages we discussed in Northern-Italy, on the other hand, can be used for this purpose as they are official languages of the EU based on their status in France, Germany and Austria.

The equality of languages has not been questioned since 1958 despite the rapid enlargement and significant increase in languages, leading to more technical and financial burdens for institutions. In practice there are few languages that are working languages and are mostly used in the inner workings of EU institutions (English, French, German).

There has not been a clearly-defined language policy guideline for the EU when it has to deal with regional or minority languages. Minority language rights are hardly discussed even in relation to the enlargement of the EU. Although in the past years there has been increasing attention to promoting multilingualism within the EU, policy instruments in the field usually don't extend to regional or minority languages. When the EU organized the Year of the Languages in 2001 there were heated discussions regarding the inclusion of minority languages within this project.

The European Council has adopted resolutions in the field of regional and minority languages that acknowledge the importance of promoting lesser used languages in Europe but focus their actions on life-long learning of languages improving language learning schools. Minority languages do not necessarily fit into these programs⁷¹. And although the Commission is dedicated to the 1+2 rule

⁷⁰ TFEU, art 20 (17)

⁷¹ Vizi, p149

(every citizen should be able to communicate in two languages other than their mother tongue) it stresses the independence of Member States in promoting minority languages.

There is generally no strong interest in the EU to integrate minority languages in common language policies. Even the promotion of multilingualism is the primary task and responsibility of Member States. In 2007 a portfolio of Multilingualism was created but is generally seen as a political solution in order to create a new portfolio for the new Romanian commissioner Orban. Three years later the portfolio was added to the portfolio of Education, headed by Cypriot commissioner Vassiliou. This signals the lack of interest for a European policy and adds to the individual competences by Member States. However, there are some programs which provide financial support for situations relevant to minority culture. These are meant for conservation and promotion of regional culture. These can be used to promote minority language, for example via the translation and dissemination of works of contemporary literature in lesser used languages.

European Parliament

The European Parliament (EP) is the most active institution in expanding the protection of linguistic diversity, usually paying the most attention to protection of minority languages when addressing minority issues. The EP has adopted a number of legislative initiatives aimed at safeguarding regional minority or 'lesser-used' languages in the EU. The active role of the European Parliament can be explained by the fact that it deals with democratic legitimacy more than other EU institutions. The legitimacy of an institution as decided by its peoples has clear links with the rights of these citizens with regard to expressing themselves in their own languages.

In 1981 the EP called on both national and regional authorities to allow and promote the teaching of regional languages and cultures at all levels of education from nursery schools to university. The European Parliament also called on the Commission to review all community legislation which discriminates against minority languages⁷².

The biggest achievement of the EP was the establishment of the EBLUL (European Bureau for Lesser Used Languages). The EBLUL, which was forced to close in 2010 due to changes in financial circumstances, was an NGO observing the situation of minority languages in EU member States. It was partially financed by Commission resources.

⁷² OJ C 1981 no. C 287, p. 106

In 1983 the EP again called on the Commission to make practical measures for the enhancement of opportunities for the use of minority and regional languages⁷³. The Kuipers-resolution in 1987⁷⁴ reiterated this standpoint. It also recommended the adoption of a separate line-item in the EU budget for actions favoring minority languages. A year later, in 1988 it ambitiously appointed its member Stauffenberg to research a Charter of the Rights of Ethnic Minorities⁷⁵, which underlined the importance of a legal charter. This was never discussed and later lost relevance due to the Council of Europe's Language Charter.

Other resolutions by the EP include the 1994 resolution favoring minority and regional languages⁷⁶ and its support for minority languages in the 2001 Year of Languages. It also recently emphasized that language learning and minority languages (as part of the policy promoted by the EU in recent years) should also include regional and minority languages. The respect for cultural diversity resonates with the primary concern of the EP, which is protection of minority languages.

The privilege of legal regulation of languages is not limited exclusively to the states, but recognition of minority language rights on an international level has been shown in recent years. Within the EU the regulation of language use is rather functional and technical, although the recognition of all 23 languages shows the commitment to equality.

⁷³ OJ C 68, 14.3.83, p. 103-104.

⁷⁴ OJ C, No C 318, 30.11.1987, pp.160-164

⁷⁵ Vizi, p150

⁷⁶ OJ 1994 No. C 61, p. 110.

In conclusion

In this thesis it has become clear in what way the EU-member states Italy and Spain have dealt with minority languages within certain regions in their countries. Both countries started off the 20th century with oppressive governments that suppressed those peoples within their borders that spoke a different language than the national language as preferred by the ruling powers.

In both countries linguistic policies changed after collapse of the regimes. Both countries saw an increase in LPP-related development in the 1970s and 1980s. Although the Aosta region in Italy had received more *de jure* freedom regarding the French language shortly after WWII there, too, major developments came later. In both Aosta and South Tyrol increased regional linguistic freedom came in the early 1970s, for instance through the Statute of Autonomy in the South Tyrol region. With this statute the official status of the language in the region was officially recognized.

In Spain the 1970s also offered major developments regarding minority languages. After the end of the Francoist regime the three discussed regions quickly implemented their autonomy statutes, which all featured provisions regarding the status of their regional language. In both Catalonia and the Basque community this also led to more education in the regional language and an increase in the number of speakers. Galicia is the exception, as the regional government has not made much effort in improving the knowledge of the regional language.

So we see many similarities between the two countries and within the five regions we discussed. So in conclusion we can say that the policies of the two countries have converged in the field of minority languages policy and politics: as one would expect with two countries that started cooperating more closely in the second half of the 20th century.

The last chapter discussed the issue of minority languages from a European perspective. This has shown us that there is not much influence levied on the Member States of the EU from the top. There have been various treaties, both in Europe and worldwide, that have discussed the protection of minority language rights, but there has not been much they could do to enforce the provisions stated in these treaties: languages, as part of cultural heritage, are very much an area of policy in which other states seldom interfere.

The same goes for the treaties, frameworks and charters as discussed that were instituted within the European Union. Most of these are examples of *soft law* and intergovernmental policy (as opposed to supranational). The positions are written in such way that there is much room from interpretation and a lack of control for the European Union.

The European Parliament has established itself as the most active organ when it comes to minority language policies and they have not been able to make much progress either. There have been occasional resolutions stating their position and underlining the importance, but they have not managed to influence decision-making much.

So that leaves us with two countries with similar policies and a European framework that agrees with their policies. The framework, however, is weak and has little influence. So we cannot say that the framework of the European Union has caused the Europeanization of the linguistic politics and policy in Spain and Italy, based on this research. If anything it seems that the French and Italians were earlier with their support than the European Union has been. To find out if that is true more research might be needed.

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