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The History of Linguistic Legislation in France*

Noémi Nagy**

Abstract

Aspirations towards reflecting an image of France where only one language is being spoken have a long history. Well before the concept of one nation–one language became widespread in the 19th century, French monarchs had used linguistic unification as a means of building a unified realm and a single French identity. In this respect, the histories of linguistic (national, autochthonous, historical) minorities share a great deal of similarities in France, Spain and the United Kingdom. However, while in the latter two states autochthonous minorities managed to gain a greater or lesser degree of territorial autonomy including the competence to legislate on linguistic rights, autochthonous minorities in France – with the only exception of Corsica – have no such power. Regional/minority languages were not allowed to be taught in state schools until 1951, and they have been recognized by the Constitution since only 2008. Also, France belongs to those few states which still not have signed or ratified either the European Charter for Regional or Minority Languages, or the Framework Convention for the Protection of National Minorities.

This paper proposes to offer a detailed overview of linguistic legislation in France, and in the meantime, to dispel the myth of a monolingual France. In the last chapter, the author considers future prospects of French linguistic legislation affecting the fate of regional/minority languages spoken in the country.

Key words: linguistic legislation; regional/minority languages; France.

I. Introduction: Linguistic reality in France

In light of the French Constitution and legislation designating French the sole official language of the Republic,¹ claiming that France is actually multilingual may seem surprising. Nevertheless, this is the case. In his 1999 report written for the French government, Bernard Cerquiglini identified 75 languages (including 24 in metropolitan France) that would qualify for recognition under the European Charter for Regional or Minority Languages.² Among these there are at least six languages which are spoken by autochthonous (national, historical, “old”) minorities, i.e. native communities that used to have their own states, or at least some sort of legal-political entities, prior to their inclusion into the French Kingdom. From north to south, these are the following: Flemish, Alsatian, Breton,

Basque, Catalan, and Corsican. We must not forget about Occitan, either, since it has one of the highest cultural traditions among the minority languages in France, being the language of the *troubadours* famous in every part of medieval Europe. According to the *UNESCO Atlas of the World's Languages in Danger*, five of these languages (with the exception of Alsatian and Catalan) are considered either definitely or severely endangered.³ The numbers of minority speakers, according to the linguistic database of *Ethnologue*, are as follows: Flemish – 10 000 (data from 1993); Alsatian – 1 500 000 (data from 1983); Breton – 225 000 (data from 1989); Occitan – 1 940 000 (undated); Basque – 76 200 (data from 1991); Catalan – 100 000 (data from 1996); Corsican – 125 000 in Corsica, plus 30 000 in France (data from 2009).⁴

* This paper is a shortened and revised version of the author's article entitled “Kisebbségi nyelvek és nyelvi jogalkotás Franciaországban” [Language minorities and linguistic legislation in France] forthcoming in JURA.

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¹ „La langue de la République est le français.” *Constitution du 4 octobre 1958*, Article 2. All legislation cited in this paper – unless indicated otherwise – is available at the electronic database of the French Government: <http://www.legifrance.gouv.fr/>

² Cerquiglini, Bernard: *Les langues de la France*. Rapport au Ministre de l'Éducation Nationale, de la Recherche et de la Technologie, et à la Ministre de la Culture et de la Communication. 1999. http://www.culture.gouv.fr/culture/dgll/lang-reg/rapport_cerquiglini/langues-france.html

³ Moseley, Christopher (eds.): *Atlas of the World's Languages in Danger*, 3rd edition. Paris: UNESCO Publishing, 2010. <http://www.unesco.org/culture/languages-atlas/>

⁴ Lewis, M. Paul – Simons, Gary F. – Fennig, Charles D. (eds.): *Ethnologue: Languages of the World*, 17th edition. Dallas, Texas: SIL International, 2013. <http://www.ethnologue.com/country/FR/languages>

Aspirations towards reflecting an image of France where only one language – namely, French – is being spoken, have a long history. Just like their Spanish⁵ or English⁶ counterparts, French monarchs had used linguistic unification (“linguistic colonization”) as a means of empire-building well before the concept of one nation–one language became widespread during the 19th century. This solution is specific for Western Europe, since history provides many examples of multilingual and multinational states which have left the linguistic diversity of their territories untouched for long centuries (see e.g. the Habsburg Empire in the East-Central European region). In contrast, the above mentioned Western powers have considered the introduction of a common – exclusive – language as an essential criterion of a unified national (British, Spanish, or French) identity, and thus as a corollary of empire-building, since the very beginning. This ideology, in turn, had tragic consequences for the speakers of regional/minority languages.

In this respect, the histories of linguistic minorities share a great deal of similarities in France, Spain and the United Kingdom. However, while in the latter two countries autochthonous minorities have managed to gain a greater or lesser degree of territorial autonomy (including the competence to legislate on linguistic rights), autochthonous minorities in France – with the only exception of Corsica⁷ – have no such power. Instead, France keeps pushing the myth of monolingualism. National minorities do not exist under French law,⁸ and national census data do not contain any information about the speakers of minority languages. Regional/minority languages were not allowed to be taught in state schools until 1951, and they have been recognized by the Constitution since only 2008. Also, France belongs to those few EU Member States which still not have signed or ratified either the European Charter for Regional or Minority Languages,⁹ or the Framework Convention for the Protection of National Minorities. What makes this attitude particularly objectionable is that France is one of the founding members of the European Union which has explicitly pledged respect for linguistic diversity. Enforcing the “new” member states to fulfil

the Copenhagen criteria of 1993 including the protection of minorities, while the implementation of these requirements by the “old” Member States were taken for granted, draws attention to the phenomenon of double standards.¹⁰

This paper proposes to offer a detailed overview of linguistic legislation in France, and in the meantime, to dispel the myth of a monolingual France. In the last chapter, the author considers future prospects of French linguistic legislation affecting the fate of regional/minority languages spoken in the country.

II. Linguistic legislation in France in the 16th – 20th centuries

The first law dealing with the official status of French is the *Ordinance of Villers-Cotterêts* signed by François I in 1539. Articles 110-111 prescribed the mandatory use of the French language in all areas of the public sector: „So that there be no cause to doubt the meaning of judicial acts [arrêts de justice], we wish and order that they be made and written so clearly that there be neither ambiguity or uncertainty, nor possibility of ambiguity or uncertainty, nor cause to seek interpretation thereof. And for such things are often befallen on the intelligibility of Latin words contained in those acts, we wish that all decisions and other procedures in our sovereign or lesser or lower courts, including registries, inquiries, contracts, commissions, legal transactions, wills, or any other acts and deeds of justice, be henceforth pronounced, recorded and issued to the parties in the French mother tongue and not otherwise.”¹¹

Several authors claim that the edict „had more to do with reducing the role of Latin in public life than with propagating Parisian French in the provinces”.¹² An evidence for this can be that François I in 1531 actually confirmed – although not willingly, but under pressure from the nobility of the Languedoc region – Louis XII’s decree commanding that „all criminal trials and inquiries, whatever their subject, be conducted in the vernacular and the vulgar language of the countryside [...], or they will otherwise have no effect or value”.¹³ Whatever the real purpose of the Ordinance of Villers-Cotterêts was, it nevertheless resulted in curbing the use

⁵ See, Nagy, Noémi: Linguistic Diversity and Language Rights in Spain. In: *Studia Iuridica Auctoritate Universitatis Pécs Publicata*, No. 150. University of Law, Faculty of Pécs, 2012. 183-202.

⁶ See, Nagy, Noémi: Policies and legislation on autochthonous languages in the United Kingdom. In: *Studia Iuridica Auctoritate Universitatis Pécs Publicata*, No. 151. University of Law, Faculty of Pécs, 2013. 129-150.

⁷ Cf. *Loi n° 82-214 du 2 mars 1982 portant statut particulier de la région de Corse (organisation administrative)*; *Loi n° 91-428 du 13 mai 1991 portant statut de la collectivité territoriale de Corse*; and *Loi n° 2002-92 du 22 janvier 2002 relative à la Corse*.

⁸ France already declared this in the League of Nations Council when the United States President Woodrow Wilson proposed a general minority article. According to the French representative, „to find minorities in France, they would have to be created in imagination.” (Cited by Alexanderson, Martin: The Need for a Generalised Application of the Minorities Regime in Europe. *Helsinki Monitor*, 1997/4. 47-58 at 48.) France also stipulated that Article 27 of the International Covenant on Civil and Political Rights does not apply to her. (Cf. <http://treaties.un.org/doc/Publication/UNTS/Volume%201202/v1202.pdf> p. 396.) Article 27 sets out: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

⁹ On the ratification debate, see Council of Europe (ed.): *The European Charter for Regional or Minority Languages and the French Dilemma: Diversity vs. Unicity – which Language(s) for the Republic?* Council of Europe Publishing, Strasbourg, 2004.

¹⁰ See, Nagy, Noémi: Double Standard in a Peripheral Policy of the European Union: the Issue of Minority Protection. In: Andrassy, György – Kakonen, Jyrki – Nagy, Noémi (eds.): *European Peripheries*. Studia Europaea 2012 – Jurisprudentia et Practica. University of Pécs, Faculty of Law, Centre for European Studies. Pécs, 2012. 159-173.

¹¹ Cf. <http://www.academie-francaise.fr/la-langue-francaise/le-francais-aujourd'hui> (translation is mine)

¹² Bell, David A.: Lingua Populi, Lingua Dei: Language, Religion, and the Origins of French Revolutionary Nationalism. *The American Historical Review*, 1995/5. 1403-1437. at 1410.

¹³ The Hungarian version of the text is cited by Ortutay Katalin: *A franciaországi kisebbségi nyelvek a hatalom árnyékában*. Budapest, Gondolat Kiadó, 2011. 17. (translation is mine)

of regional languages as well. The edict paved the way for the expansion of French – initially only in the judicial and public administration, and business, then the „*langage maternel français*” have gradually infiltrated the universities, science and literature, and the informal language use of aristocracy as well. The growth of the prestige of the French language is in great deal due to the activities of the *Académie française*, founded in 1635 by Cardinal *Richelieu*, which published a dictionary in 1694 on the language use of the royal court.¹⁴ In the second half of the 16th century French started playing a prominent role in international diplomacy, and by the 18th century – through the influence of the French philosophers – the concept of *le rayonnement de la langue et de la culture française* has been established. Legislation, however, have not interfered with the (private) language use of the wider society for a good while.¹⁵

The French Revolution brought about a decisive turn in the fortunes of regional languages. In December, 1789, the old political divisions (duchies, provinces, etc.) were abolished and replaced by 83 new administrative units, so called *départements*. Since the territorial reorganization of the country in many times resulted in breaking up linguistic boundaries, it is often referred to as a divide-and-conquer kind of strategy contributing to the demise of regional languages.¹⁶ As for explicit language policy, on 14 January, 1790, the revolutionaries – acting in the fervour of national solidarity – ordered that all decrees of the National Assembly be translated into all languages (*idiômes*) of the country,¹⁷ so that every people – a great proportion of whom were unintelligible in French at the time – could read and understand them.¹⁸ The process went slowly and not without problems, so on 7 November, 1792, a special commission was set up to accelerate translation to German, Italian, Catalan, Basque and Bas-Breton.¹⁹ During the Jacobin dictatorship, however, this policy was abandoned for the belief that regional lan-

guages hinder the expansion of revolutionary ideas born in the spirit of „*Liberté, Egalité, Fraternité*”, keep the peasant masses in obscurantism, so they must be extirpated completely.²⁰ Associating regional languages with counter-revolutionary movements made language policy an issue of public safety. The ideology of linguistic terror (1793–1794) was fuelled by major politicians such as *Talleyrand*, *Henri Grégoire* and *Bertrand Barère*.²¹

Abbot *Grégoire* in 1790 sent out a questionnaire to every corner of France to examine the linguistic customs of the people of the countryside. Based on his inquiry – which can possibly be regarded as the first sociolinguistic survey in history – he made a *Report on the necessity and means to annihilate the patois and to universalise the use of the French language* which he presented at the Convent on 4 June, 1794. *Grégoire* was shocked by the fact that of a total population of 25 million, at least six million Frenchmen were ignorant of the national language, and further six million were nearly incapable of holding a sustained conversation. With more than 30 *patois* spoken in France, only three million people spoke French fluently²², and the number of those who could write it correctly was even smaller. The Abbot sadly concluded that France which for liberty was the vanguard of nations, for its linguistic situation had not advanced the Tower of Babel.²³

On 27 January, 1794, *Barère* made a dishonourable speech on regional languages before the Committee of Public Safety: „Federalism and superstition speak Breton; emigration and hatred of the Republic speaks German; the counter-revolution speaks Italian, and fanaticism speaks Basque. Let us smash these faulty and harmful instruments! [...] What money we spent translating the laws of the first two national assemblies into the various tongues spoken in France! As if it were up to us to maintain these barbarous jargons and crude idioms which can only be of further service to fanatics and counter-revolutionaries!”²⁴ The

¹⁴ Ibid. 17-20.

¹⁵ Judge, Anne 2005: *French as a Tool for Colonialism: Aims and Consequences*. Institute of European Studies, UC Berkeley. 3-4. <http://www.escholarship.org/uc/item/6t22342r>

¹⁶ Schiffman, Harold F.: *Linguistic Culture and Language Policy*. Routledge, New York, 1996. 101.

¹⁷ Scholars disagree on whether this provision actually concerned all regional languages in France, since revolutionary legislation often differentiated between *idiômes* (languages) and *patois* (dialects). The pejorative word *patois* is also used to describe both the dialects of the French language as well as regional languages.

¹⁸ Jacob, James E. – Gordon, David C.: Language Policy in France. In: William R. Beer – James E. Jacob: *Language Policy and National Unity*. Rowman and Allanheld, 1985. 106-133. at 113-4.

¹⁹ Gazier, Augustin (ed.): *Lettres à Grégoire sur les patois de France 1790-1794: documents inédits sur la langue, les mœurs et l'état dans les diverses régions de la France, au début de la Révolution*. Slatkine Reprints, Genève, 1969. 5.

²⁰ Bell, David A.: op. cit. 1405-6; 1415-6. Bell draws attention to the connection between religion and the language policy of the revolution, which also explains the contradictory nature of the latter: “[T]he Catholic church had, since the sixteenth century, carried out what amounted to its own linguistic policies among the peasants. The revolutionary policies did not take shape in a vacuum but, rather, in imitation and in reaction to these earlier efforts, thereby transforming a religious issue into a political one... The initial efforts to use patois to spread the revolutionary message followed from the evangelizing enterprises of the Tridentine clergy... The latter attempts to impose linguistic uniformity arose in part from suspicion that ill-intentioned priests were using patois as an occult tool to control still superstitious and ignorant peasants... [T]he revolutionaries were seeking, somewhat contradictorily, both to destroy the linguistic power of the priest and to seize it for themselves, and this meant either destroying or seizing control of his occult language: patois.” (op. cit. 1409 and 1434.)

²¹ According to Bell (op. cit. 1416), linguistic terror developed mainly in Alsace and Catalan-speaking Rousillon. “Non-French publications and commercial signs were suppressed, non-French speaking personnel dismissed, and plans drawn up for forcible transfers of population. A visiting member of the Convention in Strasbourg proposed a horrific ultimate solution for «gallicing» Alsace: guillotining a quarter of the population and expelling all others who had not actively participated in the revolution.”

²² The original French text does not contain the phrase “fluently”, however, it always appears in English language papers (sometimes as „pure Parisian French”), and in the context of the Report this is the most plausible interpretation.

²³ Cf. *Rapport sur la nécessité et les moyens d'anéantir les patois et d'universaliser la langue française*: <http://www.axl.cefan.ulaval.ca/francophonie/gregoire-rapport.htm>

²⁴ Cf. *Rapport du Comité de salut public sur les idiômes*: <http://www.axl.cefan.ulaval.ca/francophonie/barere-rapport.htm> Translation was made using the text in Schiffman, Harold F.: op. cit. 102.

same day the Convention adopted a law (*Décret du 8 pluvoise an II*) prescribing that a French teacher would be appointed in every commune in those regions where local people spoke regional languages.²⁵ The set-up of state primary schools teaching students to speak, read and write the French language was decreed on 21 October, 1793 (*30 vendémiaire an II*).²⁶

The Jacobin language policy culminated in the law of 20 July, 1794 (*2 thermidor an II*), which imposed criminal sanctions for failure to comply with its provisions: From the day of the publication of the law, no public document may be written in any language other than French in any part of the Republic (Article 1). After a one-month grace period the same rule applies to the registration of documents under private signet (Article 2). Any civil servant, public official, or registration fee collector who violates these provisions, shall be brought before the correctional police court in his place of residence, condemned to six months of imprisonment, and dismissed (Articles 3-4).²⁷

After the fall of Robespierre, linguistic terror has lost a lot of its vehemence; and in the given historical circumstances the language issue has become of secondary importance. The new regime was not able or did not want to implement the previous regulations, and the new ones were slightly more permissive. The law of 17 November, 1794 (*27 brumaire an III*) allowed the auxiliary use of regional languages in education,²⁸ and an educational decree of one year later did not contain a clause on the language of instruction at all.²⁹ Centralising ambitions of Napoleon (1799-1815), with an army and public administration functioning in the state language only, nevertheless, facilitated the spread of the French language and resulted in a further loss of ground for regional languages.³⁰

Language policy in 19th century France can be traced primarily through the educational laws. The *Loi Guizot* of 28 June, 1833 required basics of the French language as a compulsory subject in elementary education.³¹ Although the act did not expressly con-

cern the use of regional languages, in practice a strict prohibition prevailed. The responsibility of education is evidenced by the infamous words of the sub-prefect of Finistère addressing a group of teachers in 1845: „Above all, gentleman, remember that you have been posted here exclusively to kill the Breton language.”³² The law of 17 August, 1851 explicitly stated that the language of the instruction is exclusively French.³³ The prohibition of speaking *patois*, together with spitting on the ground, was first in the line among instructions for students which were placed on school walls throughout the country.³⁴ Any violation of the rule entailed humiliation: the „rebel” had to wear a clog (*le symbole, la vache*) around his neck, which he was only able to get rid of when another unfortunate student inadvertently spoke a word in his vernacular language. The one who wore the *symbole* at the end of school day could anticipate a punishment task.³⁵ It comes as a little surprise that humiliating measures related to regional languages are called „*la vergonha*” („shame”) in Occitan.

It is remarkable that in spite of all efforts of Francization, a great many people did not speak French as late as the middle of the 19th century. According to an official survey of 1863, in 8381 of France’s 37,510 communes no French was spoken, 450,000 of some four million school children spoke no French at all, and about one and half million could not write it.³⁶ An effective solution was needed, which became realized during the Third Republic, under *Jules Ferry* as minister of education (1879-1883). By the introduction of free, compulsory and secular public education an ever greater number of people could be involved in education. The only language admitted was, naturally, French,³⁷ and the teachers serving the system were called, quite aptly, the „black hussars of the Republic”.³⁸

The next important milestone in the history of French linguistic legislation is 11 January, 1951, the publication of *Loi Deixonne*. This law was the first that allowed regional languages – specifically, Basque, Breton, Catalan and Occitan³⁹ – to be taught in

²⁵ The decree named twelve *départements* (Morbihan, Finistère, Côtes-du-Nord, Loire-Inférieure, Haut, Bas-Rhin, Corse, Moselle, Mont-Terrible, Nord, Alpes-Maritimes, Basses-Pyrénées) where the population spoke Bas-Breton, German (Alsatian, Lorraine), Flemish, Italian (Corsican) or Basque. Cf. *Décret qui ordonne l'établissement d'instituteurs de langue française dans les campagnes de plusieurs départements dont les habitants parlent divers idiômes*. In: Duvergier, Jean Baptiste (ed.): *Collection complète des lois, décrets, ordonnances, réglemens, et avis du Conseil-d'État. Tome septième*. Paris, 1834. 19.

²⁶ Cf. *Décret relatif à l'organisation de l'instruction publique et à la distribution des premières écoles dans les communes*. In: Duvergier, Jean Baptiste (ed.): *Collection complète des lois, décrets, ordonnances, réglemens, et avis du Conseil-d'État. Tome sixième*. Paris, 1825. 299-300.

²⁷ Cf. *Décret portant qu'à compter de jour de sa publication, nul acte public ne pourra, dans quelque partie que ce soit du territoire français, être écrit qu'en langue française*. In: Duvergier, Jean Baptiste: *Collection complète...* Tome septième. 225.

²⁸ *Décret relatif aux écoles primaires*. Chapitre IV, Art. 3. Ibid. 411.

²⁹ Schiffman, Harold F.: op. cit. 113-4.

³⁰ Ortutay Katalin: op. cit. 32-35.

³¹ Cf. *Loi sur l'instruction primaire*. Chapitre I, Art. 1. In: Duvergier, Jean Baptiste (ed.): *Collection complète des lois, décrets, ordonnances, réglemens, et avis du Conseil-d'État. Tome trente-troisième*. Paris, 1842. 191.

³² Quoted by Jacob, James E. – Gordon, David C.: op. cit. 115.

³³ „Le français sera seul en usage à l'école. Le maître s'efforcera, par des prescriptions, par de fréquentes explications, et surtout par son exemple, de former les élèves à l'usage habituel de cette langue.” Quoted by Vigier, Philippe: *Diffusion d'une langue nationale et résistance des patois en France au XIXe siècle. Romantisme*, 1979/25. 191-208. at 196.

³⁴ A primary school in Brittany for instance ordered the following: „Il est défendu de parler breton et de cracher a terre.” <http://bretagne.blogs.lalibre.be/media/01/00/3d75e7dbef78f875f7cc337be5138241.jpg>

³⁵ Vigier, Philippe: op. cit. 196.

³⁶ Jacob, James E. – Gordon, David C.: op. cit. 114-5.

³⁷ Cf. *Arrêté du 7 juin 1880*, Art. 14. In: *Journal des Instituteurs*, Dimanche 23 janvier 1881. http://www.ape-louisgardes.org/occitan/INRP_JDI_18810123_FA.pdf

³⁸ Singer, Barnett: *The Teacher as Notable in Brittany. French Historical Studies*, 1976/9. 635-659. at 635.

³⁹ The law did not apply to Alsatian, Flemish and Corsican because, on the one hand, they were considered only as dialects of German, Dutch and Italian, currently taught as living foreign languages, on the other hand, the memories of World War II were still vivid, and legislators did not want to “let the genie of irredentism out of the bottle.” Ortutay Katalin: op. cit. 44.

public schools – as an optional subject, in one hour per week (a figure extended in 1975 to three hours for senior high school students)⁴⁰, and only if the teacher so requested. The scope of the Act was extended in 1974 to the Corsican language,⁴¹ and the *Loi Haby* of 1975 permitted the teaching of regional languages and cultures throughout the school career.⁴² However, the conditions of the implementation of the narrow text were not created so only very modest success was achieved.⁴³

Bilingual education has been permitted since 1982, thanks to the *Savary* circular⁴⁴ which did not name particular regional languages anymore, but referred to regional languages generally.⁴⁵ Pursuant to the *Code de l'éducation* which replaced the Deixonne law in 2000, the teaching of regional languages and cultures can now be provided for by an agreement between the State and the local community where one of these languages is in use.⁴⁶ Furthermore, teachers are allowed to use regional languages in primary schools and kindergartens whenever they can benefit from this for the purposes of education, including the study of the French language.⁴⁷

Although the status of regional languages in education has been strengthening since the 1950s, their position in other areas of the public sector is far less favourable – especially since French politicians have begun to worry about the expansion of the English language, and adopted a series of laws „protecting” the status of French. As in the case of the 1539 Ordinance of Villers-Cotterêts, although these regulations are explicitly aimed against a foreign (global) language, at the same time they undermine the positions of regional languages as well.

The 1975 *Loi Bas-Lauriol*⁴⁸ prescribed the mandatory use of the French language in business, namely for the designation,⁴⁹ offer, presentation, advertising, instructions for user, and warranties of goods, products and services; written, spoken, radio and television advertisement (Art. 1) – except for the names of typical products and specialties of foreign origin known by the general

public (Art. 2); employment contracts, company rules, and any other document containing obligations for the employee (Art. 4-5); and inscriptions posted in places and on buildings open to the public, or in a public transport system (Art. 6). In some cases, the act allowed the use of foreign language translations in addition to the French text. Violations of Article 1 constituted fraud and were punishable by the penalties provided for by the Consumer Code (Art. 3.). The use of a public good or service may have been withdrawn from the offending party (Art. 6.), and beneficiaries of public grants compelled to refund the grant if they did not comply with the provisions of the law (Art. 7). During the twenty years of its existence, the Bas-Lauriol law – due to its vague wording, the inaccurate determination of its legal consequences, and the unpreparedness or unwillingness of the authorities charged with implementing it – has remained fairly ineffective, and did not provoke much attention in the press, either.⁵⁰

The opposite is true for the 1994 *Loi Toubon*⁵¹ (still in vigour), which prescribed even stricter rules than its predecessor – in more detail, more accurately, and affecting ever wider areas of language use. There was a constitutional basis now because since 1992 „the language of the Republic is French” (Article 2 of the French Constitution).⁵² Referring to this, the Toubon law eloquently states that the French language is „a key element in the personality and the heritage of France”, as well as „the chosen bond between the States comprising the community of French-speaking countries”. Therefore, „French shall be the language of instruction, work, trade and exchanges and of the public services.” (Art. 1) While retaining most of the provisions of the 1975 language act, the *Loi Toubon* now requires the use of the French language for all events and conferences organised in France (Art. 6).⁵³ Foreign language publications, reviews and papers distributed in France shall include at least a summary in French when being issued by a public body or a private person subsidised by public funds (Art. 7).⁵⁴ The language of instruc-

⁴⁰ Jacob, James E. – Gordon, David C.: op. cit. 121.

⁴¹ Cf. *Décret n° 74-33 du 16 janvier 1974 relative à l'enseignement des langues et dialectes locaux*. <http://www.culture.gouv.fr/culture/dgll/lang-reg/lang-reg5.htm>

⁴² Cf. *Loi n° 75-620 du 11 juillet 1975 relative à l'éducation*, Art. 12.

⁴³ Neville, Grace: Minority Languages in Contemporary France. *Journal of Multilingual and Multicultural Development*. 1987/1-2. 147-157. at 152-4.

⁴⁴ *Circulaire n° 82-261 du 21 juin 1982*

⁴⁵ Rogers, Vaughan – McLeod, Wilson: Autochthonous minority languages in public-sector primary education: Bilingual policies and politics in Brittany and Scotland. *Linguistics and Education*, 2006/17. 347-373. at 354-5. However, immersion teaching in public schools was declared illegal by the Conseil d'Etat in 2002. Cf. *Le Conseil d'Etat sur le rapport de la 4ème sous-section, Séance du 28 octobre 2002, lecture du 29 novembre 2002*. N° 248192-248204 – *Conseil National des Groupes Académiques de l'Enseignement Public, UNSA et autres*. <http://www.conseil-etat.fr/fr/selection-de-decisions-du-conseil-d-etat/n-248192-248204.html>

⁴⁶ Cf. *Code de l'éducation*, Article L312-10.

⁴⁷ *Ibid*, Article L312-11.

⁴⁸ *Loi n°75-1349 du 31 décembre 1975 relative à l'emploi de la langue française*

⁴⁹ Detailed rules of product labelling are contained in the *Code de la consommation*. According to Article R112-8 – which takes into account the judgement of 12 September, 2000 of the European Union Court of Justice in *Geffroy v. Casino France* (C-366/98) –, it is now allowed to inform the consumer of the properties of a product in another language, in addition to French.

⁵⁰ Ager, Dennis: *Language policy in Britain and France: the processes of policy making*. Continuum International Publishing Group, 1996. 44; 183-5.

⁵¹ *Loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française*. The official English translation of the act is available at the website of the Ministry of Culture and Communication: <http://www.dgll.culture.gouv.fr/droit/loi-gb.htm>

⁵² *Loi constitutionnelle n° 92-554 du 25 juin 1992 ajoutant à la Constitution un titre "Des Communautés européennes et de l'Union européenne"*

⁵³ This provision is largely ignored by many public institutions, and this practice is virtually assented by the Minister of Research. Cf. <http://www.senat.fr/questions/base/1990/qSEQ901012253.html>

⁵⁴ The second paragraph of Article 2 originally subordinated public grants for researchers to a commitment by the recipients to publish or distribute their work in French, but this provision was annulled by the Constitutional Council. Cf. *Décision n° 94-345 du 29 juillet 1994 du Conseil constitutionnel à propos de la loi relative à l'emploi de la langue française*, para. 20-24. All decisions of the Constitutional Council can be consulted here: <http://www.conseil-constitutionnel.fr>

tion, examinations and dissertations in state and private educational institutions shall be French, except for foreign schools or schools specially set up for foreign nationals, and when justified by the need to teach foreign and regional languages (Art. 11).⁵⁵ The use of French is compulsory in all radio and television programmes and advertisement, with the exception of productions of original language version (Art. 12).⁵⁶ It is strictly forbidden for public bodies or private bodies on a public service assignment to use a trademark, trade name or service brand made up of a foreign term when a French expression with the same meaning exists (Art. 14). Built on the lessons drawn from the implementation of Loi Bas-Lauriol, the Toubon law contains detailed rules on the process of monitoring and sanctioning non-compliance with its provisions. Impeding the work of the investigating officer constitutes a crime punishable by fine or imprisonment up to six months (Art. 16-23).

III. Future prospects of regional languages and linguistic legislation in France

Although in the legal environment securing the status of French as an official language, there have been positive developments concerning regional languages as well, especially in the domain of education, these provisions can hardly stop, let alone reverse those negative demographic and sociolinguistic processes which lead to the on-going decline in the number of speakers of regional languages. The main reason is that the government provides insufficient financial assistance and even less „moral” support for the implementation of these measures. For instance, we could read among the provisions of the Education Code that the teaching of regional languages and cultures is provided for by an agreement between the state and the local community. Since the legislator did not adopt a general rule, in practice it depends on the commitment and advocacy skills of national/linguistic minorities what position they can achieve for their own languages. Naturally this applies not only to education, but other spheres of language use, as well. Concessions made to regional languages in many cases are merely lipstick measures due to the political pressure of the EU rather than to a genuine commitment of the French government.

French public policy has still not given up the outdated doctrine of one nation–one language, and keeps insisting the absurd claim that minorities do not exist in France. This ideology has been propagated by both the state’s leading politicians,⁵⁷ and French high courts guided by the Jacobin state-nation concept. A good example for the latter is a 1991 decision of the Constitutional Council, the „rottweiler of the republican ideal”.⁵⁸ Here the Council – functioning as a constitutional court – set aside several provisions of the act ensuring self-government rights for Corsica, including the one that referred to the population of the island as a people: „France is, as Article 2 of the 1958 Constitution declares, «an *indivisible*, secular, democratic and social Republic. It shall ensure the *equality of all citizens before the law*, without distinction of origin, race or religion»; the referral by the legislature to «the Corsican people, a component of the French people», is accordingly unconstitutional, as the Constitution recognises only the French people, made up of all French citizens regardless of origin, race or religion.” (emphasis added).⁵⁹

The Constitutional Council used similar arguments in 1999 when rejecting the ratification of the European Charter for Regional or Minority Languages: „[T]hese provisions [...], in that they confer specific rights on «groups» of speakers of regional or minority languages within «territories» in which these languages are used, undermine the constitutional principles of the *indivisibility of the Republic, equality before the law* and the *unicity of the French people*. These provisions are also contrary to the first paragraph of Article 2 of the Constitution in that they seem to recognise a right to use a language other than French not only in «private life» but also in «public life» – a category in which the Charter includes judicial authorities and administrative authorities and public services.” (emphasis added).⁶⁰ A brief note to the second part of the reasoning: it is probably not a coincidence that the amendment of the Constitution making French the language of the Republic had been adopted only months before the Council of Europe passed the Charter.⁶¹

One could argue, of course, that over the last decade and a half a lot of things could have changed, and there is some truth to this. After a lengthy discussion, a constitutional amendment in 2008 declared that „regional languages belong to the patrimony of France”.⁶² The provision was finally adopted as Article

⁵⁵ This provision was transferred to the Education Code in 2000.

⁵⁶ Broadcast musical works are subject to quota rules. See, *Television across Europe: regulation, policy and independence*. Open Society Institute, Budapest, 2005. 693. A detailed report on French media law is available here, as well: 637-728.

⁵⁷ In 1972, *Georges Pompidou*, the President of France, declared that „there is no room for regional languages in a France which is destined to mark Europe with its seal”. (Cf. http://www.axl.cefan.ulaval.ca/europe/france-2politik_francais.htm) *Nicolas Sarkozy* took a similar position in 2007: „If I am elected, I won’t be in favour of the European Charter for Regional Languages. I don’t want a judge with a historical experience of the issue of minorities different from ours deciding tomorrow that a regional language must be considered as a language of the Republic just like French”. (Cf. <http://espacesco.free.fr/fichart.php?art=j2Qv0aR40>) *François Mitterrand* was perhaps the only President of France – before the current one – who has supported the recognition of regional languages. In 1981, he stated that „the time has come to give the languages and culture of France an official status”. (Cf. *A Dominique Strauss-Kahn: Le temps est venu d’un statut des langues et cultures de France*. Agence Bretagne Press, 30 April, 2007. <http://www.agencebretagnepresse.com/fetch.php?id=6816>)

⁵⁸ I borrowed this phrase from Stefan Graziadei: *The French Constitutional Council as the Rottweiler of the Republican Ideal in the Language Field: Does Jurisprudence Really Reflect Reality? European Diversity and Autonomy Papers*, 2012/3. 1-35.

⁵⁹ *Decision 91-290 DC of 9 May 1991 (Act on the statute of the territorial unit of Corsica)*, para. 13.

⁶⁰ *Decision 99-412 DC of 15 June 1999 (European Charter for Regional or Minority Languages)*, para. 10-11.

⁶¹ As Graziadei (op. cit. 17.) points out, “the official language clause was used [...] as a welcome complementary tool to strengthen the normative force of the state-nation concept”.

⁶² *Loi constitutionnelle n° 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République*

75-1 of the Constitution because the Senate – largely due to a controversial statement of the French Academy⁶³ – did not approve it as a supplement to Article 1 declaring the indivisibility of the French Republic.⁶⁴ It is hard to assess the effect of the constitutional amendment yet, but it is by all means a very important – even if only symbolic – step forward in the history of regional languages. Unfortunately, individual rights cannot be derived from this article itself, as the Constitutional Council hastened to point out in a 2011 decision⁶⁵ – a recent piece of its restrictive jurisprudence towards regional languages.

A meaningful progress may begin by the ratification of the European Charter for Regional or Minority Languages, and consequently, by adopting specific provisions ensuring subjective rights for the speakers of regional languages. Before his election

as the current President of France, *François Hollande* committed himself to the cause, however, the ratification process has not started until today. The reason for the delay allegedly is that, in order to ratify the Charter, the Constitution should be modified.⁶⁶ In my opinion, this is only an excuse, since for example Hungary or Slovakia are also state parties to the Charter, and their constitutions also identify only one state language. Yet, constitutional provision on the state language did not prevent Slovakia from the ratification of the Charter, and although in the case of Hungary the constitutional recognition of the official language was achieved years after the ratification of the Charter, probably it has never occurred to anyone to question our membership. Ratification is ultimately a matter of political will, and quite clearly this has not yet been born in France.

⁶³ „[P]lacing the regional languages of France before the language of the Republic is a challenge to simple logic, a denial of the Republic, a confusion of the constitutive principle of the Nation and of a subject of politics.” Cf. *Déclaration votée à l’unanimité par les membres de l’Académie française dans sa séance du 12 juin 2008*. <http://www.academie-francaise.fr/actualites/la-langue-de-la-republique-est-le-francais> (translation is mine)

⁶⁴ <http://www.usefoundation.org/foundation/research/olp/viewResearch.asp?CID=59&TID=1>

⁶⁵ „[L]’article 75-1 de la Constitution [...] n’institue pas un droit ou une liberté que la Constitution garantit.” *Décision n° 2011-130 QPC du 20 mai 2011: Mme Cécile L. et autres (Langues régionales)*, para 3.

⁶⁶ Daily French and foreign press deals a lot with this issue, see for example: <http://www.lejdd.fr/Politique/Actualite/Ratifier-la-Charte-regionale-Hollande-fait-marche-arriere-607366>