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**BASQUE NATIONALISM: HISTORY,
ROOTS AND POSSIBLE SOLUTIONS**

by

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ABSTRACT

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The aim of this paper is to make some personal reflections directed at dealing with the Basque nationalism problem based on deductions made in points 1, 2, 3 and 4 listed below:

1. First: To establish some basic ideas about the kind of nationalism in order to define and classify Basque nationalism.
2. Second: To define the historic framework of the Basque community.
3. Third: To find the roots of nationalism in Basque history and the possible causes driving it.
4. Fourth: To define the legal framework to cope or deal with the nationalism problem:
 - Supranational laws
 - National laws
 - Natural law and Catholic Religion

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BASQUE NATIONALISM: HISTORY, ROOTS AND POSSIBLE SOLUTIONS

All the maketos¹, aristocratic and plebeian, middle-class and proletarian, learned and ignorant, good and bad, all are enemies of our fatherland.

—Sabino de Arana y Goiri (Nationalism Basque father).

In focusing on Basque nationalism we will talk about it in the restrictive sense, referring to the present Spanish Basque Country that encompasses the provinces of Alava, Guipuzcoa and Vizcaya².



FIGURE 1: SPANISH AUTONOMOUS COMMUNITIES.



FIGURE 2: BASQUE NATIONALIST PROVINCES

BASQUE NATIONALISM, TYPOLOGY

The term nation was coined by the French Revolution. It is the body which the citizens ought to defend, rather than be subjected to the European monarchies, as was the practice at that time.

This concept of nationalism extended itself in two important currents throughout the nineteenth century. Political Nationalism, according to the broadness of the term nation, is made up of a group of those that freely want to belong to it, without bearing in mind other types of distinctions. The other, Cultural Nationalism, is based on a series of predetermined values that may be language, religion, race or common territory. This is to say that the relevance of a nation has nothing to do with the will of the individual.

These two currents, although both being nationalist, are clearly distinct. During the nineteenth century they were tied to two perfectly defined cultural movements, Liberalism and Romanticism. There exists accord in the majority of authors in the existence of clear links between Political Nationalism and Liberalism (the unifying type) and Cultural Nationalism and Romanticism (of the excluding sort).

Keeping in mind the origins of Basque nationalism and the age of its birth, the nineteenth century, and the prevailing regime in Spain throughout the period, when it began to oppose a

liberal thought, Basque nationalism can be seen as a Romantic and culturally excluding movement.

HISTORICAL FRAMEWORK OF NATIONALISM

Little is known of the history of the Basque people but what appears to have some scientific basis is its lasting stay in the same geographic enclave throughout the ages. Graphic evidence has been found in caves within the Basque Country that appear to be representations of the prehistoric ancestors of the Basque people³.

The Romans were unable to leave a profound mark upon the Basque Country. The north of Alava, the Pyrenean Navarre region and the present-day provinces of Vizcaya and Guipuzcoa were not Romanized except in the area by the coast, the evidence of this being the Basque language (Euskera), a language of Indo-European roots without any Latin connection. Centuries before, the Celts and subsequently the Visigoths⁴ also failed to significantly influence the Basque language.

Navarre was the last region of the Iberian Peninsula to be controlled by the Crown of Castile and this occurred only after the conquest of Pamplona by the Duke of Alba and the consequent annexation by Ferdinand of Aragon in 1512. Only then was modern Spain born.

Nevertheless, after their annexation, Navarre as well as the three Spanish Basque provinces maintained a system of liberties and benefits called "*fueros*" that were superior to those of the other territories within the Crown of Castile.

The *fueros* were a code of laws and local customs, providing economic and political rights⁵. They were backed by the King of Castile in an oral and implicit manner after the territorial annexation and in an explicit way after its codification and signing in the seventeenth century by the Crown of Castile⁶.

The concept of *fueros* is very important because they were not a king's concession but a population's right based on customs and accepted by the crown. The largest part of the *fueros* was economic, such as the regulation and collection of taxes by the Basque custom offices without state intervention, which was conceded in the fourteenth and fifteenth centuries. They were granted for economic reasons and were beneficial to both the Basque Country and the Crown of Castile. The Basque Country formed a part of the northern border of Spain with France, a border difficult to defend against the frequent French military incursions if the Crown did not maintain regular garrisons, which were extremely costly. The ingenious solution was to grant these economic privileges to the Basques so that in return they would defend the Crown of Castile with arms. As a result of these military interventions, the Basque population was also

granted the privilege of exemption from providing personnel for military service to the Crown of Castile.

Normal relations in this way continued between the Crown of Castile and the Basque Country until the nineteenth century when the Carlist Party⁷ was born in the Basque Country. The Carlist Party was the only nationalist party from this century with deep roots in Navarre and Alava, and which under the motto "God, Fatherland and King" fought against the liberals in the Wars of Spanish Succession of 1833-40, 1846-49 and 1872-76. It is worth mentioning that the Fatherland meant a united Spain as a whole and not only the Basque Country.

As Carlism was being defeated at the end of the Third War of Succession in 1876, the Liberal government took reprisals by decreeing the abolition of the *fueros*. In this way the Basque people lost an age-old right.

The resistance to the abolition was strong especially in the province of Vizcaya, so much that, to calm the tensions, the central government institutions began to administer concessions, fundamentally economic, with the Basque *Diputación*⁸, which at that time was in the hands of the Basque bourgeois oligarchy. These negotiations lead to the signing in 1878 of the proclaimed "Concierto Económico"⁹ that allowed the Basque Diputation to collect taxes for itself. The application of the new accord became corrupt, as the only beneficiaries of the system were the rich industrialists who were burdened with the least part of the taxes. The Concierto Económico allowed the Basque country to elaborate laws in relation to the taxes and collect them, but the central state also imposed a superior economic legislation that stated clearly which kind of law must be used in every case, the Basque or the state one. The difference between *fuero* and Concierto Económico was clear: the first was a customary right, and the second a concession.

From 1880 onward and in particular in Vizcaya, a rapid industrialization occurred with a basis in the production of steel, modern shipyards and mining¹⁰ which increased the demand for unskilled labor. The flood of immigrants, the majority of them from Spanish regions beyond the Basque Country, made the population of Bilbao go from 35,505 inhabitants in 1877 to 83,306 in 1900. Of the 80% of these immigrants, approximately 50% were not Basque¹¹.

As a result of this migratory flood, a division occurred in the Basque Country that created an upper middle class society that was composed of a few families, a society half urban and of Basque origin, an agrarian society made up of in its entirety of Basque origin with a humble character, and an urban working class society composed of mainly immigrants. This threatened the social cohesion and customs of the Basque Nation.

In this situation appeared Sabino Arana Goiri (1865-1903), founder of the Basque Nationalist Party. Sabino Arana Goiri was the son of an upper middle class owner of a small shipyard and a profound champion of Carlism.

Sabino Arana became a nationalist after a discussion with his brother Luis, a milestone that, according to the mythology of Basque Nationalism, marks the exact moment of its birth¹².

After the death of his father in 1882, Arana moved to Barcelona to study law where he stayed until 1888. During this stay, Arana was impressed by the cultural development of Catalonia after the *Renaixença*¹³ and also in particular by the Catalan language. This motivated him to dedicate himself, to the study of Basque, which he did not know, and eventually led him to publish the first part of a basic Basque grammar¹⁴.

Upon his return to Vizcaya, Arana began to see the mass industrialization and immigration as a threat to the culture and survival of the Basque peoples. This perceived threat laid the foundations of what would be a cultural nationalism, exclusive and in a single province since the Basque Country initially only included the province of Vizcaya.

In 1892 Arana published "For the independence of Vizcaya" which aroused little social interest. In 1894 Arana drafted a plan for the creation of recreational societies and a collectivized Basque nationalist circle called *Batzoki*. In 1895 the 150 members of the first *Batzoki* appointed a committee with Arana as chairman and which was considered a precursor to what would be the Basque Nationalist Party (PNV)¹⁵.

Two years later, the *Batzoki* was politically organized under the name of *Bizkai Buru Batzar* with the intention of running candidates for office in the provincial elections under the motto "For God and custom." The authorities closed off the center and Arana was sent to prison. With a maximum number of 150 members, the PNV was born.

As would be evident in the PNV manifesto¹⁶, the rules by which Vizcaya would be governed became the base of the nationalist doctrine and included the following:

- Vizcaya will be Catholic (...).
- Vizcaya will reconstitute itself freely. It will re-establish (...) its traditional laws called FUEROS (...) It will constitute itself exclusively, principally with Basque race families. It will mark Basque as the official language (...).
- Vizcaya will establish itself with a clear and marked distinction between the religious order and politics, between the ecclesiastical and the civil (...).
- Vizcaya will establish itself with a complete and unconditional subordination of politics to religion, of the state to the church (...).

- Feeling Vizcaya, due to its race, its language, its faith, its character and customs, sister to [the other six Basque provinces in both Spain and France] it will tie itself in confederation with these six peoples (...) but without relinquishing its particular autonomy.

In that same period Arana invented the external symbols of nationalism¹⁷.

The Basque ideology was based upon the concepts of race, language and religion (nationalism of the cultural type). In this sense, there are numerous Aranist ideas that make him a racist:

- His aim became not so much to preserve the language as to preserve a sense of “unique” Basque racial purity, dividing the autonomous population from the newcomers, whom he called “maketos.”¹⁸
- To become a member of the PNV it was necessary to have four Basque grandparents, as indicated by surnames¹⁹.
- His condemnation of intermarriage between Basques and non-Basques in the face of the resolute belief that the marriage would mean a loss of Basque values and an expansion of Spanish influence²⁰.
- His belief that “Compared unfavorably with the Basques, the Spanish did not even constitute a race of their own, being a mix of many peoples, including Moors and Jews who injected the Spanish with the “anti-Christian” virus²¹.”

Nevertheless, even with the emphasized racist tones, Arana was a fervent defender of political and non-violent resistance.

In this period the Basque society, further divided, became polarized. The provinces of Navarre and Alava of the old Carlist tradition maintained their loyalty to the united Spain but their people searched for a change from the liberal government regime that opposed their religious ideals. Guipuzcoa and Vizcaya under the impact of the Economic Accords and the incipient nationalist and the leftist movements at the beginning of the twentieth century were divided. A three tiered society was formed by the upper middle class, which maintained its loyalty to the central government because in many cases they were part of it; a society formed by the urban lower class, immigrants that began to form a group around the incipient and attractive communist and socialist ideas; and a society composed of both traditional rural farmers and a middle class urban society that began to see nationalism as the only solution to save the identity of the Basque people in the presence of the peaceful invasion of the maketos. This split in society would remain. As a consequence, in 1936 during the Civil War Navarra and

Alava sided the Army of General Franco and fought against the republic side including Guipuzcoa and Vizcaya.

Arana died November 25th, 1903 at the age of 38; at that time his followers could hardly surpass the number of several hundred.

In 1911, the nationalist labor union "Basque Solidarity Workers"²² was founded in an attempt to attract the Basque urban working class society towards the socialist ideas and separate it from the maketos.

Between 1923 and 1930, the military dictatorship of general Primo de Rivera took place and the PNV was declared illegal and went underground. As a reaction, Basque nationalism reappeared with greater strength.

In the Spanish parliament provincial elections of 1931, the coalition of the PNV and Carlist Party obtained 15 of the 24 seats. (In the Basque Provinces)

In 1933, in the same elections, the PNV alone obtained 12 of the 24 parliamentary seats²³. In a plebiscite held in support of an Autonomy Statute proposal, 84% of the voters voted in favor²⁴. The Statute was never passed by the Central Government.

In 1935, the Second Republic granted an Autonomy Statue to the Basque Country²⁵. Months later in July of 1936, the Spanish Civil War broke out.

In 1936 violence and terror were spread everywhere, the leftist front fought against nationalists and killings and church burnings were common in most Spanish cities. In the middle of this power vacuum, General Franco rebelled against the legitimate Spanish republican government, arguing that a generalized state of chaos existed in Spain and in order to prevent the fragmentation of Spain and the final establishment of a communist state. Navarre and Alava took part on behalf of the nationalists with a large Carlist-Unionist tradition against the atheistic republican side. Guipuzcoa and Vizcaya fought on behalf of the republican side, but to a lesser extent because they were part of the Republic, that defended a non-official religious state, but because they were completely opposed to the nationalists who were clearly opposed to the separatist ideas of Sabino Arana. In June of 1937, General Franco's troops took Bilbao and the statute was annulled. The Basque Government went into exile.

In 1939 the war was over with the victorious General Franco in power. With the Political Responsibility Law of February 9th, 1939²⁶, all parties and political labor union organizations were made illegal and the PNV and its labor union, the Basque Solidarity Workers, moved underground.

The Castilian language was declared by the State as the only official language, explicitly forbidding the use of Euskera, Catalan and Galician²⁷.

At the outset of the rule of General Franco, the PNV maintained a position of patience, but this turned to denunciation in the face of the Allied powers winning World War II. The PNV even managed to organize an embryo of resistance with various leftist parties. Its only practical result was a general strike in May of 1947 whose following was minimal except in the Basque Country and in Vizcaya²⁸.

In 1952, a small group of students from the University of Deusto (Bilbao) began to congregate and study Basque history and culture. They gave shape to their ideas in an internal periodical called Ekin (To do) that would later become the name of the group²⁹.

The PNV, conscious of the intellectual value of the group, integrated it into its ranks and also gave the group the mission of providing a nationalist education to the youth after years of political inactivity.

The leader of this group was Jose Luis Alvarez Emparanza (Txillardegui), a twenty two year old student and descendent of Spanish immigrants on his father's side. Besides Alvarez Emparanza, other founders included Julen Madariaga, Jose Benito del Valle and Jon Nicolas, all of whom later became celebrated leaders of the terrorist group Euskadi Ta Askatasuna³⁰.

From the beginning, this group had two trends, one which favored armed struggle led by Txillardegui and the pacific one more prone to follow the pacifist political dictates of Arana.

The branch in favor of violence, disgusted by the inactivity and conventionalism of the PNV decided to move away from non-violence and initiate its own individual path. On July 31, 1959 at the festivities of Saint Ignacio of Loyola (Spanish Basque Saint) the group ETA was born.

From this period on and as a result of the disappearance of Carlism, exhausted and absorbed by the ideology of General Franco, only two representatives of Basque nationalism remained in the political arena, the PNV and ETA.

On July 18 1961 ETA committed its first violent act by placing a loaded explosive on train³¹.

After its first meeting in exile, ETA changed the basic Aranist principles of nationalism. Specifically it:

- Emphasized the value of language as an ideological body superior to that of race. This decision must have been influenced in a decisive manner by the ETA leadership that descended from Spanish immigrants. The justification of the change in focus put the language above the rest of the attributes. Language is the distinctive element and unifier of a people and this would assure the safety of the Basque identity.

- Changed its pro-American Aranzist position to a deep leftist Marxism.
- Changed the Christian fervor from the theories of Sabino Arana to a radical secularism.
- Decided that war is the best way to liberate Euskadi.

In this way they gathered ideas which were reflected by the son of a German immigrant that was living in Bilbao by the name of Federico Krutwig and whose ideas were celebrated in his book Vasconia (1963). Atheist nationalism was born in this way, of Marxist orientation and determined to use violence as its fundamental tool to achieve its ultimate goal, independence.

In its second assembly, the ideas of Mao Tse Tung and Ho Chi Minh³² were included in its political thought and its central principle became that of action-repression-action. This is to say, group action, repression on behalf of the state and consequence of the massive repression response from within the society and general insurrection.

At a police checkpoint in 1968, ETA killed the first Guardia Civil (Civil Guard) and in the same year it carried out its first premeditated murder of cold blood by killing police inspector Meliton Manzananas. Thus, a bloody series of indiscriminate murders began against politicians, police, soldiers³³, and civilians that have lasted into today, yielding to date a total number of 855 murders³⁴.

At the beginning of the 1970s, General Franco initiated a period of relaxation that translated into the opening of Basque culture and language schools (Ikastolas), enrolling a high number of students by the end of the decade.

On November 20, 1974, after 40 years of rule, General Franco died. Spain ushered in the path of what would subsequently be called the Democratic Transition.

In Catalonia, as well as in the Basque Country organized protests began to be carried out by the nationalist parties asking for freedom, amnesty for political prisoners and autonomy statutes.

In 1975, his Majesty King Juan Carlos of Bourbon declared a general amnesty for political prisoners in which the Government simultaneously declared all political parties legal.

In the 1977 first free and democratic elections in the Basque Country since the Civil War, the Partido Socialista Obrero Español³⁵ was victorious but followed very closely by the PNV that managed to consolidate itself as the nationalist party with its greatest support from the Basque region.

In 1978, Spain underwent a national referendum and the Spanish Constitution was passed. In the Basque Country less than 50% of the electorate in Guipuzcoa and Vizcaya voted

and approved it; in Alava and Navarre it was approved by a wide majority, thus reflecting the same social fracture and different sentiments that led them into the Spanish Civil War³⁶.

As previously mentioned, the operative Spanish Constitution was passed under which article 143 recognizes the different Autonomous Regions³⁷.

In the face of freedom, political parties and state autonomies, ETA decided that the goal of its fight was total independence and being that this has not been established has continued in its armed fight. Taking advantage of the rule of law, which prevails in Spain, and drawing upon democratic legislation, the pro-ETA leader Telesforo Monzon created in 1978 the political branch of the terrorist organization called Herri Batasuna. Its political objective, parallel to that of ETA, is the total independence from Spain of the Basque Country.

In a public referendum in 1979, the Basque Autonomy Statute was passed. A percentage of 61% of the electorate took part in the voting, from them 89% supported its passing³⁸.

In 1980, Karlos Garaikoetxea, president of the PNV, was named Lehendakari³⁹.

In June of 1986 and by order of the High Court Justice the party HB was legalized after a long, arduous legal battle launched by the government⁴⁰. Presently it has been declared illegal first by judge Baltasar Garzon⁴¹ and later by the High Court Justice⁴².

In 1986 the PNV split into a new party also of the nationalist faction⁴³. The reason for the break was the association of the government with what was then the managerial board of the Basque Nationalist Party with the Socialist Party (not nationalist).

Since then the nationalist situation has remained stable.

The present political alignment in the Basque Country⁴⁴, according to the Basque Parliament elections of 2001 is seen in the following:

- A non-nationalist group that obtained a total of 659,050 votes (46.62%) (43,4% in 1998).
- A non-radical nationalist part composed of the PNV and EA that obtained 604,222 votes (42.72%) (36,7% in 1998).
- A radical nationalist minority made up of Euskal Herritarrok (former Herri Batasuna) that received 143,139 votes (10,12%) (17,9% in 1998).

It is important to point out that these are the worst results for the radical nationalists in the last twenty years⁴⁵.

At the present time and after the events of September 11, 2001, President Jose Maria Aznar managed to include ETA in the United States catalogue of terrorist organizations, a move

which has appeared to decisively influence the collaboration of the international police and the flow of information to put an end to the organization.

The result appears to be spectacular in view of the arrests made (187 in 2003) and the dissolution of the group's killing capabilities in the last two years⁴⁶: five deaths in 2002 and two deaths in 2003⁴⁷. This is to say that radical nationalism has been dealt a serious blow in both its political branch (EH) with a defeat at the polls and its illegalization as well as its armed branch through police action. This has placed it at the edge of ineffectiveness.

On the downside and perhaps shocked by the failure suffered by the radicals, on October 25, 2003, the Basque nationalist government chairman made public his intention to have a referendum involving the approval of a Political Statute in the Basque Country. The Central Government reaction was to include in its judicial legislation the imprisonment of whoever calls a referendum without being authorized⁴⁸.

This proposed new Political Statute would position the Basque Country as a Free State Associated to the Spanish State⁴⁹. The last paragraph of article 12 textually states: " The acceptance of this Free Association Regime does not signify a renouncement of any type to the historic rights of the Basque people, that they can be updated at any moment depending upon their democratic will⁵⁰."

This proposed statute is without a doubt an open door to formal independence, since the Statute makes them in fact independent. The economic management is autonomous⁵¹. They have self-representation in the European Union⁵² along with exterior representation⁵³ in relation to other states. The statute also makes the requirement that the signature of treaties and international agreements by the Spanish State must be subjugated to restriction if it goes against the respective powers of the Basque Statute⁵⁴.

Presently, the governing and administrative body of Alava has threatened to go to court and separate itself from the rest of the Basque Country (Guipuzcoa and Vizcaya) if the Basque Political Statute is voted and approved⁵⁵.

ROOTS OF NATIONALISM

Upon establishing the historical framework of nationalism it remains to be initiated the task of discovering the real reasons of its birth, its roots.

A simplistic analysis would indicate that the nationalist sentiment erupted with the defeat of the Carlists and the abolition of the fueros in 1876, although part of the most important economic perks were given back in 1878 with the Economic Agreement as was stated previously. Perhaps this is a reason, and surely it is, but clearly others exist.

In the 19th century, Spain, just like other European nations was trying to organize itself as a modern state under a liberal ideology. Unlike Spain, Germany and France were rewarded by going from an agricultural society to an industrial one that distributed wealth homogeneously between its regions, creating well being and a certain sentiment of general pride. On the other hand, Spain was a backward society that was agricultural and rural in which Industrialization was carried out in a late and disoriented fashion (1876-1900) since the majority of the industries were located in the Basque Country and Catalonia. As an example of its speed, the production of steel in Vizcaya went from 30,000 tons in 1875 to 2,680,000 tons in 1880 and went on to double that figure by the end of the century⁵⁶.

This fact created such differences in wealth between the regions that the larger ones began to change their system of loyalties by putting the regions before the state and beginning to encourage a certain sentiment of superiority over the other regions.

On the other hand, this sudden growth generated a demand for unskilled labor that produced a formidable migratory influx in some parts of the Basque Country.

The Basque society, a society deeply Catholic, traditional and a lover of its customs, accustomed to living in isolation from the rest of Spain, contemplated that migratory wave, with distrust, threatened to destroy its national identity, its values⁵⁷, its identity (mix of races) and finally its survival as a people.

In the face of such a strong immigration the answer could be, to channel that flow, which could be carried out by means of a cultural absorption. This is to say by integrating the immigrant into the Basque culture⁵⁸. The other option would be to react in an excluding manner, to establish barriers around the immigrant by trying to prevent him from becoming just another citizen.

Between 1876 and 1990, Euskera⁵⁹ was a marginal language used in agricultural societies and only colloquially in the cities, more spoken than written and hardly useful as a means of expression among the educated⁶⁰.

Without a strong cultural integrator, immigration gave rise to a feeling of rejection that emerged in an excluding nationalism expressed through its ideologist, Sabino Arana, and whose foundations were race, religion and language. Understanding racial purity, religion⁶¹, and language, Arana was conscious of himself as a pillar on which to lay the foundations of nationalism.

After this analysis we can identify the roots of Basque nationalism in the following factors:

- A reaction against the abolition of the fueros.

- A failure by Spain to establish a balanced and homogeneous state during the 19th century as did Germany and France.
- A fear of losing the national identity in the face of an out of control migratory movement.

Still, the case of the most radical and excluding nationalism remains to be analyzed, that of ETA and its political branch, Euskal Herritarrok.

We see that in 1959, the year of ETA's birth, the nationalism of the PNV was a worn out nationalism left without strength to show resistance to the regime and significantly distant from the reality of its actions. Needless to say, by turning its back on subsequent generations of immigrants wishing to integrate themselves in Basque society and even to defend nationalist ideas, potential supporters necessary to oppose the central regime were allowed to escape.

In the same manner, ETA realized that the lack of cultural identity did not allow for the foundation of nationalism because the period reflected the low percentages of Euskera speakers and the limited number of books published in that language.

In this order, the small-armed pro-action group of ideologists believed that the ideas of the PNV were an impasse for Basque nationalism along with being strongly convinced of its lack of reach (they advocated independence). They also turned from the ideas of Sabino Arana, leaving aside the values of race and religion to adopt Marxism, Leninism, and secularism in an attempt to attract the immigrants and integrate them in a national liberation movement, something that they partially achieved. We can confirm this as we find the first ideologists Txillardegui, Benito del Valle and Krutwig declaring Arana "more racist than Hitler."⁶²

Therefore, we can see that the roots of ETA lay in the following factors:

- An unfavorable encounter with the ideas of the PNV, that were previously considered unsuccessful.
- A marked lack of cultural identity that impeded the foundation of its nationalism.
- The abandonment of race and religious values and the adoption of an ideology of the radical left that was the basis of its armed action.

ESTABLISHED LEGAL PARAMETERS AND POSSIBLE SOLUTION TO THE BASQUE PROBLEM

The nationalism in the Basque Country is a conflict among wills that transcends the legal field and enters into the heart of an ethical dilemma.

In the first place, we should situate Basque nationalism in the present historical period; this is to say inside a diverse and democratic modernized Spain with an international view, molded in its relevance to practically all international institutions.

Nevertheless, we can say that the solution to the problem of nationalism should be contained inside the legal and ethical framework.

In trying to deal with radical nationalism, we must take into account that it is composed not only of the terrorist group but of also its radical supporters and we must consider differences in dealing with both groups. In relation to the terrorist group⁶³, the solution is clear: the use of state police resources and strict application of its laws to apprehend terrorists. Success could be close at hand⁶⁴.

On the other hand it is more difficult to solve the problem of radical supporters of the terrorist group (10.12% of voters). In this case the state must use its powers carefully in order to change their minds, and in particular you should use the informational weapon. A long-term terrorism like this, in trying to achieve its goals, always makes mistakes. They kill, intentionally or by error, women and children and in many cases many people at one time. The state must take advantage of these mistakes and must show systematically to the society the images of the terror and present the attacks as indiscriminate and cowardly. The supporters will end by repudiating violence. A continuous state resistance, a moderate response, and a clever use of informational power are the best tools to deal with this particular group. The results are hopeful because the radical support in the last fourteen years has decreased by almost 45%⁶⁵.

The problem in relation to the non-violent nationalist majority that seeks to obtain a larger degree of liberties from the state by pacific means is of course beyond state laws. These state laws could be used to restrict that nationalist minority. In this case, it would only be fair to turn to the supranational bodies in search of a just solution to litigation.

In the field of legality, the United Nations as a supranational governing body makes repeated references to protecting the rights of nations as much in its Charter⁶⁶ where it textually states: "The principle of equality of rights of the nations and its right to stipulate them by themselves", as in different resolutions from its General Assembly like 545 (February 5, 1952), 637 (December 16, 1952), or 45/131 (December 14, 1990)⁶⁷.

Also, the conference in The Hague of 1898 affirmed the right of self-determination for the national minorities.

In the field of ethics we will exclusively stick to the thought of the Catholic Church since this nationalism has this religion as one of its fundamental basics. In these confines we ought to go to the positions held by the Catholic Church in relation to the ethnic minorities within a state.

On this subject, Pope John XXIII, in his cyclical "Pacem in Terris" affirms that as much as one tries to suppress the vitality and development of the ethnic minorities they seriously violate the work of the law⁶⁸. At the same time, John Paul II, in his speech on October 5, 1995 before the United Nations spoke in defense of nationalism⁶⁹.

We have seen the legal limits and supranational ethics with in which a state finds itself, but they are not the only limits. Inside the Spanish ethical field, the largest limit found is not external but rather its own role, to be a liberal and democratic state. If this nationalism is legitimate and counts on complete social support, its own liberal morality will prevent repression and it will have no other ethical solution than to allow the fragmentation of the State.

But what is the real situation in the Basque Country at the moment? As a consequence of the expression of the democratic will in the Basque Country, which is nothing more than the results of the elections, we can see that, the nationalist vote⁷⁰ accounts for 52,8% (radical separatist included) and the non nationalist 46.6%, which is to say that opinion is clearly divided.

Simplifying, we could say that the will of the Basque Country to be or not to be independent is evenly divided⁷¹. Additionally the tendency of voting is also hopeful taking in account the last results in Basque country⁷²:

Nationalist parties: 1990 58.2%, 1994 56.44%, 1998 54.61% and 2001 52.84%.

Non-Nationalist parties: 1990 29.54%, 1994 40.69%, 1998 43.41% and 2001 46.6%.

Never within this legal and ethical framework have these earthly laws (national), supranational (United Nations), or ethics (Catholic Church) ever been in opposition. The Spanish State on the contrary has always been respectful of all its minorities. The Spanish Constitution of 1978 is among the most progressive in the world and the comprehensive margin of self management that the Autonomy Statutes provides makes it possible for the Autonomous Regions to have leeway in their decision-making that is even greater than the federal states in Germany.

In this situation and in order to defend the rights of the sub-minorities (in this case the non-nationalists), the State had no remaining instruments other than the laws which were democratically and unanimously accepted: the Spanish Constitution passed by national referendum and the Autonomy Statute passed by Basque Country people themselves with 89% of the votes in favor.

Nevertheless, the Basque country itself must provide the solution to the Basque problem, with no room for violence or coercion in a Europe that is moving toward unification not separation. The Basque people will clearly have to express through the polls their will to be or not to be independent. When the latter occurs, the Spanish State, liberal, democratic and

progressive will be left with no other option than to accept its will as a people. The application of the Spanish Constitution and the Basque Autonomy Statute, in a compulsory and generalized fashion would distance Spain from modernity and move it away from the list of democratic nations and lead it to a dead end. This possibility, given the tendencies of recent voting, is far from likely.

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ENDNOTES

- ¹ Maketos: Name given to the Spanish immigrants into the Basque country.
- ² In the wider sense the Basque nationalism also covers the autonomous region of Navarre and the three French Basque Country provinces, Lapurdi, Behe-Nafarroa and Zuberoa
- ³ Roger Collins, The Basques (Oxford: Basil Blackwell, 1986), 31.
- ⁴ M. K. Flynn, Ideology, mobilization and the nation (Macmillan Press LTD, 2000), 108.
- ⁵ The fueros also regulated other different aspects of the Basque lifestyle, such as marriage, dowry, inheritance and even political appointments.
- ⁶ Jose Antonio Vaca de Osma, Los vascos en la historia de Espana (Biblioteca nueva, Madrid, 1996) 34.
- ⁷ M. K. Flynn, Ideology, mobilization and the nation (Macmillan Press LTD, 2000), 100.
- ⁸ Javier Corcuera Atienza, Origenes, ideologia y organizacion del nacionalismo vasco (Siglo XXI, 1979), 91-2.
- ⁹ Economic Accords.
- ¹⁰ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 48.
- ¹¹ Javier Corcuera Atienza, Origenes, ideologia y organizacion del nacionalismo vasco (Siglo XXI, 1979), 73-5.
- ¹² Stanley Payne, Basque nationalism (University of Nevada Press, 1975), 65.
- ¹³ A rich cultural Catalan movement between the 1840s and 1870s.
- ¹⁴ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 174.
- ¹⁵ Antonio Elorza, Ideologias del nacionalismo vasco, (L. Aramburu, 1978), 113.
- ¹⁶ PNV, Manifiesto del PNV, (Artola, vol II, 15 de Diciembre 1906). PNV, Manifiesto del PNV, (Artola, vol II, 1921).
- ¹⁷ The name Euskadi (Basque Fatherland), the hymn "Gora ta Gora," still in existence and the present Basque flag (Ikurrina) adopted by the PNV in 1933 and which became the official flag of Euskadi in 1936.

- ¹⁸ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 60.
- ¹⁹ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 61; M.K.Flynn, Ideology, mobilization and the nation (MacMillan Press LTD, 2000), 153.
- ²⁰ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 60; M.K.Flynn, Ideology, mobilization and the nation (MacMillan Press LTD, 2000), 154.
- ²¹ Sabino Arana, Ley de raza, 200-02. Quoted in M. K. Flynn, Ideology, mobilization and the nation, (Macmillan Press LTD, 2000), 154.
- ²² Gershon Shafir, Immigrants and Nationalists, (State University of New York Press, 1995), 99.
- ²³ Jose Luis de la Granja, Nacionalismo y II Republica en el Pais Vasco, (CIS Siglo XXI, 1986), 397-437.
- ²⁴ Jose Luis de la Granja, Nacionalismo y II Republica en el Pais Vasco, (CIS Siglo XXI, 1986), 394.
- ²⁵ Jose Manuel Castells, El estatuto vasco.El estado regional y el proceso estatutario, (Haramburu, 1976), 33.
- ²⁶ Legislative collection, 1939.
- ²⁷ Legislative collection, 1938.
- ²⁸ Andres de Blas Guerrero, Enciclopedia del Nacionalismo, (Alianza Editorial, 1997), 82.
- ²⁹ Fernando Garcia de Cortazar, El nacionalismo vasco, (Historia 16, 1991), 142.
- ³⁰ Basque Land and Freedom, also known as ETA
- ³¹ Robert Clark, The Basque insurgents. ETA, (University of Wisconsin Press, 1984), 35.
- ³² Unknown author, Cuaderno de ETA numero 20, (Without editorial, 1964).
- ³³ In 1973, in what would be called "Operation Ogre," ETA assassinated admiral Carrero Blanco who was supposedly designated to continue the regime of General Franco³³.
- ³⁴ Asociacion de Victimas del Terrorismo, Victimas del terrorismo, 12, December, 2003; available from < http://www.avt.org/victimas_stats2.php >.
- ³⁵ PSOE (Spanish Socialist Worker Party)
- ³⁶ Alava and Navarre fought alongside General Franco while Guipuzcoa and Vizcaya fought in the ranks of the Republic.

³⁷ Constitucion Espanola, De las Comunidades Autonomas, 13, December, 2003; available from < <http://alcazaba.unex.es/constitucion/tituloVIII.html#capitulo3> >; available in English from < http://www.congreso.es/ingles/funciones/constitucion/const_espa_texto.doc >.

³⁸ Daniele Conversi, The Basques, the Catalans and Spain (University of Nevada Press, 1997), 145.

³⁹ President of the Basque Autonomous Region.

⁴⁰ Newspaper El Pais Digital, 14, December, 2003; available from < <http://www.elpais.es/archivo/hemeroteca.html?cals=0&day=3&month=6&year=1986> >.

⁴¹ Ilegalizacion Euskal Herritarrok por juez Baltasar Garzon, 06, Julio, 2002; < http://www.lainsignia.org/2002/julio/ibe_043htm >.

⁴² Sentencia de ilegalizacion Euskal Herritarrok por High Court Justice, 27, Marzo, 2003; < www.paralalibertad.org/descargas/030327_Sentencia_TS_Ilegalizacion_Batasuna.htm >

⁴³ Called Eusko Alkartasuna (Basque Solidarity) lead by Lehendakari Karlos Garaikoetxea

⁴⁴ Situacion del Pais Vasco, Elecciones al parlamento vasco 2001, 13, December, 2003; available from < http://www1.euskadi.net/emaitzak/datuak/indice_c.apl >.

⁴⁵ Euskal Herritarrok lost half of the parliamentary seats obtained in the Autonomous Parliamentary elections of 1998.

⁴⁶ Asociacion de Victimas del Terrorismo, Victimas del terrorismo, 12, December, 2003; available from < http://www.avt.org/victimas_stats2.php >.

⁴⁷ Very small if we compare it to the 15 in 2001, the 23 in the year 2000 and the 46 in 1991

⁴⁸ Law 20/2003. Penal sanction to the call of elections or consultations without competition for it; < www.boe.es/boe/dias/2003-12-26/pdfs/A46096-46097.pdf >

⁴⁹ Titulo 1, articulo 12 de Estatuto politico de la comunidad de Euskadi, 13, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vasco_c.pdf >.

⁵⁰ Propuesta de Estatuto politico de la comunidad de Euskadi, 12, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vasco_c.pdf >

⁵¹ Articulo 57 y 58, Propuesta de estatuto politico de la comunidad de Euskadi, 13, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vasco_c.pdf >.

⁵² Articulo 57.2, Propuesta del Estatuto politico de la comunidad de Euskadi, 13, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vasco_c.pdf >

⁵³ Articulo 67, Propuesta del Estatuto politico de la comunidad de Euskadi, 13, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vasco_c.pdf >.

⁵⁴ Artículo 68, Propuesta del Estatuto político de la comunidad de Euskadi, 13, December, 2003; available from < http://www.eitb.com/pdfs/estatuto_vaco_c.pdf >.

⁵⁵ Diputación.

⁵⁶ Gershon Shafir, *Immigrants and Nationalists*, (State University of New York Press, 1995), 93.

⁵⁷ Equality and nobility.

⁵⁸ And in this sense the best instrument is language.

⁵⁹ Indigenous Basque language.

⁶⁰ In 1997, in spite of several years of economic support from the Basque government, still only 20% of the Basque community knew Euskera. In Alava the rate was only 4-5%.

⁶¹ That of the Basque church since the national one was considered corrupt.

⁶² Federico Krudwig, interview, *Cambio 16*, (23, January, 1984).

⁶³ People trying to impose their will violently on the rest of society

⁶⁴ Keith B. Richburg, 'Long Basque Rebellion Losing Strength', Washington Post, (10, December, 2003).

⁶⁵ Situacion del Pais Vasco, Elecciones al parlamento vasco 2001, 13 December, 2003; available from < http://www1.euskadi.net/emaitzak/datuak/indice_c.apl >.

The number of voters supporting the radical political party have consistently decreased: (18.33% in 1990), (16.29% in 1994), (17.91% in 1998) and (10.12% in 2001). The contrary result was in 1998 and might have been provoked by a bad state use of force (dirty war) that achieved the opposite effect and increased support for the terrorist band.

⁶⁶ ONU, Carta Fundacional, 13, December, 2003; available from < www.un.org >.

⁶⁷ ONU, Resoluciones Asamblea General, 13, December, 2003; available from < <http://www.un.org/spanish/documents/ga/res/45/list45.htm> >.

⁶⁸ Monsenor Cirarda, Obispo de la diocesis de Bilbao (1968-1971), "La iglesia y el nacionalismo vasco", 18, November, 2003; available from < <http://ikasleak.lq.ehu.es/edros/temp/egia/nacionalismo.htm> >.

⁶⁹ Monsenor Cirarda, Obispo de la diocesis de Bilbao (1968-1971), "La iglesia y el nacionalismo vasco", 18, November, 2003; available from < <http://ikasleak.lq.ehu.es/edros/temp/egia/nacionalismo.htm> >.

⁷⁰ Situacion del Pais Vasco, Elecciones al parlamento vasco 2001, 13, December, 2003; available from < http://www1.euskadi.net/emaitzak/datuak/indice_c.apl >.

⁷¹ This is keeping in mind that 381,000 voters abstained from voting, which makes up 22% of the electorate. It may be that they abstain from voting to not be highly politicized, which could put them on the non-nationalist and moderate side.

⁷² Situacion del Pais Vasco, Elecciones al parlamento vasco 2001, 13, December, 2003; available from < http://www1.euskadi.net/emaitzak/datuak/indice_c.apl >.

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