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For the final version, see the French translation.*

**EFFECTIVENESS OF
GOVERNMENTAL
INTERVENTION IN THE
VIABILITY AND STRENGTH
OF SPANISH IN A U.S.
POSSESSION**

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For the final version, see the French translation.

“De l’efficacité d’une intervention gouvernementale en faveur de la viabilité et de la vitalité de la langue espagnole à Porto Rico,” *Télescope*, Vol. 16, No. 3, 2010, pp. 113-133.

www.telescope.enap.ca/Telescope/docs/Index/Vol_16_no_3/Telv16n3_muniz-arguelles.pdf

Abstract: The strength and survival of Spanish in Puerto Rico is the result of a multitude of factors, some of which stem from official language policies while others are of a more sociological nature. The former factors include laws and programs aimed at substituting Spanish for English. On the other hand, given Puerto Rico’s largely linguistically homogeneous population, efforts to supplant Spanish with English were no doubt bound to fail: not only did the island’s Spanish speakers strenuously resist giving up a core component of their identity, they also viewed their native language as constituting as a gateway to an international community having the technical means to meet local needs in respect of education and modernization. This same phenomenon can also be seen on the US mainland, where Spanish continues to grow by leaps and bounds despite more than a century of “English Only” movements and sophisticated attempts at assimilation through bilingual education. Thus, the sheer size and economic strength of the Spanish-speaking market are far more effective than governmental language policies where defending the language is concerned. Size and politics also play an important part in language growth in Puerto Rico’s former mother country, Spain, where Catalan, for example, has revived and is no longer considered a vulnerable language.

After eleven decades of American control and countless efforts at transculturation, some imposed, some native bred, the nearly four million residents of Puerto Rico still speak the language there used from some time after 19 November 1492, when it was claimed for Spain by Christopher Columbus, to 25 July 1898, when American troops landed in the Southern part of the Island to soon after wrest it from the Madrid government, by virtue of the Treaty of Paris of Treaty of Paris of 10 December 1898.¹ What impact, if any, have attempts to substitute English for Spanish or make us a fully bilingual nation had? To put it more broadly, what is the effectiveness of governmental intervention in language practices in a densely populated country, speaking wide spread Western language, given the liberal democratic political policies of the late 20th and early 21st Century?

¹ The treaty went into effect 11 April 1899, but American troops were in control weeks after their landing and military commanders were issuing orders prior to the treaty coming into force, orders that are the basis for laws still in force.

In the political discourse -- and as all who have studied language policies in any way know, these have and always have had a deep political meaning² -- some will argue that the substitution has not taken place because language is so ingrained into the Puerto Rican character that transculturation is simply impossible³ Others argue it has not taken place not because this passive barrier is insurmountable but because Puerto Ricans have been so adamantly opposed to any and all attempts to have English forced upon them that they have resisted all efforts of cultural genocide and absorption as an English speaking state within the United States.⁴

Although truth not always lies *somewhere in between*, I believe that in this case, the answer does lie *somewhere there*, between the two positions. I say this because I believe that language policies and social forces that have transformed our character have had less of an impact upon our daily language, for conscious or unconscious reasons, but have led us to assume positions in defense of it. I also believe that due to today's politically correct practices, the United States has not been either willing or able to suppress Spanish in Puerto Rico and that it is today not interested in paying the price of doing so.

The language debate in Puerto Rico differs from that of many other countries for various historic, cultural, political and demographic reasons.⁵ It is these that I now wish to consider.

■ SPANISH AS A WIDE SPOKEN WESTERN WORLD LANGUAGE

A first factor to be reckoned with is that Puerto Rico is culturally and geographically located in the Western World. This has helped us in a prejudiced Western dominated globe, a phrase that requires some clarification. No one today would dispute that European, i.e. Western based cultures, have for the past few centuries dominated much of World politics, business and, at least, mass culture. No one would dispute either that modern Western political history is more than merely tainted with prejudice, which in no way means that other cultures are free from that unfortunately common sin. The combination of these two factors has led to suppression within the West, but it has led to far more brutal suppression *vis à vis* non Western societies.

² See, for example, Chapter One of de Varenne, Fernand, *Language Minorities and Civil Rights*, Martinus Nijhoff Publishers, The Hague, 1996. A very interesting theoretical debate about the cultural policies to pursue in democratic societies of the late 20th and early 21st Century appears, among their many other works, in Balthazar, Louis, *French Canadian Civilization*, ACSUS, Washington, 1966, who argues for a unilingual Quebec as a guarantee for bilingualism in the province; in Kymilcka, Will, *Multinational Democracies*, Oxford University Press, Oxford, 1995; in Kymilcka, Will, *Politics in the Vernacular*, Oxford University Press, Oxford, 2001, and in Patten, Alan, "The Justification of Minority Language Rights", in Vol. 17, No. 1, of the *The Journal of Political Philosophy*, pages 102-128 (2009). In many ways the question they pose, from different perspectives, is that of the legitimacy of monolingual and multilingual policies and of toleration and promotion policies in case monolingual goals are not to be openly pursued. Balthazar and Kymlicka state that it is legitimate to pursue collective goals at the expense of certain groups, which contrasts with Patten's more minority rights oriented view. In this paper I do not enter into that debate but examine only policies that have allowed for language survival and revival.

³ *Pueblo v. Tribunal Superior*, 92 D.P.R. 596 (1965) states that Spanish is part of Puerto Rico's *natural law*, one of the few times natural law has been even mentioned in our court opinions. A recently formed group, tied to those claiming more sovereignty for Puerto Rico, is the UNI (Unidos por Nuestro Idioma) group, which issued a proclamation in 2009, <http://www.soberanista.com/?p=229>.

⁴ Two recent Bills presented before the United States Congress, H.R. 856 and H.R. 2499, the last of which is still pending before the U.S. Senate, either presuppose or strongly suggest that an English speaking population will be far better received as a full fledged member of the U.S. than one who's language is mainly Spanish. More will be said about this latter.

⁵ A far more detailed account of facts I deal with here appears in a presentation I made at the International Colloquium on Languages, sponsored by the Commission des États généraux sur la situation et l'avenir de la langue française au Québec, held at the Université Laval, 24 March 2001. It is titled *Politiques linguistiques à Porto Rico: Identité nationale et réalités politiques du colonialisme*, (*Language Policies in Puerto Rico: National Identity and Political Realities of Colonialism*). The article is available on the Internet: <http://www.etsatsgeneraux.gouv.qc.ca>. Another shorter article appears in "The Status of Languages in Puerto Rico", in *Langue et Droit*, Montreal, 1988.

Castile has for centuries tried to impose itself on the Basques and the Catalonians and in the mid 20th Century openly suppressed language and autochthonous cultural developments in the North Eastern and Eastern parts of the Iberian Peninsula. (For a variety of reasons, it did this less effectively than did the French, the English and the Russians, amongst many others, which explains the survival of regional languages in the Peninsula.)

Even aware of the genocides such as those of the Acadians at the hands of the English and the killing of hundreds of thousands in the many Spanish civil wars of the 19th and 20th centuries, neither the Castilians, nor the English, nor the French suppress other Westerners more violently within their national frontiers than they suppressed non Western cultures and whole populations in the Asian, American, and African continents. What happened in Puerto Rico itself is a case in point. Spanish was the island's language since early in the 16th Century, for by then most Arawak natives had been killed, and the few survivors had either fled or been completely assimilated. Today only recent immigrants might speak anything other than Spanish or, to a much lesser degree, English.

These facts are important to understand the Puerto Rican language debate, as they are to understand it in Quebec or Catalonia. U.S. Secretary of War Eliuh Root, for example, told Congress, in his 1900 Department report, that Puerto Rico should be treated differently from the Philippines, also conquered from Spain in the Spanish-American War of 1898, because the Caribbean island was inhabited by people sharing a Western culture.⁶ Its governmental institutions differed from those of the United States, but being Western, they were understandable and coincided with American ideologies and business interests. Its legal system was Civilian, but so was that of Germany, France, and Spain itself, countries with which English speaking countries had had dealings for a long time.

But Puerto Ricans are not only Western, they speak a language used by some 250 to 330 million people, depending on which sources one cites. It is the third, if not the second most spoken language in the World, after Chinese and, again depending on the source one cites, before English, spoken at home, some say, by some 320 to 350 million people. It is not, perhaps, so well known as a second language as is French and it is not the modern *lingua franca* that English is today, for this language is used as the common, if not the home language of some 1.4 billion people in highly populated countries such as India. Yet, it is important enough to be the most taught second language in the United States and in Brazil. Spanish is a language with a very strong literature, used in countries with modern industries and widespread national and international commerce, with growing influence in science and industry and with well respected institutions, such as the many academies of the Spanish Language (*Academias de la lengua española*) and the Cervantes Institute which are constantly up keeping and teaching or preparing teaching materials in its support. This means it is modern from both a literary and scientific standpoint.

If neither French or German, which barely hold their own among the top fifteen World languages are definitely not endangered or even vulnerable -- as is not Mahatma Gandhi's Gujarati, of North Western India, a regional language spoken by some 45 million people -- ,Spanish is certainly not either. The question is if in Puerto Rico, given its politics, it is endangered or needs more protection than in the rest of the Spanish speaking World.

The answer to this question is certainly different there than what it would be in many parts of Latin or North America, as far as native languages are concerned.⁷ Hundreds of languages in the hemisphere alone have disappeared or are in some danger of becoming extinct.⁸ In most of the latter cases, however, the

⁶ See the 1900 Report of the War Department endorsed by then War Secretary Elihu Root.

⁷ For some of my thoughts regarding this see Muñiz Argüelles, Luis, *Les politiques linguistiques des pays latino-américains, (Language Policies of Latin American Countries)*, presented at the same International Colloquium mentioned in note 5 and is available on the Internet: <http://www.etatsgeneraux.gouv.qc.ca>.

⁸ See <http://www.unesco.org/culture/ich/index.php?pg=00142>.

number of speakers number just a few hundred or at best, a few thousand, and younger generations either do not speak the languages readily or are not schooled in them. Governments do not use the languages, except sparingly, they are ill adapted to modern technological and social intercourse, and there is little, if any mass media diffusion in them. Of the nine criteria listed by UNESCO,⁹ some of these languages reach critical levels in nearly all.

This is certainly not the case in Puerto Rico, where 95 per cent of the population of close to four million speak the same language spoken by hundreds of million worldwide, with which they keep close cultural ties; where governments, including the U.S. agencies¹⁰, communicate in Spanish; where mass media uses it; where, even in the pre compact disk era, video clubs have for years carried Spanish language, Spanish dubbed or Spanish subtitled movies; where schooling, and certainly university education, is conducted in Spanish, except for a small number of English primary and secondary institutions, and which just in May 2010 was host to a weeklong World Wide Spanish language cultural congress, the *Festival de la Lengua*, attended by a host of top notch authors and poets from the Spanish speaking world, among others.

This sharply contrasts with what happens with native languages in the Americas. Among the most spoken of native languages in the U.S. is Sioux, spoken by some 25,000 people, the approximate numbers who speak Miskito in Honduras and Nicaragua, according to UNESCO studies. Certainly, Guaraní -- which together with Spanish has for years been the official language of Paraguay,¹¹ was taught in written form since the Jesuits founded their missions in what today comprises parts of Paraguay, Argentina and Brazil, and is spoken in parts of Bolivia and Argentina -- is certainly in a different position from most other autochthonous languages of the Hemisphere. The same can in a certain way be said for Quechua and Aymara, spoken by several million in Bolivia and Peru, and which now have official status.¹² These certainly are in a far better position than most other Native American languages, but these too are exceptional cases and require a separate study.

■ THE LANGUAGE OVERTONES OF THE DEBATE OVER PUERTO RICO'S TIES WITH THE UNITED STATES

A second important fact to be remembered is that if it is true that the United States did not, from the start, decide to grant Puerto Rico its independence, it did not decide either to integrate it fully into the nation as a state. Puerto Rico was *an unincorporated territory*,¹³ which meant that it did not then have to share all the

⁹ These criteria, which appear in the UNESCO web site, above, in note 8, are: 1. The absolute number of speakers, 2. The proportion of these within the total population, 3. The availability of materials for language education and literacy, 4. The response to new domains and media, 5. The type and quality of documentation in the language, 6. The degree of intergenerational language transmission, 7. The community member's attitudes toward their own language, 8. The shifts in domains of language use and 9. The governmental and institutional language attitudes and policies, including official state and use of the language.

¹⁰ See Executive Order number 13,166, of 11 August 2000.

¹¹ It is recognized thus in Article 5 of the 1967 Constitution and Article 140 of the 1992 Constitution and is taught since the early grades of primary school.

¹² See Article 48 of the 1979 Peruvian Constitution as well as its Decree No. 21, of 1975, and Articles 5, 30, 98-102 and 289-296 of the 2009 Bolivian Constitution of and its Decree No. 23036, of 1992 and Muniz Argüelles, Luis, *Les politiques linguistiques des pays latino-américains*, *supra*, note 7.

¹³ Several United States Supreme Court decisions, known as the *insular cases*, reiterated that, contrary to what happened in other parts of North America annexed by the U.S., Puerto Rico *belonged to but was not a part of* that nation. The most important of these, from Puerto Rico's point of view, are *Downes v. Bidwell*, 182 U.S. 244 (1901) and *Balzac v. Porto Rico* 258 U.S. 298 (1922). For a discussion of this and other cases, see TRIÁS MONGE, José, *Historia Constitucional de Puerto Rico*, Ed. Universitaria, Río Piedras, Vol. I, 1980, pages. 244-272.; RIVERA RAMOS, Efrén, *Legal Construction of Identity: The Judicial and Social Legacy of American Colonialism in Puerto Rico*, American Psychological Association, Washington, 2001, and ÁLVAREZ GONZÁLEZ, José Julián, *Derecho Constitucional de Puerto Rico y Relaciones Constitucionales con los Estados Unidos*, Ed. Temis, Bogotá, 2009, at pages 389 to 433. The book also has an excellent bibliography, at pages 408 to 409.

cultural traits of a united nation. Spanish, correctly or not, was then not perceived as a threat to American national unity.

The U.S. expanded to the Caribbean in the late 19th Century to show the World its newly found military might. It did not go there in search of territory or to guarantee national survival. The earlier expansion movement was toward the West, and as attempts to annex Canada in the War of 1812 show, to the North. In the mid and late 19th Century, thoughts of expansion to the Caribbean were limited mostly to Cuba. Even there, however, *takeover* was limited to the right of intervention to protect American investments, forced in 1902 as an addendum into the Cuban constitution (the so-called Platt Amendment, which came with the occupation of Guantanamo Bay), to attempts to buy the Samana Peninsula in the Dominican Republic, to the eventual takeover of Puerto Rico from Spain, to the takeover of the Panama Canal strip, and to the purchase of the U.S. Virgin Islands from Denmark.

Today some say the situation has changed. As I mentioned earlier there is a statehood movement (a political will on the part of some to integrate Puerto Rico into the U.S. as a state), and this has revived the language debate in the island. The two most recent bills that consider Puerto Rican statehood emphasize the need for Puerto Ricans to adopt English at least as a real main language and not, as it is now, as a nominal official one.¹⁴

In 1902 the United States imposed the Official Language Act which made English, officially, one of Puerto Rico's two languages. The law was more a façade than a sociological fact. Several attempts were made to revoke the 1902 law. On 5 April 1990 the controlling Popular Democratic Party (PDP), the party that had promoted the autonomous Commonwealth status still in place and which suppressed the independence movement, voted a law to make Spanish the only official language.¹⁵ The law, a text of only 486 words, including the derogatory and date of entry provisions, is by far less detailed than the corresponding language statutes of Quebec and Catalonia. It was itself revoked on January 1993,¹⁶ after the party favoring full integration into the United States took power. The new law, a copy of the 1902 statute, is also very general, with only 389 words. The laws regulate little and send more a political message of greater or lesser cultural distinctiveness to the United States government.

If U.S. statehood requires the use of English on a daily basis, there is a strong sociological barrier to it. Spanish is so widespread that in only two occasions in more than 50 years, in other than protocolary sessions to in some way honor English speaking officials, have legislators addressed the chambers in English or any language other than Spanish. In both of these cases the purpose of those legislators was to drive home, or drive to Washington the idea that Puerto Rico was bilingual, but the event was so outstanding that the mere speaking of English in the chambers made headlines. Two municipalities, one headed by a mayor who speaks English very haltingly, have also painted their police vehicles with English signs (*Guaynabo City Police* and *San Juan Police Department*). To be from *Guaynabo City* (ser de *Guaynabo City*), generally pronounced with a strong Hispanic accent, is today a local joke.

Puerto Ricans have for decades debated their political association with its metropolitan powers. In 1898, a few months prior to the U.S. invasion and takeover of the island, Spain finally granted an autonomous status

¹⁴ Other than in international contracts with mainly with non Spanish speaking countries, in certain professions (medicine, accounting and engineering being cases in point) and in limited transactions in the Land Registry and deeds, Spanish was and still is far more dominant than in many other countries with a multi language reality. There are some mostly English speaking schools where some Puerto Ricans send their children and English is a common language in movie theaters, in television and in some tourist areas, but Spanish is also present in all these areas, among the elite and the non elite, and is, with very limited exceptions, the language of instruction in higher education, for example. For a more detailed explanation see Muñiz Argüelles, *Politiques linguistiques à Porto Rico*, *supra*, note 5.

¹⁵ Law No. 4 of 5 April 1991, originally codified in 1 L.P.R.A. 56-58.

¹⁶ Law No. 1 of 28 January 1993, originally codified in 1 L.P.R.A. 59-59f.

to the island.¹⁷ Attempts to force Puerto Ricans to accept an economically disastrous independence, presented in 1936 by U.S. Senator Millard TYDINGS, a friend of an American Police chief murdered by two Puerto Rican nationalists, themselves murdered by the Police, never succeeded.¹⁸ In 1952, after a referendum approved a since much debated Commonwealth status, a constitution was approved granting Puerto Rico local autonomy.¹⁹ Since then, two referendums have been held, and in both the current Commonwealth status has succeeded, although its defenders are split between those favoring a basically unchanged status and those seeking greater autonomy. The movement to have the island be a part of the U.S. has gained ground, but never succeeded, despite efforts to sell it as a local or *hillbilly (jibaro)* statehood, with Spanish as the main surviving language.

Recent developments tend more toward a shift in the language debate, trying to define statehood as an English language tied political option. A bill to force a decision on Puerto Rico's status, H.R. 856, called the United States-Puerto Rico Political Status Act of 1998, also known as the Young Bill for its chief sponsor, Representative Don YOUNG, of Alaska, was approved by one vote the House but never reached a vote in the Senate. It said that *it is in the best interest of the Nation for Puerto Rico to promote the teaching of English as the language of opportunity and empowerment in the United States in order to enable students in the public schools to achieve English language proficiency by the age of 10.*²⁰

Efforts to amend the bill to allow Puerto Ricans to retain its own Olympic Commission and compete in international sports events with its own flag and anthem, a symbolic recognition of nationhood in place today, failed. Although H.R. 856 did not get to a Senate vote, Senate Majority Leader Trent LOTT made it clear he felt statehood for Puerto Rico should not be considered prior to the island becoming Anglophone. It is interesting to note that the House of Representatives debate and vote was aired over the Puerto Rican television stations, but even the government run station, WIPR-TV, in the hands of the pro statehood government, provided simultaneous translations, proof of the limited ability of islanders to grasp the essence, if not the words themselves, of an English debate.

After H.R. 856 died, a 1998 referendum to endorse either U.S. statehood, Commonwealth, or independence, for Puerto Rico was held. It was sponsored by the party favoring full integration into the U.S. and resented by those who felt it downgraded the current political status by expressing a definition of Commonwealth incompatible with aspirations of its followers. An open ended *None of the above* option, promoted by Commonwealth followers, prevailed by more than 50 per cent of the vote.

On 8 October 2009 the Puerto Rican Resident Commissioner, the island's only representative in Washington, with no voting powers except in House of Representative committees, provided his vote is not decisive, introduced another bill, H.R. 2499, which he called the *Puerto Rican Democracy Act of 2009*. Again it passed the House, this time by a much wider margin, and is pending before the Senate, where chances for approval seem dim. It is non binding on Congress and provides for a plebiscite sponsored and paid for by the island government calling for approval or rejection of the current status. If it is defeated, a second vote would

¹⁷ See the *Carta autonómica* text in 1 L.P.R.A., pages 1-15.

¹⁸ See S. 4549 presented in 1936, and its discussion by TRIAS MONGE, José, in *Puerto Rico: las penas de la colonia más vieja del mundo*, Ed. Univ. de Puerto Rico, San Juan, 1999, pages 119 et seq.

¹⁹ Pursuant to Congressional Public Law 600 of 1950, 24 Stat. 319, also known as the Puerto Rican Federal Relations Act, the new Puerto Rican Constitution required prior approval of the U.S. Congress, which invalidated Section 20 of Article II, the bill of rights, which recognized the right to free primary and secondary schooling, employment, an adequate standard of living, assistance in case of unemployment, illness, disability or old age, and in the case of young mothers and their children, special care, See 66 Stat. 327, the Joint Congressional Resolution of 3 July 1952 approving the Constitution. The local constitution went into force on 25 July 1952, on the 54th anniversary of the U.S. invasion to Puerto Rico.

²⁰ Section 3 (b) of H.R. 856. See also Section 4 (b) (1) (C), which provided for legislation to increase English proficiency during a transition phase, if Puerto Ricans voted to become a state of the U.S. Although the autonomous option was to be on the ballot,, Section 5 (C)(2) provided that if neither U.S. statehood or independence were chosen, additional referenda were to be held *not less than every 10 years* until one of these two options was selected.

be held in which four options, including the defeated one, would be put up for a vote. The other three are U.S. statehood, sovereignty with association with the U.S., and independence. The bill contains no English language requirements, but ballots must be printed out in English. Given this minor language requirement and past experiences, doubts are high that Congress would accept a simple majority vote for integration into the U.S. if English remains, as it is now, a second language most defend.

■ THE POPULATION DENSITY AND HOMOGENEITY OF PUERTO RICO AS A DECISIVE FACTOR

A third important fact to be considered is that in 1898 Puerto Rico was already densely populated, with well over 100 persons per square kilometer.²¹ This made it difficult to colonize, as had happened with California and the American South West.²² Spanish was and is, by far, the dominant culture. As one observer has stated, Puerto Rico *is a monolingual society where Spanish reigns and English plays an absolutely minor role.*²³

This does not mean that Puerto Rico was or even could be exempt from American cultural intervention. Many changes followed the U.S. conquest. Some were and still are resented; some are today seen as favorable. Divorce was first introduced by way of a military order on the conquered territory,²⁴ prior to the first organic law of 1900.²⁵ Americans who did not even understand Spanish were appointed governors, Supreme Court justices and Cabinet members, including Commissioners of Education. A U.S. District Court was established and American judicial organization and procedures were adopted.²⁶ Government structures were imposed through the organic acts and U.S. laws made applicable, unless they were found to be *locally inapplicable*.²⁷ Eventually U.S. statutes, mainly commercial ones, were copied. Court decisions follow the American model, but are rendered in Spanish and only some Supreme Court decisions are translated into English. For close to 40 years now, these are not commercially available and only photocopies of the translated versions are bound and kept as a matter of record in the Supreme Court library and clerk's office and in an office at the Puerto Rican State Department.²⁸ Civil Code article 13, which provides that the official language of laws copied from other places is that in which they were originally written, means that some statutes, including procedure rules, copied from the United States, are to be interpreted according to their English text. Until now this has caused little difficulty.

²¹ Current population density is more than four times that, with almost 4 million people in a territory of some 9,104 square kilometers, one of the World's most densely populated countries.

²² Low population density has been singled out as one of the main reasons for which the American South West and the former huge French speaking Louisiana Territory were rapidly assimilated by the English speaking Americans. BARON, Dennis, *The English Only Question: An Official Language for Americans?*, at 187, cited by ALVAREZ GONZALEZ, José Julián, "Law, Language and Statehood: The Role of English in the Great State of Puerto Rico", XVII *Law and Inequality: a Journal of Theory and Practice*, hereinafter ALVAREZ GONZALEZ, at 28.

²³ Alvarez Gonzalez, *supra*, at 360. The author backed his claim with United States and Canadian census data which shows that in 1990, 98.2 per cent of the island's population spoke Spanish while only 23.6 percent, *at best*, he adds, considered themselves fluent in English. Another 23.8 per cent felt their knowledge of English was very limited and 52.6 per cent felt they knew no English.

²⁴ General Order of 17 March 1899, cited in *Luzumaris v. Pastor*, 3 D.P.R. 228 (1903).

²⁵ The *Foraker Act* of 12 April 1900, 31 Stat. 77, was Puerto Rico's first organic act under the U.S. In 1917 the *Jones Act*, of 2 March 1917, Puerto Rico's second organic act, 39 Stat. 951, was adopted. In general it copied provisions of the previous act, but Section 5 provided that Puerto Ricans who did not reject it, would have American citizenship.

²⁶ See, for example, articles 17, 18, 26, 33 and of the *Foraker Act* and articles 12, 13, 26, 40 and 41 of the *Jones Act*.

²⁷ See article 14 of the *Foraker Act* and article 9 the *Jones Act*. The phrase *locally inapplicable* has meant little in terms of which laws, other than income tax ones, are in force on the island.

²⁸ Supreme Court Rule 8 (l), 4 L.P.R.A. App. I.

The Puerto Rican market became more and more oriented toward the U.S. and today, if we were an independent nation, we would be one of that country's main trading partners. Puerto Rican migrated in droves to the U.S. mainland, mostly to the North East, and many of their children were partly or fully assimilated into American culture. Many served in the U.S. military, learned English, identified with the United States and at a later age became more dependent on veteran's benefits.²⁹ The fact tourism is the island's main industry and is largely U.S. oriented, that American government subsidies imply the use of English in certain professions and that many Puerto Ricans studied and still study in American universities means closer ties to that nation and its language, regardless of future political aspirations.

The modern welfare state measures made many in the island economically dependent on the U.S. Puerto Rico is one of the highest income per capita political entities in Latin America, but is also considerably poorer than the poorest American state. A late 20th Century study by Congress, released around the time the H.R. 856 Puerto Rican statehood bill was being considered, concluded that independence would save the U.S. Treasury about three quarters of a billion dollars. The benefits received by U.S. citizens in Puerto Rico are not equal to those of the mainland residents, so statehood, the study also concluded, would cost the American Treasury almost two billion more than now, a sum likely to be far higher today, taking into account increased benefits and inflation.

■ THE USE OF SPANISH IN GOVERNMENT LIFE AND SOCIAL INTERCOURSE³⁰

At least up to 1 July 2010, Spanish had been recognized as the only official language in Puerto Rican courts, and this despite the 1902 language law claiming both English and Spanish to be on an equal footing. Pleadings had to be only in Spanish and documents translated into that language,³¹ although this last requirement was often ignored. On 29 December 2009, however, the NPP, the party favoring integration into the U.S., amended the proposed new Civil Procedure Rules to allow pleadings, motions and documents to be presented in either Spanish or English.³²

The new rule, that will come into force in July 2010, also states that *when justice so warrants or when the translation of documents is absolutely necessary [indispensable, in Spanish] for the just adjudication of the case or when a party so requires it, the Court will order that the pleadings, motions and documents identified be translated.* [Author's translation and emphasis.] the law which amended the old rule has no guidelines as to when these transitions will be required, when requests for these will be considered unjustified or who will pay for the same.

The legislative record is absolutely silent as to this and it seems the measure was part of the effort to show Puerto Rican courts are bilingual at a time when the most recent statehood bill was being presented before

²⁹ Garcia Martinez, Alfonso, "La lengua, los ordenamientos jurídicos que rigen en Puerto Rico y el léxico de los abogados", 37 *Rev. Col. Ab. (P.R.)* 521 (1976); Garcia Martinez, "El idioma y la profesión legal", 34 *Rev. Col. Ab. (P.R.)* 473 (1973); Delgado Cintrón, "Historia de un despropósito", preface to the work by Garcia Martinez : *Idioma y política, supra*, reprinted in 36 *Rev. Col. Ab. (P.R.)* 891 (1975); Rodriguez-Ramos, Manuel, "Interaction of the Civil Law and Anglo-American Law in the Legal Method in Puerto Rico", 23 *Tul. L. Rev.* 1 (1948); Torres, Eulalio A., "The Puerto Rican Penal Code of 1902-1975: A Case Study of American Legal Imperialism", 45 *Rev. Jur. U.P.R.* 1 (1976). Other similar ideas are to be found in CINTRON GARCIA, Arturo, "Del language entre los abogados", 36 *Rev. Col. Ab. (P.R.)* 1033 (1975), 39 *Rev. Col. Ab. (P.R.)* 327 (1978) and 41 *Rev. Col. Ab. (P.R.)* 179 (1980) and DELGADO CINTRON, Carmelo, "El tribunal federal como factor de transculturación en Puerto Rico", 34 *Rev. Col. Ab. (P.R.)*, 5 (1973); DELGADO-CINTRON,, Carmelo, "El juez federal Bernard Rodney y la crisis de 1909", 40 (3) *Rev. Col. Ab. (P.R.)* 415 (1979); DELGADO-CINTRON, Carmelo, "El juez federal Peter J. Hamilton", 41 (3) *Rev. Col. Ab. (P.R.)* 11 (1980). An effort to have the creation of the court declared void failed in the U.S. Supreme Court, *Santiago v. Noguerras*, 214 U.S. 260 (1909).

³⁰ In earlier writings, see note 7, I have dealt with details on the use of both Spanish and English in Puerto Rico that I will only outline here. This outline is, however, necessary to put language in its proper perspective.

³¹ Civil Procedure Rule 8.5, 32 L.P.R.A., and Supreme Court Rule 11 (d), 4 L.P.R.A. App. I.

³² New Civil Procedure Rule 8.7, not yet in the Annotated Statutes collection.

the U.S. Congress. The new rule does not take into account the administrative difficulties of clerks and other court officials who do not master English. It was approved to revoke the 1965 case cited earlier.³³ That case had held that the administrative difficulties were such that all pleadings and motions had to be made in Spanish. It added that:

It is a fact, not subject to historical rectification, that the vehicle of expression, the language of the Puerto Rican people--an integral part of our origin and our Hispanic culture--has been and continues to be Spanish...
The determining factor as to the language to be used in judicial proceedings in Commonwealth [of Puerto Rico] courts does not arise from the [language] law of February 21, 1902...It arises from the fact that the means of expression of our people is Spanish and that is a reality that cannot be changed by any law.³⁴

Despite this new rule, at least for now, Supreme Court Rules still require pleadings to be in Spanish³⁵ and Bar examinations are in Spanish.³⁶ Notaries may draft documents in English and often draft them in both languages, especially if they are negotiable and are to be marketed in the United States. The Land Registry must also accept documents in English,³⁷ which has led to some bizarre entries.

Contrary to what occurs in Puerto Rican courts, the Federal District Court uses English as its official language.³⁸ This has been strongly criticized³⁹ and is at times absurd, for attorneys, parties, jurors and the judge are all native Spanish speakers, yet all is translated back and forth for no other reason than to comply with a rule that could be revoked, with no prejudice to appeals, for the costs of transitions of some appealed cases is far less than that of translating all and every proceeding. The growing jurisdiction of this court has made use of English there a vivid political issue, one that is further complicated by the fact federal judges are today viewed as favoring, almost to the man, total integration of Puerto Rico into the United States.

It has been argued use of English in the Federal District Court is in effect a violation of due process of law. The jury cannot be one of pairs when more than half the population is not English speaking, the accused is being denied the right to choose his own attorney when he is forced to choose from a very limited bar of attorneys who practice in that court and he is being denied a fair trial when he does not understand the process (and not merely the translation of the witnesses' testimonies). The U.S. District Court for the District of Puerto Rico has rejected this argument.⁴⁰

³³ *Pueblo v. Tribunal Superior*, 92 D.P.R. 596 (1965), note 3.

³⁴ Taken from the English text, 92 P.R.R. 580 (1965, at pages 588-589). See also LOPEZ-BARALT NEGRON, "Pueblo v. Tribunal Superior: Español: Idioma del proceso judicial", 36 *Rev. Jur. U.P.R.* 396 (1967) and VIENTOS GASTON, Nilita, "Informe del Procurador General sobre el idioma", 36 *Rev. Col. Ab. (P.R.)* 843 (1975)

³⁵ Supreme Court Rule 8 (1), 4 L.P.R.A., App. I.

³⁶ Board of Bar Examiners Rule 3(a), 4 L.P.R.A. App. VIII.B.

³⁷ 4 L.P.R.A. 1017. The new Notary Law statute, Law 75 of July 2, 1987, 4 L.P.R.A. 2001 et. seq., states nothing about the language to be used, but since the 1902 and 1993 language laws allow for documents to be drafted in English or Spanish, both can be used.

³⁸ Art. 34 of the Foraker Act. Art. 35 of the same act stated that all appeals to the U.S. Supreme Court should be in English. Art. 42 of the 1917 Jones Act, now part of Puerto Rico's enabling act, the so called Federal Relations Act of July 3, 1950, 64 Stat. 314, incorporates Art. 42 of the Jones Act. Regarding the original adoption see DELGADO CINTRON, Carmelo, "La admisión de los abogados americanos a los tribunales puertorriqueños (1898-1900)", 39 *Rev. Col. Ab. (P.R.)* 255 (1978).

³⁹ Efforts to have the statute changed included two bills presented in Congress by two Puerto Rican Resident Commissioners. These are House Resolution 9234 (1959), also known as the Fernos-Murray Bill, which also proposed general changes to the Puerto Rican status, and House Resolution 8349 (1973). See TSCHUDIN, Roberto, "The United States District Court for the District of Puerto Rico: Can an English Language Court Serve the Interests of Justice in a Spanish Language Society", 37 *Rev.Col. Ab. (P.R.)* 41 (1976).

⁴⁰ TSCHUDIN, *supra*. The author cites *Snyder v. Massachusetts*, 291 U.S. 97 (1934) in support of his last statement. *U.S. v. [de Jesus] Boria*, 371 F. Supp. 1068 (1973). The accused's last name is "de Jesus Boria" and not "Boria" as is stated in the court report. Spanish speakers use the father's ("de Jesus") or both the father's and mother's ("Boria") last name, but never only the mother's. The inverse would be calling someone like Franklin Delano ROOSEVELT, Franklin DELANO and totally suppressing the other name. See also *U.S. v. Nichols*, 955 F.2d 112 (1992).

In the last election the U.S. District Court also issued a ruling requiring English ballots, based on the American voting rights Act that requires dual language ballots when five per cent of the population speaks a different language.⁴¹ Census statistics proved the percentage did not exist, but the ruling was not appealed and after the NPP, the pro U.S. statehood party came to power, it amended the electoral law to make sure all ballots were also published in English.⁴²

In contrast, in accordance with the executive order cited earlier,⁴³ the federal government functions with the public and even internally in Spanish. The U.S. Postal Service, the Internal Revenue Service, the Immigration Service, and the Veteran's Administration, for example, all issues its booklets and instructions and provide services in both English and Spanish.

Puerto Rican legislation that makes use of Spanish mandatory is exceptional. It can be found in certain consumer contracts such those of insurance⁴⁴ and on labels on many clearly dangerous products (animal feeds and poisons⁴⁵) but such legislation is often time times ignored.⁴⁶ Legislation making use of Spanish mandatory on certain consumer contracts⁴⁷ is more readily complied with, possibly because claims for specific performance or damages requires going before a court where language statutes will be enforced. There is no legislation regarding use of Spanish in work places or forcing commercial advertisement to be in any one language. The only law establishing language requirements is one that requires packages on items to be manufactured at home to have either the proprietor's or his agent's name and address in Spanish.⁴⁸

■ LANGUAGE EDUCATION POLICIES⁴⁹

On the first third of the century an out and out attempt was made to impose English on the population by way of public education. American authorities imposed English as the main language of instruction, which together with the intense teaching of American history and constant pledges of allegiance to the U.S. and its flag, naming schools after American public figures, hosting English Clubs, and prohibiting the use of the so called "enemy" Puerto Rican flag would hopefully transculturalize Puerto Rican children.⁵⁰ This was coupled with political repression of independence groups, a practice that went on until the 1990's.⁵¹

⁴¹ Diffenderfer v. Gómez, 587 F.Supp. 2d 338 (2008).

⁴² Law 90, of 7 September 2009.

⁴³ See note 10.

⁴⁴ 26 L.P.R.A. 1114.

⁴⁵ L.P.R.A. 557 and 1005 (b). For other examples, see SERRANO GEYLS and GORRÍN PERALTA (3), *supra*, pages 24 et. seq.

⁴⁶ In *Aponte Rivera v. Sears Roebuck de Puerto Rico, Inc.*, 144 D.P.R. [830, 1998], the Supreme Court confirmed the author of this article, then Superior Court Judge, who held the defendant liable for not having provided for Spanish warnings regarding the danger of the car battery which exploded and injured the plaintiff.

⁴⁷ 10 L.P.R.A. 741 (3), retail installment contracts; 26 L.P.R.A. 1114, insurance policies.

⁴⁸ 29 L.P.R.A. 382.

⁴⁹ A far more detailed account of events during the first half century appears in OSUNA, Juan José, "A History of Education in Puerto Rico", Ed. Univ. de Puerto Rico, Río Piedras, 1949, pages. 341-413.

⁵⁰ For an explanation of the process see NEGRON DE MONTILLA, Aida, *La americanización de Puerto Rico y el sistema de educación pública: 1900-1930*, Ed. Universitaria, Río Piedras, 1977, first published in English under the title: *Americanization in Puerto Rico and the Public School System: 1900-1930*, Ed. Edil, Río Piedras, 1971.

⁵¹ The use of lapel buttons with the Puerto Rican flag was frowned upon by the most conservative groups and was reason to authorize surveillance of the user by the Police Intelligence Division, which, in collaboration with the Federal Bureau of Investigations, amassed tens of thousands of dossiers of suspected independence supporters, amongst which were to be found government ministers, university presidents, judges, and even the Catholic Church itself. The Supreme Court, in a late 1980's ruling, *Noriega Rodríguez v. Hernández Colón*, 122 D.P.R. 650 (1988), finally labeled these activities hideous and illegal. For examples of earlier in the century parades and celebrations aimed at having students identify themselves with American heroes and institutions, see pages 61, 65, 103, 134 and 197. The era came to be jokingly known as that of the "bilingual illiterate generation". See also GARCIA-MARTINEZ, Alfonso, "Language Policy in Puerto Rico: 1898-1930", 42 *Rev. Col. Ab. (P.R.)* 87 (1981), p. 89, and *Idioma y política*, *supra*, p. 55-62; SERENO, Renzo, "Boricua: A Study of Language, Transculturation and Politics", 12 *Psychiatry* 167 (1949).

Efforts to block English usage in all courses failed in 1913 and the issue came to a head in 1933, when in a referendum the Teacher's Association showed overwhelming support for teaching in Spanish.⁵² In 1937 the United States, through President Franklin D. ROOSEVELT, then pressured for more English teaching.⁵³ After a legal battle regarding the validity of a presidential veto on a bill making Spanish the language of instruction,⁵⁴ in 1947 a new Education Commissioner, Mariano VILLARONGA, issued a decree ordering that Spanish be used in all but the English course in public schools.⁵⁵ This decree has never been adopted as a statute.

■ SOME COMPARATIVE OBSERVATIONS

The language debate, and specifically the one regarding the use of Spanish in the United States might allow us to draw some interesting conclusions regarding the impact of language policies. In some ways, Spanish development there has been more natural than that in Puerto Rico, for it has been only in recent decades that language laws favoring English or protecting Spanish have been passed. Despite this, in these same decades use of Spanish has flourished.

The United States does not have an official language at the federal level, but it does have a *de facto* one and there is a strong and well funded movement to make English the only official language of the nation. Various ethnic groups have suffered from the move to suppress them, but Spanish has survived and the United States now has one of the largest Spanish speaking communities in the World and is the only non Hispanic country to have a Spanish Language Academy, founded in 1975 in New York City. Spanish is today the most taught language after English and the federal and various state government agencies, including the White House,⁵⁶ provide many services in that language, and at times in no other languages other than in English or Spanish.

The Hispanic community in the United States, once very isolated due to its low income and overrun by the English speaking conquerors after the annexation of Texas in 1845 and the Mexican-American War of 1846 to 1848, now stands at more than 50 million, or well more than 15 per cent of the national population. Of these, more than 80 per cent are either bilingual or use only Spanish in their homes. According to U.S. census figures, there are between one and 12 million Spanish speakers in the following states: California, Texas, Florida, New York, Arizona, Illinois and New Jersey. More than 40 per cent of the population of New Mexico is Hispanic, making it the largest ethnic group in that state. In cities like New York and Miami it is easy to spend days without having to utter a word in English, even when one is out of the Hispanic quarters.

What has made this population so resistant to assimilation? First and foremost it is sheer numbers. Estimates are that as many as three quarters of the illegal immigrants to the U.S. are Hispanic and these numbers are constant, despite federal and state legal norms and physical efforts (walls, troops and even vigilantes) to control it. The spending power of these is less than that of the general population, but even then it is huge and currently stands at close if not over one billion dollars, close to ten per cent of the national total.

Simply speaking, this has meant that a whole series of institutions have grown to cater to that community, particularly where it is concentrated. There are currently four nationwide television chains, over 50 daily newspapers and countless radio stations. Cable television has allowed for programs to be aired from Spanish

⁵² GARCIA MARTINEZ, *Idioma y política*, *supra*, p. 99-100.

⁵³ BOTHWELL GONZALEZ, Reece B., *Puerto Rico, cien años de lucha política*, Ed. Universitaria, Río Piedras, 1979, Vol. III, p. 39

⁵⁴ *Parrilla v. Martín*, 68 D.P.R. 90 (1948). See SERRANO GEYLS, Raúl, "El caso del idioma", 17 *Rev. Jur. U.P.R.* 301 (1948).

⁵⁵ The decree is known as Circular number 10. It had been preceded in 1946 by another similar decree. GARCIA MARTINEZ, *Idioma y política*, *supra*, p. 107-109.

⁵⁶ <http://www.whitehouse.gov/espanol>.

speaking countries, mainly Mexico, Argentina and Spain, but U.S. companies such as CNN, Discovery Channel, ESPN and MTV are also producing in Spanish. Efforts to push for English only statutes have not kept banks, retailers, pharmacy chains, automobile and food manufacturers and insurance companies, among many others, from advertising and marketing in Spanish. Most American manufactured products have instructions printed in English and Spanish, and often French, if they are also to enter the Canadian market. Higher education and income has not meant assimilation into the English speaking community but the creation of an independent one.

In short, despite assimilation policies such as the bilingual education practices that were geared to drawing Hispanics into the English community,⁵⁷ and that a growing number of states, from two to 28 over the past three decades, have adopted some sort of official English, laws,⁵⁸ aimed mainly at Hispanics, the only ethnic group growing by leaps and bounds, the use of Spanish has grown.

Growth has not been without pains, as the increased number of states adopting official English or English Only statutes show. In some places, New York state being the leading example, state courts have moved to protect speakers of minority languages in daily life transactions, such as consumer contracts.⁵⁹ This tolerance should perhaps be a model for others throughout the World. At other times federal decisions and administrative practices have been used to promote protection for Hispanics and other groups.⁶⁰ Laws and administrative practices have helped defend Spanish speakers, but I hold that these have been successful mainly because of the power of numbers: because of the sheer amount of speakers, because of their relative weight in their societies, because of their purchasing power and, yes, because of their will to stand by their language, source of their identity.

Laws certainly help, as anyone who visited Quebec in the mid 1960's and returned there a decade after the 1974 Official Language Act (Bill 22) and the 1977 Charter of the French Language (Bill 101) can testify. The same can be said for Catalonia, where Catalan has grown enormously since the end of the Franco dictatorship, in part thanks to the two main language statutes: Law 1/1998 and Law 7/1983.⁶¹ But would these laws have been effective without the force of numbers? Would they have been adopted without the will of a sizeable local majority to defend their culture?

Catalan and other regional Iberian languages disappeared in America during the colonization period. It is highly doubtful they could have survived without the demographic base they kept in the Old Country. The fact Catalan did survive certainly has to do with its long history and acceptance, for it was a major language in the Mediterranean in the Middle Ages, and with Spanish politics and the inability to create a unified nation, for Spain has historically been a kingdom of several ethnicities. Survival has also had to do, however, with the sheer number of people who speak it.

⁵⁷ Bilingual education has traditionally been seen as a tool for assimilation and has become ever more so in time. See, for example, Public Law 98-511 of 19 October 1984, 98 Stat. 2370, codified under 20 U.S.C. 3222, paragraph (b) (4), states at least 45 per cent of funds for bilingual education must be destined to "transitional" programs. Public Law 100-297, of 28 April 1988, 102 Stat. 130, codified under 20 U.S.C. 3282, paragraph (b) (4), states that at least 75 percent of the appropriated funds must be used for these "transitional" programs. As SERRANO GEYLS and GORRIN-PERALTA (3), *supra*, said some 20 years ago, the United States has met the challenge of the illegality of not providing adequate education for non English speaking students –see *Lau v. Nichols*, 414 U.S. 563 (1974)-- with English language immersion programs. See pages. 22 et seq.

⁵⁸ <http://www.us-english.org/view/302>.

⁵⁹ See *Frostifresh v. Reynoso*, 274 N.Y.S.2d 757 (1966), 281 NYS2d 964 (1967), *Jefferson Credit v. Marciano*, 302 N.Y.S.2d 390 (1969), *Nu Dimensions v. Becerra*, 340 N.Y.S.2d 268 (1973), *Albert Mill v. Godoy*, 357 N.Y.S.2d 378 (1974) and *Brooklyn Union Gas v. Jimenez*, 371 N.Y.S.2d 289 (1975). See also an excellent article by Bender, Steven W., Consumer Protection for Latinos, 45 American University Law Review 1027 (1996)

⁶⁰ An excellent source of information is the book by del Valle, Sandra, *Language Rights and the Law in the United States: Finding Voices*, Clevedon, England, Buffalo, Multilingual Matters, 2003

⁶¹ The first, which replaced the second, is available at http://noticias.juridicas.com/base_datos/CCAA/ca-11-1998.html.

If we consider not only what is today narrowly accepted as Catalan but also its at least close cousins, Valencian and Balearic, close to 4.5 million speak it regularly and around 10 million understand it. In France, by contrast, the number of Catalan speakers is minimal: some 200,000 understand it but very few speak it regularly, according to UNESCO. This does attest to the destructive power of the powerful French nation and its language policies, but in the early 21st Century in Western Europe, tolerance for the prior repressive measures put in place by the French and, in Spain, at least by Franco, in the mid 20th Century, seems doubtful.

This is not to say that policies are irrelevant. The Spanish Constitution of 1978 explicitly recognized the official regional validity of Catalan, Basque, Galician and other languages.⁶² The regional government further encourages its use by providing financial aid to those who embrace it. Public schools, which are free, use it, and private schools that also use it are subsidized. Catalan and Spanish are used in universities, and course sections should be available in both languages, although it is often taught more in the local language. There is a strong press in the language and even local editions of national newspapers publish in Catalan. The use of the language is tied to a will to set Catalonia apart from Castile, which has led to the adoption of a new, 2006 autonomous law⁶³ and, for example, for the adoption of a set of private or civil laws that set it apart from the rest of the country.⁶⁴

Basque, that other magnet of linguistic attention in Spain, is spoken by far fewer people, some 700,000, according to the Basque Culture Institute,⁶⁵ and some 800,000, according to UNESCO, which considers it a vulnerable language. This is so even when it is now also protected by legislation⁶⁶, when it is guarded by a Royal Language Academy, and when there is a strong nationalist feeling in the Spanish Basque country, where some two thirds of those in the provinces of Guipúzcoa, Vizcaya, and Álava, and approximately half of those in Navarra consider their heritage to be Basque. In France, where it is not protected and where centralizing forces wrecked havoc on it, as with other regional languages, UNESCO lists it as severely endangered, with fewer than 80,000 speakers, despite the fact more than half the population of the three French Basque provinces consider themselves of Basque origin.⁶⁷ Basque, we should add, is not an Indo-European language, which sets it apart from all that surround it and makes it far more difficult and costly to learn and upkeep.

By contrast, Galician, the other main regional official language of Spain, which has at times been linked to Portuguese, is spoken by more than three million persons and is not considered vulnerable or endangered. It is true that both Catalan and Galician are much closer to other West European languages, mainly Spanish, Portuguese and French, and can draw from them much of what has been needed to modernize them after the suppression they suffered during the past two centuries, but the equation of vitality and numbers seems to suggest that there is much more than a coincidence in its survival. It is an officially protected language,⁶⁸ and also has a Royal Language Academy to protect it. But what is perhaps more telling is that the language is regularly spoken by 56 per cent of the population of Galicia, by more than half of the population 30 to 40

⁶² See <http://www.congreso.es/portal/page/portal/Congreso/Congreso/Informacion/Normas/> for a Spanish and English version.

⁶³ <http://www.gencat.cat/generalitat/cas/estatut/index.htm>.

⁶⁴ See Muñoz Argüelles, Luis, "Some Thoughts on Conditions Favoring Recodification: Reflections from the Quebec, Puerto Rican, Catalanian and Argentine Efforts", submitted for publication to the McGill Law School Research Center of Private and Comparative Law, Montreal, 2010.

⁶⁵ <http://www.cke.org/en/euskara>.

⁶⁶ Linguistic Normalization Act, 10/1982 of 16 December 1982.

⁶⁷ <http://www.unesco.org/culture/ich/index.php?pg=00206>.

⁶⁸ See the the Linguistic Normalization Act, approved on 15 June 1983.

years old, and by over 40 per cent of those over the age of 10.⁶⁹ Almost all the population understand and, according to the 2001 census, close to 60 per cent write it.

■ CONCLUSION

Language survival and revival in Puerto Rico, in the United States as concerns Spanish, and in Spain, as concerns the official regional languages, adds credence to the UNESCO conclusions⁷⁰ that linguistic survival depends more on numbers than on laws and policies. This is not to say these are not important, for their passage generally means that a linguistic group will have more resources, economic and otherwise, than before. It also means that's those who promote those policies have the will to further the policies.

However, without the actual numbers and without a relative force *vis à vis* other ethnic groups, the policies would most probably not have even been suggested and will remain dormant. Minorities require people, resources, and buying power to convince others to accept their proposals. At times they may also have to muster emotional and economic efforts to carry them forward, for the majority group may not be willing to back the economic and political bill the measures imply. Language maintenance and promotion, the preparation of teaching materials and the training and paying of those who will teach not only the language but other subjects in that language, is costly. The mere will to sustain a language can be overwhelming if the demographic base and the economic power of those wanting to back it are insufficient.

At times, for political expediency or for ethical reasons, a majority may be willing to help with or even foot the bill of language survival and development. When this happens, the numbers needed to insure survival of a certain language may be less. When it does not, the numbers need be higher. The numbers, however, are not necessarily those of a particular community. The fact a certain group speaks a language widely spoken by others in the World is an asset that diminishes the cost of survival, revival and development. This certainly has been the case of Spanish in Puerto Rico and seems to be the case of it in the United States.

■ ABBREVIATIONS:

D.P.R.	Decisiones de Puerto Rico (Official Reports)
F. Supp.	Federal Supplement (U.S. District Court Reports, mainly)
L.P.R.A.	Leyes de Puerto Rico Anotadas (Puerto Rican Laws Annotated)
P.R.R.	Puerto Rico Reports (English translation of the Official Reports, D.P.R.)
Rev. Col. Ab. (P.R.)	Revista del Colegio de Abogados de Puerto Rico
Rev. Jur. U.P.R.	Revista Jurídica de la Universidad de Puerto Rico
Stat.	United States Statutes (Official edition)
U.S.	United States Reports (Official edition)
U.S.C.	United States Code

⁶⁹ http://www.xunta.es/linguagalega/an_overview_of_the_galician_language.these. The statistics are published by the official Xunta of Galicia.

⁷⁰ See note 9.