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Minority Languages in Spain: Recognition, Promotion and Some Conflicts

Antonio López Castillo
Alberto López-Basaguren



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LANGUAGE POLICY IN FEDERAL AND DEVOLVED COUNTRIES

Project Overview

Language is a highly significant marker of individual and collective identities. It often provides an impulse for national or community affirmation and claims to self-government. Provisions to recognize and accommodate linguistic differences can be particularly salient in federations, many of which have highly diverse populations. Indeed, in quite a few cases linguistic diversity was one of the key reasons why federalism was central to a country's founding framework or the result of its constitutional evolution.

Several federal countries have designated more than one language as official (or national) languages in the federal constitution and/or legislation. In turn, the constituent units (states, provinces, etc.) may accord a similar status to one or more languages. The different designations are not merely symbolic: they usually require or lead to policies, programs and other measures to govern language use. In some nonfederal states where more than one language is spoken, a measure of authority over language policy has sometimes been devolved to regional governments (or the equivalent).

Language rules, including for service provision, are frequently an important dimension of policy sectors that are exclusively or largely the responsibility of constituent unit governments. One such sector is education. In various countries, there are calls for teaching to be given not only in officially recognized languages but also in others that are spoken by minorities that are fearful about the future of their language. Indigenous peoples in particular have concerns about the viability of their languages, many of which have a long history of suppression.

In some countries, language policies are well established and are largely uncontested. In others, the policies and/or their application are controversial – even divisive. This may be true not only in newer federations and devolved systems but also in those with a longer history. Because of their links to identity and culture (among other factors), languages can be – indeed, quite often are – a potent basis for political mobilization.

Even when political dynamics are not highly charged, pressures to change or reform language policies and programs are not uncommon. Some demands are fundamental (e.g. additional or stronger constitutional protection), while others are more administrative or technical. In light of their salience to citizens and their relevance in a range of sectors, it is not surprising that language policies are debated, reviewed and (at least in certain cases) modified.

Although there are a number of individual case studies, particularly covering countries where language has been a flash point for political division, there is a lack of comparative research. Moreover, existing comparative studies often focus on western Europe and North America. As more countries have adopted federal or devolved structures in recent decades, there is a need to expand the scope of research on language policies in plurilingual contexts.

The focus of this project is on language policy (broadly interpreted) in a range of countries that are federations or have a significantly devolved structure of government. It aims to take a holistic perspective on language policy and its place within governance arrangements. In addition to providing an overview of the country's demography, constitutional recognitions and protections, and language laws and policies, in order to encourage comparison authors were asked to address a common set of questions:

- A. What potential changes to the regulation of language – constitutional, legislative, administrative – have been proposed or are currently being debated?
- B. What are the pressures and who are the main actors behind the proposed changes?
- C. Which have received the most attention and/or seem the most feasible?

We hope that the authors' responses to these questions will inform public discussion and understanding in their own countries as well as in others where similar issues are on the agenda.

This project was developed following an initial discussion with Felix Knüpling, Vice-President (Programs) of the Forum of Federations. To provide expert advice, we created an editorial team comprised of the following: Elisabeth Alber (Institute for Comparative Federalism, Eurac Research), Linda Cardinal (Université de l'Ontario français) and Asha Sarangi (Jawaharlal Nehru University). The editorial team commented on the initial outline of the program and provided suggestions for potential authors. We were fortunate to attract leading scholars from a range of disciplines. At least one member of the editorial team reviewed and provided comments on the initial version of each paper.

Felix and I are indebted to Elisabeth, Linda and Asha for their excellent cooperation throughout the process. I would also like to express my appreciation to the authors of the country papers for agreeing to join the project and for their responsiveness to comments on their draft papers. We are grateful to Francesca Worrall for copy-editing this paper. Finally, a big "thank you" to the Forum of Federations staff who administered the project and prepared the papers for publication: Olakunle Adeniran, John Light, Deanna Senko, George Stairs, Jamie Thomas and Asma Zribi.

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Minority Languages in Spain: Recognition, Promotion and Some Conflicts

Antonio López Castillo
Alberto López-Basaguren

SPAIN



Introduction

Spain is a country with considerable linguistic diversity. Castilian (Spanish) is widely spoken throughout the country, but in some areas minority languages are traditionally spoken by some inhabitants. With certain exceptions, this linguistic diversity was not historically protected by the public authorities. The Spanish Constitution of 1978 brought a radical change. It established Castilian as the official language of the entire country; and that minority languages could have the status of official language in the territory where they are spoken, with the particularities to be determined by the Statute of Autonomy (SA) of the corresponding autonomous community (AC). As a result, in a number of ACs both languages have equal status as official languages.

The approval of the SAs and subsequent legal developments in the ACs have radically transformed the linguistic landscape. Languages other than Castilian have been incorporated into the education systems as languages of instruction. The minority (co-official) languages can be used with public authorities, the media and other actors. Indeed, use of minority languages has been normalized in public life in the relevant territories. However, the socio-linguistic situation varies across the country, so the legislative options in the ACs also differ. Problems in the implementation of the language models also vary considerably.

In this paper, we provide an overview of the linguistic situation in Spain and the main elements of the legal frameworks. We then discuss the most significant problems that have arisen in the implementation of the models of linguistic diversity as established through the Constitution and the SAs, as well as the likelihood of further changes.

The Linguistic Reality

Spain's linguistic groups vary both qualitatively and quantitatively. Qualitatively, several languages are central to a community's political identity. This is, without any doubt, the case for Catalan, Basque and Galician. The Catalan language is an essential element of the identity of Catalonia, the Balearic Islands, and the Valencian Community (where it is usually and officially called "Valencian"). The Basque language is established in the AC of the Basque Country and in the north of Navarra. Galician is the language of the AC of Galicia.

It is estimated¹ that around 10 million people speak Catalan, Galician is spoken by between two and two and a half million people, and that just over 700,000 people speak Basque (see table 1). In general, the minority language has official status in the whole territory of the AC. This is the case for Catalonia, the Basque Country, Galicia and the Balearic Islands, in which two languages are equally official (three are official in the Val d'Aran in Catalonia). However, there are two special cases: Navarra and Valencia. In Navarra, Basque is fully official only in the so-called "Basque speaking zone" in the north of the AC. In the so-called "mixed zone" in the middle of the AC — the capital city Pamplona/Iruña and the surrounding area — Basque has a special status as a protected language. For instance, there is a wide offer of Basque, as a subject and as a language of instruction in compulsory education, but it is not a fully official language. In the Valencian community the minority language is official throughout

¹ There are no census or other data on the number of speakers of each language. The figures are estimates, in most cases from population surveys and in others from less reliable sources (see table 1). A distinction must be made between those who can speak a language (understand, read or write) and those who consider it their language. Insofar as the learning of a minority language is compulsory in obligatory education, knowledge of such languages is expanding significantly. However, this does not mean that the minority language is identified as one's own language or that it is used as a habitual language.

the AC, but in the legally established “Castilian-speaking territories” (in the west of the AC) the study of Valencian is optional in compulsory education.

Table 1: Knowledge and Use of Co-official languages in Spain’s Autonomous Communities (percent)

Catalonia

	Initial language	Language of identity	Usual language	Understand	Speak	Read	Write
Catalan language	31.5	36.3	36.1	94.4	81.2	85.5	65.3
Castilian language	52.7	46.6	48.6	99.8	99.5	98.5	97.6
Catalan/Castilian	2.8	6.9	7.4				

Balearic Islands

	Initial language	Language of identity	Usual language	Understand	Speak	Read	Write
Catalan language	37.9	40.5	36.8	96.8	80.5	83.5	61.9
Castilian language	48.6	47	49.9				
Catalan/Castilian	3.6	4.6	10.3				

Valencian Community

	Knowledge of Valencian language	Use of Valencian language				
		Nothing	A little	Normal	Often	Usually
Total	51.2					
Valencian-speaking zone	56.1	2	38	30	23	6
Castilian-speaking zone	17.9	21	56	16	6	0

Basque Country

	Knowledge of official Languages			Use of Basque language				
	Castilian (monolingual)	Basque language (bilingual)	Passive knowledge	Always in Castilian	Very little in Basque	Less Basque than Castilian	As much Basque as Castilian	More Basque than Castilian
Total Basque Country	47	33.9	19.1	63.3	6.1	10.1	7.1	13.4
Province of Bizkaia	52	27.6	17.3			10*	13**	
Province of Gipuzkoa	32.1	50.6	20.4			10.9*	39.5**	
Province of Araba	62.4	19.2	18.4			8.9*	5.6**	

* These figures represent the aggregate of the two items “Very little in Basque” and “Less Basque than Castilian.”

** These figures represent the aggregate of the two items "As much Basque as Castilian" and "More Basque than Castilian."

Navarra

	Knowledge of official languages			Use of Basque language				
	Castilian (monolingual)	Basque language (bilingual)	Passive knowledge	Always in Castilian	Very little in Basque	Less Basque than Castilian	As much Basque as Castilian	More Basque than Castilian
Total Navarra	76.7	10.3	12.9	85.3	2.5	5.6	2.9	3.7
Basque-speaking zone	25.5	61.1	13.4			11.9*	50.7**	
Mixed zone	76.8	11.3	12			10.8*	3.2**	
Non-Basque-speaking zone	90.5	2.7	6.8			2.5*	0.2**	

* These figures represent the aggregate of the two items "Very little in Basque" and "Less Basque than Castilian."

** These figures represent the aggregate of the two items "As much Basque as Castilian" and "More Basque than Castilian."

Galicia

	Knowledge of Galician language			Use of Galician language			
	Well	Enough	A little/ nothing	Always in Galician	More in Galician than Castilian	More in Castilian than Galician	Always in Castilian
Total Galicia	57.6	30.5	11.9	30.6	21.7	23.3	24.4

Sources: Catalonia: Institute of Statistics of Catalonia, 2011, Government of Catalonia; Balearic Islands: Enquesta d'usos lingüístics a les Illes Balears, 2014, Government of Balearic Islands, Department of Culture, Participation and Sports; Valencian Community: on the use of the Valencian language - Government of Valencian Community, Department of Education, Research, Culture and Sport, Knowledge, on the social use of Valencian - Survey 2015, on knowledge of Valencian - Census of 2011; Basque Country: 6th Sociolinguistic Survey 2016, Basque Government; Navarra: 6th Sociolinguistic Survey 2016, Basque Government; Galicia: Galician Institute for Statistics, 2019.

To these linguistic groups should be added those who speak Aranese, a Gascon variant of the Occitan language spoken in the Val d'Aran, which, since the 2006 reform of Catalonia's SA (*Organic Law 6*) is considered an official language. This territory is inhabited by just under 6,000 people, a little over 34 percent of whom have Aranese as their mother tongue; just over 62 percent of the population speaks the language (Conselh Generau d'Aran). The Val d'Aran is the only Occitan-speaking territory in the world where Occitan or one of its variants is recognized as an official language (it is also spoken in parts of France, Italy and Monaco).

A singular situation is that of the Asturian language, which is also known as "asturleonese." According to studies, it is spoken by between 100,000 and 600,000 people — somewhere between 20 percent and 60 percent of the population of the AC of Asturias (Academia de la Llingua Asturiana 2017). In the west of the AC, bordering on Galicia, a transitional language between Galician and Asturian is spoken — called Galician by the Academy of the Galician Language — known as Galician-Asturian, or "Eonaviego."

Some groups who speak a minority language reside outside their areas of concentration (known as “linguistic enclaves”). Prominent for their relative quantitative significance and their traditional social acceptance are the Catalan linguistic enclaves in the eastern counties of the AC of Aragon (the area bordering Catalonia and the northeast of the AC Valencian Community, known as “La Franja”), where it is estimated that approximately 30,000 people, around 54 percent of the population of the area, speak Catalan (Fumanya 2017). Speakers of Galician reside in enclaves in the counties of El Bierzo (province of Leon) and Sanabria (province of Zamora), in the AC of Castilla and Leon. In addition, speakers of a variety of Galician referred to as “A Fala” (currently around 6,000) reside in three municipalities of the province of Caceres on the border with Portugal (Turismo Sierra de Gata). Finally, there are a few hundred speakers of Valencian in the AC of Murcia.

There are also situations that are controversial because an important part of the population of the territories concerned does not accept the linguistic variant as a “real language,” or because the variant has almost disappeared. This is the case for Leones, local variants of Asturian spoken in some parts of the provinces of León and Zamora (AC of Castilla and Leon), although it is not known how many people speak Leones. Aragonese, according to some sources (for example, General Directorate of Language Policy of the Government of Aragon), is spoken by between 12,000 and 25,000 people in the north of the AC of Aragon.

In addition, there are doubts about the continued existence of Portuguese as a traditional language in the city of Olivenza and of Extremeño in the northwest of Extremadura AC. The Council of Europe, in the reports on Spain based on its European Charter for Regional or Minority Languages (ECRML), nevertheless refers to them (see ECRML 2019). Finally, also according to ECRML reports, there are the languages of Amazigh and Arabic, spoken in the Spanish autonomous cities of Melilla and Ceuta in North Africa, although the reports do not specify whether these are traditional linguistic groups or migration languages.

Finally, we should also mention the Roma population in Spain. These communities have not used the Romany language for centuries. Rather, they use what is known as “caló,” a mixture of Castilian and elements of Romany.

Figure 1: Territorial Distribution of Languages in Spain

Source: Pedrogonzalezrus, "Mapa de las Lenguas Oficiales de España," adapted slightly by the authors. <https://view.genial.ly/5f7a17ef73991b0cf5732ed8/interactive-image-mapa-de-las-lenguas-oficiales-de-espana>

Legal Provisions for Minority Languages

National level

The basis for the system of linguistic pluralism in Spain was established in the 1978 Spanish Constitution. Further to what is stated in the preamble,² article 3 establishes that “Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it”; that “The other Spanish languages shall also be official in the respective Autonomous Communities in accordance with their Statutes (of Autonomy)”; and that “The wealth of the different language modalities of Spain is a cultural heritage which shall be the object of special respect and protection.” The Constitution also refers to linguistic pluralism, notably in article 20.3 concerning the state-owned media (subsequently privatized), in which “the pluralism ... of the various languages of Spain” must be respected.

² The preamble of the Constitution refers to the will to “protect all Spaniards and peoples of Spain in the exercise of human rights, their cultures and traditions, languages and institutions.”

In short, Castilian is the official language throughout the Spanish territory, and the minority languages of the ACs have the same status in their respective territories, as established by their SAs. This corresponds with the sociolinguistic reality of Spain: on the one hand, Castilian is spoken by society as a whole; on the other, minority languages are recognized in a stable manner within the ACs, where they coexist with Castilian (even though some of them are not spoken by a significant proportion of the AC's residents). In this regard, SAs are the "basic institutional legislation" of each AC and are also established in the Constitution as national "organic laws."³ As has been evidenced in practice, this legislation has made it possible to adapt the regulation of languages as their recognition evolves in the ACs by reforming the SA, a simpler process than reforming the Constitution. This occurred with the recognition of Aranese, the protection of the linguistic enclaves, and possibly one day the recognition of Asturian as an official language.

Numerous laws refer to the obligation to respect the system of official languages established in the Constitution and in the SAs: *Civil Registry Law*; *Organic Law on Rights and Freedoms of Foreigners in Spain and their Social Integration*; *Law on Foreigners*; *Law on the Status of Spanish Citizens Abroad*; *Organic Law on Education*; *Organic Law on the Judiciary*; *Law on the Common Administrative Procedure of Public Administrations*; *General Law on Audio-visual Communication*; *Law on State-owned Radio and Television*; *Cinema Law*; *Law on Citizen Access to Public Services*; *Law on Advertising and Institutional Communication*; *Law on the Basic Statute of Public Employment*; *Law on Traffic, Circulation of Motor Vehicles and Road Safety*. One could say, therefore, that national legislation reflects the existence of co-official languages in different regions of Spain.

Autonomous communities

In each AC, the SA establishes the legal system for the language(s) of the territory. In most cases, such languages are declared official in all or part of that territory. For languages not widely spoken, the SA establishes an obligation to protect or promote it/them; for example, the Asturian language and those spoken in linguistic enclaves.

The Catalan language has been official in Catalonia AC since 1979 (*Organic Law 4*); in Valencian Community AC, where it is called Valencian, since 1982 (*Organic Law 5*); and in the Balearic Islands AC since 1983 (*Organic Law 2*). The protection of Catalan as an official language in Aragon AC was legally established in 2009 through an ordinary law. Basque has been an official language in the Basque Country AC since 1979 (*Organic Law 3*); in Navarra AC it has been legally official in certain areas since 1986. Galician has been an official language of Galicia AC since 1981. Aranese has had official status in a small part of Catalonia since 2006 (*Organic Law 6*).

The declaration of official status by the SA has been developed, in almost all the ACs, by a general law on language policy and complemented, in most cases, by specific laws, particularly in the spheres of education, civil service and the media.

In the ACs with an official minority language, education systems in which that language is a language of instruction were established very early, although the models vary. In the Basque Country and Navarra — in the Basque-speaking and the mixed areas — the education system consists of three models: one is exclusively in Basque, one is exclusively in Castilian, and the third is a bilingual model

³ An organic law – authorized by the Constitution for matters of particular importance – is a special law enacted by the Spanish parliament that requires an overall majority of the members of the lower chamber. The SA is based on a proposal from the representatives of the AC, then negotiated with the lower chamber, approved by the AC's population in a referendum and eventually enacted by both chambers of the Spanish parliament as an organic law. The SA is thus both the basic law of the territory and a national law.

in which both languages are used as languages of instruction. Families can choose the model they consider appropriate, although the evolution of the system has led to the Basque-only system becoming very popular, especially in public education.

In contrast, Catalan has been the only language of instruction in Catalonia since passage of the 2009 Catalan education law (*Law 12*). Before that, families could choose Castilian as the language of instruction for "first education," which, according to Catalan authorities, is not the whole of "primary education" but only the initial years.⁴ There is still the option during first education of "special linguistic tuition" in the classroom for pupils who do not have an adequate command of Catalan (this is discussed further below).

Finally, in the ACs of Galicia, the Balearic Islands and Valencia, a compulsory bilingual education system for all has been adopted in which both official languages are used as languages of instruction. This means that the education systems in these territories do not guarantee education entirely in the minority language, as Spain has been obliged to do since it ratified the European Charter for Regional or Minority Languages (Council of Europe 2001).

In the Balearic Islands, the education law (*Law 1, 2022*) states that "the Catalan language will be the language of teaching and learning used in at least half of the school timetable." It continues that Castilian "may also be used by decision of each school by means of the approval of its linguistic project, especially when it is considered necessary to guarantee full and equivalent communicative competence in the two official languages at the end of compulsory education." Thus, the Balearic Islands appear to be opting for a system that resembles that of Catalonia.

As for public administration, in all ACs with an official language other than Spanish, knowledge of both official languages is required for civil service jobs, either in all of them, as in Catalonia, or in some, based on the proportion of speakers of the regional language, as in the Basque Country. As for the media, public radio and television resources in all the ACs have been created in which their respective official languages are employed. In the Basque Country, separate radio and TV channels have been created in Basque and Castilian. In Catalonia and Galicia, public media use only the minority language.

In the linguistic enclaves, the regulations in the ACs Aragon and Castilla and Leon merit attention. The 2007 the SA of Aragon expressly refers to the "languages and linguistic modalities of Aragon" (*Organic Law 5*) and establishes that a law will guarantee their recognition, protection and promotion. That law was passed in 2009 (*Law 10*), and in it the Catalan and Aragonese languages were protected and promoted. It has, however, witnessed major political controversies. When a new government, led by the Popular party, came into office, it amended *Law 10* with *Law 3*, in which explicit reference to Catalan and Aragonese had disappeared, weakening their protection and promotion.⁵ Nevertheless, a significant offer of teaching of and in Catalan has been maintained in the areas where it is spoken. Following the election of the Socialist party in 2015, the intention to reform the law has been raised on several occasions, but so far this has not happened.

The SA of Castilla and Leon provides for the protection, use and promotion of Leonese, assigning its regulation to the laws of the AC; and it also provides that the Galician language is to be granted respect and protection "in the places where it is habitually used." It safeguards the use of the Galician language

⁴ Primary education is for pupils between six and 12 years of age. Catalan authorities argue that when Catalan law refers to "first education" it is not to be interpreted as referring to the whole of "primary education" but as referring only to the initial years of "primary education."

⁵ CCR 56/2016 of 13 March declared that the law was constitutional.

in the educational system in the counties of El Bierzo and Sanabria through a Memorandum of Understanding between the ACs of Castilla y León and Galicia (Protocolo General de colaboración 2006).

The Asturian language does not have the status of an official language, but the SA of Asturias (*Organic Law 8*) declares its protection and promotion obligatory. Legislation adopted by Asturias in 1998 (*Law 1*) recognizes the right to its use, with full legal validity, and the teaching of the language in the educational system. The law also extends protection and promotion to Galician-Asturian. The First Minister of Asturias (Socialist party) has suggested the possibility of amending the SA to include the recognition of Asturian and Galician-Asturian, or “Eonaviego,” as official languages.⁶ However, the proposal has not been tabled in the legislative assembly of Asturias, and it has recently become clear that it does not have the necessary support: it would be one vote short (a proposal to reform the SA requires the support of a three-fifths majority in the regional parliament before can be submitted to the Spanish Parliament for approval as an organic law). It seems that the recognition of Asturian as an official language will be delayed, perhaps for a long time.

Current Debates and Conflicts

Language of instruction

In the field of education, there are two main issues. The first, in Catalonia, concerns the use of Catalan as the only language of instruction, except for the subject “Castilian language and literature.” It is not so much the status of Catalan that is questioned as the exclusion of Castilian as a language of instruction. The second issue, in some other ACs, is the compulsory use of both official languages (Castilian and the minority language) as languages of instruction for all pupils in similar proportions (bilingual compulsory model).

In general terms, it is important to note that in 1994 the Constitutional Court endorsed the legitimacy of a system of education in which Catalan is the “centre of gravity” as the compulsory language of instruction, without preventing the use of Castilian as language of instruction for those who choose it (CCR 337). The Court clarified this position in 2010 (CCR 31) regarding the new SA of Catalonia (*Organic Law 6, 2006*).

How these principles are translated into rules governing the language(s) of instruction was not initially the subject of significant public controversy in Catalonia. However, during the first decade of the 2000s there was disagreement over the refusal by the Catalan authorities to incorporate a third weekly hour of “Castilian language and literature,” thus failing to comply with a basic national regulation on the school curriculum.⁷ Since 2010, the conflict has focused on the request by some families that Castilian should also be used as a language of instruction in certain subjects, apart from “Castilian language and literature,” with Catalan as the language of instruction for the majority of subjects. The government of the AC of Catalonia refused to accept this request, and the dispute reached the courts. The High Court of Justice of Catalonia (HCJC) took numerous decisions, some of which were ratified by the Supreme Court. For example, its April 2015 ruling established that Castilian cannot be excluded as a language of instruction against the will of parents.

⁶ The use of Asturian has been raised frequently before the Constitutional Court. For example, in CCR 48/2000, on candidates’ use of the Asturian language in official documents, the Court accepted the legitimacy of using Asturian in official documents, revising the criteria established in CCR 27/1996. In 2021 the Court ruled that the use of the Asturian language in the Asturian legislative assembly was constitutional (CCR 75/2021).

⁷ The Constitution assigns the Spanish government exclusive power to establish the basic regulation of the system of education (articles 149.1.30, 81 and 27).

In 2020 the HCJC, in response to the Catalan authorities' refusal to comply with the Supreme Court's decisions, ruled that the authorities were obliged to use Castilian as a language of education in 25 percent of the teaching in the class when requested by a pupil's family, and imposed a deadline for this to be implemented. In November 2021 this decision was ratified by the Supreme Court, exclusively on procedural grounds without analysis of its merits (Supreme Court Ruling of Inadmissibility. Cassation appeal n.º 1676/2021, 18 November 2021).⁸

These judicial decisions are highly problematic, as is the Catalan authorities' refusal to allow Castilian as a language of instruction for the pupils whose families so request. The Supreme Court's decision violates the right of those who choose to receive an education entirely in Catalan.⁹ Moreover, most Catalan political parties very clearly support the system of education with Catalan as the sole language of instruction, which they regard as essential for social cohesion in Catalonia. Nevertheless, over the last two years a debate has taken place among most Catalan parties about the possibility of making the language of instruction rules more flexible. Some parties have raised the possibility of also using Spanish as language of instruction, although in a small proportion of teaching. But it is not clear if there is a broad consensus on this.¹⁰

Court decisions on the requirement to use Castilian as the language of instruction in 25 percent of the subjects in a given classroom when a parent so demands have significantly altered this debate. In this context, the reaction of the Catalan parliamentary majority is significant. In 2022, when the deadline to implement the Supreme Court decision on the 25 percent rule was approaching, the Catalan government passed Decree-Law 6/2022, on language plans in schools, and parliament passed Law 8/2022, on the use and learning of official languages in non-university education.

The aim of this Catalan legislation was to prevent the ordinary courts from continuing to apply the 25 percent rule. Nevertheless, the ordinary courts are bound by the laws, and the constitutionality of the new legislation can only be established by the Constitutional Court. In the light of the new legal situation, the HCJC has stopped the application of the legislation and has submitted the question of its constitutionality to the Constitutional Court. In spite of this, in September 2022 the HCJC issued several enforcement rulings requiring the application of the decision on the 25 percent use of Castilian as a language of instruction in five Catalan schools (e.g., HCJC 5th section, September 22, 2022).

In this context, when the issue of the language of instruction in Catalonia has been addressed in the Spanish parliament, during the governments of the Popular party the parliamentary majority has not supported the principle of Catalan being the sole language of instruction for all pupils; during the governments of the Socialist party, the parliamentary majority has always rejected right-wing parties' attempt to guarantee the use of Castilian as a language of instruction.

The *Law on Improvement of Educational Quality (Organic Law 8, 2013)* introduced the obligation to guarantee the right to receive education in Castilian, requiring an offer of Castilian as a language of

⁸ For the appeal in cassation to be admissible, the Supreme Court requires the existence of an infringement of the law in the ruling under appeal. The SC considered in this case that such an infringement was not demonstrated by the appellant.

⁹ In this context, the Committee of Experts of the ECRML has underlined that Spain is obliged to make available, for those who choose, a system of education entirely in the relevant regional or minority language. But it also recalls that "[t]he Charter [for Regional or Minority Languages] does not demand compulsory education in Catalan for all pupils, only that it shall be made available so that all pupils will receive education in Catalan if parents so wish" (ECRML 2008, para. 218, and "Findings of the Committee of Experts," para. H 11.12).

¹⁰ On 24 March 2022, the ERC, JxC, PSC and ECP parties in the Parliament of Catalonia tabled a private bill to amend Law 1/1998, on linguistic policy, and Law 35/2010, on Occitan, to make the use of Catalan and Castilian as languages of instruction more flexible (Private Bill 2022). A few days after this bill was tabled, the JxC party indicated it would not support the initiative.

instruction “in a reasonable proportion.” This law was reformed in 2020 by *Organic Law 3*, in which the section on languages of instruction reads as follows: “Educational authorities shall guarantee the rights of pupils to receive instruction in Castilian and in the other co-official languages in their respective territories, pursuant to the Spanish Constitution, the Statutes of Autonomy and applicable legislation.” The Spanish parliament has therefore avoided specifying in the national education act just what the options should be for using both Castilian and an official minority language in education.

A balanced approach to this issue would be to guarantee the use of Castilian as the language of instruction in some subjects, apart from “Castilian language and literature,” for families who so choose, while preserving Catalan as the majority language of instruction. At the same time, families should be able to choose to have education entirely in Catalan. This is the only option that would resolve the issue and respect Spain’s obligation under the CELRM.

The second issue in the field of education, in certain other other ACs, is the compulsory use of both official languages (Castilian and the minority language) as languages of instruction for all pupils in similar proportions (the bilingual compulsory model). This has been a controversy, depending on the political composition of the government at the time, in Galicia, the Balearic Islands and the Valencian Community. In these ACs, the problem has increased when English has also been introduced as a compulsory language of instruction. Under the trilingual model, which applies in Galicia, each of the three languages is used in a similar proportion in teaching. The system poses at least one problem: it makes it impossible for the educational system to be entirely in a minority language, which is an obligation Spain assumed when it ratified the CELRM.

One of the questions requiring more research is the effect of the education system on languages students are not using either at home or in their social environments (i.e., regional languages), which means that for many students reading and writing in the language they do use at home and socially (i.e., Castilian) is delayed up to a relatively late age. This is a very important question in the Basque Country, where a majority of pupils follow a model in which the language of instruction is neither their mother tongue nor that used in their social environment. This could be a source of exclusion, particularly for more disadvantaged sectors.¹¹

Languages in the courts

There is an issue about the minimal use of co-official languages in the courts. It has been said on numerous occasions – for example, in reports from the Committee of Experts of the ECRML -- that the regulations in the Organic Law on the Judiciary on the use of the language in courts are not adequate. The recruitment system for judges makes it difficult to guarantee the right to use official languages in courts located in territories where there is another official language.

In legal terms, there is no problem with using minority languages before the courts, although in practice Spain has not fulfilled its obligation under the CELRM to conduct legal proceedings in a minority language when requested to do so by one of the parties.

According to COMEX (from ECRML 2005 to ECMRL 2019), the problem is two-fold. First, although the law allows the use of an official regional language by the parties in the proceedings, it

¹¹ This is what the evaluations of the education results in the Basque Country show: see the *Report on Diagnostic Evaluation, 2019* carried out by the Basque Institute for Evaluation and Research on Education (2022). The so-called “immersion model” (with education entirely in Basque) is followed by a large majority of students in obligatory education, most of whom do not have Basque as the familiar or social language. The peculiarity of the Basque language, the radical difference between Basque and Spanish, and the fact that Basque is a minority language in most areas of the Basque Country, with regions in which it is not spoken, could explain the unsatisfactory results highlighted in the report.

imposes an obligation on judges, prosecutors and others to use Castilian (article 231 of the Organic Law of the Judiciary). Second, the law does not include a requirement of knowledge of the AC official regional language in the process of filling the posts of judges and prosecutors in those courts. Nevertheless, in recent years there has been a significant increase in the number of judges able to speak those languages, especially in Catalonia, Galicia and the Basque Country.

Language quotas for TV platforms

One of the issues that has arisen recently concerns the proposal to impose quotas on regional languages on streaming platforms (such as Netflix). In the Spanish parliamentary debate on the General Law on Audiovisual Communication, which seeks the transposition of the EU's "Television without Frontiers" directive into Spanish law, some Catalan parliamentary groups — especially Esquerra Republicana de Catalunya (ERC) — proposed imposing a limit of six percent of regional language offerings on streaming platforms and threatened to withdraw their support for the 2022 Budget Law. The issue is still under debate.

Potential Changes?

There do not appear to be solutions to the debates and conflicts we have discussed. On education in Catalonia, the imposition of Catalan as the sole language of instruction was established in the AC's legislation. An option that would bring together the two irreconcilable positions – the demand that Catalan be the only language of education, compulsory for all, versus the demand that for those who request it part of the education should be in Spanish – seems very unlikely in the current political environment in Catalonia. It would be necessary to know precisely how many people demand the use of Castilian as language of education and their geographical distribution, with a view to providing a reasonable offer in this respect. However, the government of Catalonia does not even agree to the possibility of offering this option. Moreover, it appears that the question of Catalan as the sole language of instruction is an indisputable matter of principle for the political majority in Catalonia.

There are a few factors that could influence this situation. One is the potential impact of judicial decisions on the position of the Catalan authorities. So far, the Catalan authorities have not modified their position, and it is unclear whether they will succeed in circumventing them once the Supreme Court has ruled on appeal. In addition, some people are beginning to favour making the educational model more flexible. This could pave the way to the partial use of Castilian as a language of instruction for those who so desire.

The issue of the use of ACs' minority languages in the courts is unlikely to change substantially in the short term.

As for the declaration of the official status of Asturian (and possibly also Eonaviego), this will depend on the results of future regional elections. Right-wing parties oppose it, while left-wing parties support it. However, the population is not always entirely in line with this political division.

Conclusion

We consider the Spanish system of multilingualism to be consistent with Spain's sociolinguistic reality, in the country as a whole and in the ACs. The system of linguistic pluralism established in the constitution and developed in the SAs enjoys strong political and social support. Best practices have emerged, and policies have been established for the protection and promotion of the minority language(s) of the ACs. There is one issue that remains latent: the fact that minority languages are official only in the territory of the respective autonomous communities raises the question of their use

in national institutions. Some sectors are demanding the right to use minority languages in these institutions, raising the possibility of recognizing some kind of "federal status" for languages that are official in certain ACs.

From a comparative perspective, one of the most significant features of the Spanish system is the peaceful and general acceptance of the compulsory learning of two official languages in obligatory education, as opposed to a strict right to choose the language of instruction. Although the regulatory approaches vary, in all the ACs with a system of co-officiality it is obligatory to learn both official languages in compulsory education to guarantee sufficient command of both languages upon completion.

These are well-established policies insofar as the system clearly confirms the status of Castilian as official language throughout the Spanish territory and, in parallel, the official status of the minority language of the territory when this is stipulated by the AC's SA. This means that, in those territories, two official languages, and three in the Val d'Aran, exist simultaneously. Furthermore, the legislation of ACs with two official languages has established the freedom of individuals to use the official language of their choice.

Attitudes toward linguistic policy are often closely related to political options. The political conflict in some ACs – particularly Catalonia – has sharpened the conflict over languages, an issue that has been mostly peaceful in Catalonia until recently. It is not easy to know the impact of the political conflict in Catalonia over demands for secession on the continuing disagreement over the language of instruction. However, it seems there is a connection. For this reason, it is likely that the linguistic issue will continue to be politically contested.

It is significant that the community with the most complex situation, given the quantitative and qualitative limits of its minority language, the Basque Country, is, although not without some problems, the one that has achieved the most solid linguistic peace. The Basque Country has promoted the expansion of knowledge of Basque by respecting the right to linguistic choice, even in education. This contrasts with the situation in Catalonia. The use of the respective regional language is much broader in Catalonia (and also in Galicia) than in the Basque Country. In addition, the philological proximity of Catalan and Galician to Castilian facilitates the learning of those minority languages by those for whom they are not the mother tongue. This is not the case for Basque, which is very distant from Castilian philologically and thus more difficult to learn. That said, strengthened knowledge of Basque is one of the most notable achievements of the language policies adopted in Spain over the past four decades, even though its use by new speakers is mostly limited to schools and the learning process, except where Basque is widely used in social life.

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