

The *langues de France* and the European Charter for Regional or Minority Languages:
keeping ratification at bay through disinformation – 2014-2015

Abstract:

The political deliberations in France surrounding the potential ratification of the European Charter for Regional and Minority Languages (from January 2014 to October 2015) resulted in a national debate unheard of since 1999, providing new insight into resistance towards promoting these languages in the public space. Despite a recent survey claiming that ‘the ideological barriers on this issue have almost disappeared’ (Ifop 2015), scare-mongering rhetoric ultimately prevailed at the Sénat against ratification. Drawing on Roger & De Bres 2017, I review here the ideological strategies and fallacious arguments used by elected representatives in order to maintain the status quo and the supremacy of French in France.

1. Introduction

The European Charter for Regional and Minority Languages, signed by France in May 1999, has never since been ratified as it was declared unconstitutional by the Conseil Constitutionnel the following month. By way of a half-hearted consolation, the *langues de France* instead received official acknowledgment as part of the 2008 *Réforme constitutionnelle* – according to which they ‘belong to the heritage of France’, but they are still not entitled to any legal protection. In January 2014, following a pledge by presidential candidate François Hollande to

ratify the Charter,¹ a rebuttal by the Conseil d'État, and a 'request for cultural asylum' for French regional languages at the UNESCO's head office,² a constitutional bill³ was finally submitted to the Assemblée nationale. This initiative aimed to enable France to ratify the Charter by introducing the following article in the Constitution: 'Art. 53-3. - La République peut ratifier la Charte européenne des langues régionales ou minoritaires adoptée à Strasbourg le 5 novembre 1992, complétée par sa déclaration interprétative' (the Republic may ratify the European Charter for Regional and Minority Languages adopted in Strasbourg on 5 November 1992, supplemented by its interpretative declaration).

The debates concerning the constitutional bill, which took place on 22 and 28 January 2014 at the Assemblée nationale, and on 27 October at the Sénat, generated hostile statements from a number of elected representatives, senior officials, journalists, academics and pressure groups (see 3.7). An initial victory at the Assemblée, by 361 votes in favour to 149 against, was followed by another negative opinion by the Conseil d'État (31 July 2015), in spite of a call by the UN's Human Rights Committee for France to 'reconsider its position on the official recognition of ethnic, religious and linguistic minorities', and to 'ensure the effective enjoyment by indigenous peoples and minorities of all human rights and fundamental freedoms' (21 July 2015). In the same period, a nation-wide opinion survey found that '72% of French people are in favour of an official recognition of regional languages', including 71% among Ile-de-France inhabitants, demonstrating that 'nowadays, the ideological obstacles to this question have almost disappeared' (Ifop 2015). Nevertheless, on 27 October, the French Sénateurs eventually rejected the constitutional bill by 179 votes to 155, and thus closed this first national discussion on the topic since 1999 – which at least shed new light on the perception and representation of endogenous linguistic diversity in France, as well as on the role expected from the French language in this multilingual setting.

2. Methodology and theoretical approach

What follows is a critical review of the arguments made during this constitutional battle by those elected representatives most committed against it. The corpus primarily draws on speeches at the Assemblée nationale and the Sénat, as well as a number of publications in the media (France 3, Public Sénat, Huffington Post, Le Figaro) and on the internet collected between January 2014 and October 2015, notably via Google News and various social networks. The speakers transcend the left-right divide, but are united by their Jacobin and nationalistic agendas. They are Marion Maréchal-Le Pen (Députée of the Vaucluse – Front national), Gilbert Collard (Député of the Gard – Front national), Henri Guaino (Député of the Yvelines – UMP/Les Républicains), Bruno Retailleau (Sénateur of the Pays de Loire – Les Républicains), Daniel Fasquelle (Député of the Pas de Calais - Les Républicains),⁴ Catherine Morin-Desailly (Sénatrice of the Seine-Maritime – Union des démocrates et indépendants), Jean-Luc Laurent (Député of the Val-de-Marne – Mouvement républicain et citoyen), Jacques Mézard (Sénateur of the Cantal – Parti radical de gauche), Jean-Luc Mélenchon (MEP of the Sud-Ouest – Parti de Gauche).

The purpose of this article is to provide a baseline for comparison with previous debates on the same issue, as well as contradicting evidence from language policy and revitalisation scholarship. More specifically, it aims to gauge the levels of disinformation/misinformed arguments resorted to by policy-makers who should be expected to contribute accurate information to the debate. Of the 1999 talks on France's signature of the Charter, Giordan noted that:

On a vu, à cette occasion, d'éminents responsables intellectuels et politiques ignorer tranquillement les arguments développés dans les rapports dont je viens de rappeler la modération et le sérieux pour reprendre une série de préjugés nourris d'ignorance et de mépris pour l'altérité linguistique et culturelle. (In this instance, prominent intellectuals and politicians were observed to comfortably ignore the arguments developed in the reports – the seriousness and moderation of which I have just mentioned – and recite a bunch of preconceptions fuelled by ignorance and contempt for linguistic and cultural otherness – 2000).

Disinformation, defined as ‘false information intended to deceive or mislead’ (Collins 2017), breaks the ‘rules for rational disputes and constructive argument, which allow the discerning of reasonable topoi from fallacies’ (Wodak 2016). In particular, the rhetoric reviewed here can be observed to flout such rules defined by Wodak as ‘the obligation to matter-of-factness’, ‘the correct references to implicit premises’, ‘the use of plausible arguments and schemes of argumentation’, ‘logical validity’ and ‘correct interpretation’ (Wodak 2016). Drawing on Roger & De Bres 2017, these will be analysed through the framework of dominant language ideologies, that is as discourse through which ‘discriminatory exclusionary practices are prepared, promulgated and legitimized’ (Reisigl & Wodak 2001). The sections below categorise the different discursive strategies used by the speakers in order to oppose the bill, in articulation with the dominant language ideologies they reproduce.

3 Main arguments against the bill:

3.1 Adequacy of current legislation

Pretending to approve of existing initiatives provided a handy disclaimer for opponents to emphasise positive self-representation, and deny accusations of discriminatory discourse (van Dijk 1989). Jean-Luc Mélenchon thus dismissed the criticisms expressed by ratification supporters:

La République protège les langues régionales. Je n'accepte donc pas la caricature qui voudrait faire croire que la République française réprime ou méprise ces langues. Ce n'est pas vrai ! La France s'est dotée dès les années cinquante d'un cadre législatif favorable aux langues régionales. Elle a été et reste, aujourd'hui encore, en avance sur beaucoup de pays d'Europe dans ce domaine. [...] La France applique déjà beaucoup d'articles de la Charte sans avoir eu besoin de sa ratification pour le faire. (The Republic protects regional languages. I therefore do not accept the caricature that would have us believe that the French Republic suppresses or holds these languages in contempt. That is not true! Since the 1950s, France has adopted a legislative framework which supports regional languages. On that matter she was, and still is today, ahead of many European countries. [...] France already implements many articles of the Charter without having needed its ratification to do so.)

It is by insisting on the maintenance of the legislative status quo, and refusing any progress, that opponents actually revealed their true agenda, the outcome of which is the exclusion of minority language speakers from political and economic power. To that end Catherine Morin-Desailly warned that 'il serait inexact de prétendre que les langues régionales sont aujourd'hui marginalisées ou méprisées' (It would be inaccurate to claim that regional languages are marginalised or held in contempt), while Jean-Luc Laurent went as far as claiming that 'French regional languages are doing well':

Aujourd'hui les langues régionales se portent bien et font l'objet d'un soutien important des pouvoirs publics qui permet à 270 000 enfants de recevoir un enseignement en langue régionale. On est bien loin de la persécution jacobine invoquée mécaniquement par les promoteurs des langues régionales. (Nowadays, French regional languages are doing well and receive substantial support from public authorities, that enables 270,000 children to be taught a regional language. We are far from the Jacobin persecution that is mechanically alluded to by advocates of regional languages.)

French regional languages are definitely not 'doing well'. The number of those who speak them is plummeting,⁶ almost all of these languages are deemed 'seriously endangered' by UNESCO (2014), and the Délégation Générale à la Langue Française et aux Langues de France (DGLFLF) has admitted that they are now hardly transmitted within families (2010). One only has to compare how much healthier Basque and Catalan are across the Pyrenees to gauge how inadequate French revitalisation initiatives are (Williams 2005). The current teaching provision of French regional languages is far from sufficient to compensate for the progressive disappearance of older traditional speakers (97% of the pupils concerned do not have access to bilingual education according to Kranzer (2015). The same goes for audio-visual media, despite it being recognised as essential for uniting speakers around their languages (Moriarty 2009). Finally, however positive a message bilingual signage sends to the communities concerned, one should not be over-enthusiastic about the ability of such measures to slow down the current reduction in numbers of speakers.

3.2 An excessive cost

Arguing that French regional languages already benefit from ‘substantial support from public authorities’ through education, Jean-Luc Laurent noted that France ‘n’a pas d’énergie à perdre dans la promotion des identités locales’ (has no energy to waste on the promotion of local identities). Language planning experts are familiar with what amounts here to a budgetary objection, such as is usually proven to be widely exaggerated:

The costs of language policies are largely unknown, and are liable to be the stuff of wild fantasies – usually in the form of cataclysmic expectations of uncontrollable expenditure if diversity-preserving policy measures were adopted. Where figures exist, they yield a sobering picture. [...] The added expenditure entailed by moving from a monolingual to a bilingual education system is much smaller than commonly believed. Where evaluations have been made, they point in the direction of a 3–4 percent range, because even if the education system were to remain monolingual, children would have to be schooled *anyway*. Therefore, only comparatively modest additional financial outlays need to be factored in. (Grin 2006)

Laurent’s concerns are all the more ill-founded as the 39 requirements selected within the Charter by the French government in 1999 would merely require the provision of translations of ‘the most important national statutory texts’ (article 9.3), ‘official documents published by regional and local authorities’ (article 10.2.c&d), and ‘information provided by the competent public authorities concerning the rights of consumers’ (article 13.2e). Meanwhile, countless public funding goes to promoting French in France and abroad (education, audio-visual production, cultural diplomacy, publishing and press subsidies, creative awards to French language products, etc.). This promotion policy is partly funded by regional-language-speaking

taxpayers, who may feel entitled to some proportional support towards their own languages, especially in light of their endangered condition. For some communities, such support might actually help reduce other public expenditure on health and welfare, by curbing the symptoms of societal collapse (depression, suicide, alcohol- and drug-abuse) that often coincide with the brutal shift to a dominant language (Chandler and Lalonde 2008, Kress 1984, Caro 1987).

3.3 Impracticality

According to a number of opponents, the multiplicity of French regional languages render the Charter impossible to implement: ‘On imagine la situation d'un magistrat sommé de s'adresser au justiciable en flamand occidental, en catalan ou en arabe dialectal. Et 75 versions de nos formulaires administratifs!’ (Picture a magistrate having to address a litigant in West Flemish, Catalan or dialectal Arabic. And 75 different translations of our administrative forms! – Retailleau). This rationale is defined by Blommaert and Verschuere (1998) as the ‘*efficiency assumption* – that is, the assumption that efficient government, as well as economic growth and development, are hampered by multilingualism’:

De quelles langues s’agit-il au fait? Car avec la ratification il faudra en dresser la liste. Vous avez lu le rapport Cerquiglini commandé par M. Jospin? Vous le citez dans l’exposé des motifs. Il recense soixante-quinze langues régionales et minoritaires!’ (By the way, which languages are we speaking of? Because ratifying the Charter will mean having to list them all. Have you read the Cerquiglini report commissioned by Mr Jospin which you cite in the explanatory statement? It lists seventy-five regional and minority languages! – Guaino)

Likewise, Marion Maréchal-Le Pen and Gilbert Collard warn that ‘Ce texte créerait en matière d’enseignement une véritable usine à gaz, obligeant notamment de dispenser des cours dans plus de 70 langues régionales reconnues!’ (This text would turn the education sector into a white elephant, particularly by imposing tuition in more than 70 recognised regional languages!). Indeed the DGLFLF does list a total of 76 ‘langues de France’ – counting in French sign language – however what is omitted here is that the Charter itself is actually neither concerned with dialects cognate with States’ official languages, nor with non-territorial languages, and that therefore a number of the *langues de France* listed by the DGLFLF would not benefit from the Charter, i.e. the *langues d’oil*, dialectal Arabic, Berber, Western Armenian, Romani Chib and Yiddish. This does leave over sixty languages potentially concerned, but is this enough to expect, as Jean-Luc Mélenchon seems to do, the development of ‘situations ingérables pour les administrations et les collectivités locales’ (unmanageable situations for local administrations and authorities)? In fact, as explained above and as far as administrative matters are concerned, the thirty-nine requirements selected within the Charter by the French authorities merely require the translation of a handful of official documents.

3.4 The spectre of migrants’ languages

The ECRML’s Explanatory Report specifically states that:

The charter is not concerned with the phenomenon of non-European groups who have immigrated recently into Europe and acquired the nationality of a European State. The expressions ‘historical regional or minority languages of Europe’ (Preamble) and

languages ‘traditionally used’ in the State (Article 1, paragraph a) show clearly that the charter covers only historical languages, that is to say languages which have been spoken over a long period in the State in question. (Article 1.31)

As observed above, if ratified, the Charter would clearly not apply to dialectal Arabic, Berber, Yiddish, Western Armenian, and possibly neither to Romani Chib, even though these are all listed by the DGLFLF as *langues de France*. Nevertheless, the notion of having to make immigrants’ languages official proved a popular argument among opponents to the Charter, some of whom warned against having to officialise languages brought by even more recent migrant communities, such as Chinese or Turkish:

Cette charte prépare l’ouverture de droits très larges aux langues minoritaires non-territoriales, comme l’arabe ou le romani. Déjà, un rapport officiel remis à la ministre de la culture en juillet dernier annonce en effet l’évolution des politiques publiques en ce sens. Certains élus de la majorité, notamment communistes, réclament de manière « urgente » des enseignements en arabe ou en chinois au sein des cursus d’enseignement, ainsi que la reconnaissance des langues de tous les migrants. (This Charter paves the way for granting extensive rights to non-territorial languages such as Arabic or Romany. An official report submitted to the Minister of Culture last July reveals that public policies are already being revised to that end. Some elected members of the majority, communists in particular, are ‘urgently’ demanding that Arabic- or Chinese-medium tuition be integrated within the curriculum, and that all migrants’ languages be officially recognised – Maréchal-Le Pen & Collard)

Il faudra peut-être y ajouter le chinois, le turc, et d'autres encore, parlés par des groupes de locuteurs nombreux. Au nom de quoi toutes ces langues seraient-elles exclues ? Si elles le sont, il se trouvera toujours quelqu'un, un jour, un groupe, une communauté, pour porter l'affaire devant la Cour européenne des droits de l'homme, au titre de l'article 14 de la Convention européenne des droits de l'homme. Et si vous n'incluez pas cette langue il y aura discrimination par la langue, puisque les uns auront des droits que les autres n'auront pas. (Perhaps Chinese, Turkish, and other languages with large groups of speakers will also have to be included. What would justify these languages being excluded? If they are, sooner or later, someone, some day, some group, some minority will bring the case before the European Court of Human Rights under Article 14 of the European Convention on Human Rights. And if their language isn't included, it will amount to linguistic discrimination, because some will have rights that others do not – Guaino).

To Jean-Luc Mélenchon, such discrimination would clearly go against the Republican principle of equality:

Les langues pratiquées par les migrants ou leurs descendants sont exclues de la Charte. Elles sont pourtant elles aussi « minoritaires » mais elles ne sont pas protégées par la Charte qui ne conçoit les langues qu'en lien avec un territoire particulier. Une définition particulièrement discutable et problématique pour des Républicains attachés à la valeur des principes quel que soit leur territoire d'application. L'application de la Charte poserait donc un grave problème vis à vis des locuteurs de la 2ème langue parlée en France, qui n'est pas régionale, puisqu'il s'agit de l'arabe. Le sort aujourd'hui réservé à la pratique, à la promotion et à l'enseignement de la langue arabe en France, me semble

d'ailleurs tout aussi décisif que celui des langues régionales. [...] Il est pourtant totalement ignoré par les promoteurs de cette proposition de loi. Leur invocation de la diversité linguistique semble donc à géométrie variable. Ainsi une telle ratification de la Charte conduirait le pays à de nouvelles divisions absurdes entre immigrés et non immigrés, cette fois quant au statut des langues parlées. Notre pays a-t-il vraiment besoin de cette nouvelle discrimination volontaire ? (Languages spoken by migrants or their descendants are excluded from the Charter. They are nonetheless 'minority' languages, but are not protected by the Charter, which conceives of languages only in relation to a particular territory. This definition is seriously debatable and problematic for republicans committed to our principles, regardless of the territory where they apply. Therefore implementing the Charter would pose a serious problem in regard to speakers of France's second most widely spoken language, Arabic, which isn't regional. The way in which the use, the promotion and the teaching of Arabic are dealt with nowadays in France seems to me to be just as decisive as that of regional languages. Yet it is completely overlooked by those advocating this bill. Their invocation of linguistic diversity appears multifaceted. Ratifying the Charter would thus drive the country to new absurd divisions between immigrants and non-immigrants, this time regarding the status of the languages they speak. Does our country really need this new intentional discrimination?).

All three quotes essentially engage in scaremongering through the distortion of arguments in favour of promoting regional languages, with a view to preventing their most minimal implementation.

3.5 Promoting French first

Opponents to the Charter have often presented the promotion of regional languages and French as fundamentally incompatible. They portrayed the latter as endangered (Heller & Duchêne 2007) and undermined by its own speakers: ‘La langue nationale est au moins aussi en danger que les langues régionales’ (Our national language is at least equally as endangered as regional languages – Fasquelle); ‘De plus en plus d’élèves ne maîtrisent pas ou mal le français’ (Increasing numbers of pupils have a poor or non-existent command of French – Maréchal-Le Pen & Collard); ‘Plus de 10 % des jeunes recensés lors des journées « défense et citoyenneté » sont en situation de quasi-illettrisme’ (Over 10% of young people listed as part of the « Défense et citoyenneté » programme are in a situation of near-illiteracy – Mézard); ‘Faire reculer l’illettrisme est selon moi aujourd’hui la priorité des priorités. Faute de maîtriser la langue française, quelque 2,5 millions de nos concitoyens ne sont pas en mesure de faire face aux exigences de la vie quotidienne et de participer à la vie publique’ (To me, curbing down illiteracy is presently the most pressing priority – Morin-Desailly); ‘Combien [de nos enfants] peuvent encore entendre quelques vers de Corneille ou de Racine?’ (How many [of our children] can still understand a few verses by Corneille or Racine? – Guaino). Accordingly, giving regional languages access to domains currently restricted to French would undermine the latter in its competition against English: ‘On se bat contre l’anglais et les langues régionales vont devenir des langues de travail!’ (We’re battling against English and regional languages are going to become working languages! – Guaino); ‘Un autre enjeu de taille [est] la pérennité de la francophonie. Dans un monde toujours plus globalisé, le français est lui-même, si nous n’y prenons garde, en passe de devenir une langue régionale’ (Another crucial concern is the Francophonie’s sustainability. In this evermore globalised world, if we don’t pay attention, French itself is likely to become a regional language – Morin-Desailly). What was apparently

at stake was not just the maintenance of the standard variety, but also national cohesion and patriotism:

C'est la langue française qui a permis au processus d'assimilation de fonctionner. L'incapacité d'une partie de notre jeunesse à en maîtriser les fondamentaux n'est-elle pas en cause dans le délitement du sentiment national que nous déplorons aujourd'hui? [...] François Hollande s'attaque à cet ultime pilier de nos architectures mentales: la langue française. Le cœur même de notre culture, la clé de ce fameux 'vivre ensemble' que la gauche déchire. (It is the French language that has enabled the assimilation process to work. Does the inability of some of our youth to master its basics not play a part in the breakdown of national feeling that we lament today? [...] François Hollande is attacking the last pillar of our mental architecture: the French language. This is the very heart of our culture, the key to our social cohesion that the Left is tearing apart – Retailleau)

Obviously, these arguments are contradicted by the fact that regional language speakers are overwhelmingly competent in French, that French remains highly dominant in France, and that there is no need to sacrifice regional languages in order to preserve the international status of French or some sense of national identity (Kymlicka 2004) – even less under the misconceived pretext that 'Toutes nos langues se sont fécondées entre elles et vivent dans le français' (All of our languages have impregnated each other and are living through French – Guaino).

3.6 From linguistic to ethnic separatism

According to Henri Guaino, the Charter's supporters want France to return to the 'féodalités du moyen-âge' (medieval feudalism), 'en finir avec l'unité linguistique pour en finir avec l'Etat-nation, et ouvrir les digues qui freinent encore la marche en avant du communautarisme' (finish with linguistic unity to bring an end to the nation state, and open the barriers that still hamper the progress of ghettoization). Jean-Luc Laurent predicted that it would hamper social cohesion between French nationals and immigrant communities:

La France doit aussi relever le défi de l'intégration de populations immigrées qui ont du mal à trouver leur place dans notre société et notre nation. Valoriser les identités régionales et recréer des groupes linguistiques autochtones est bien une mauvaise idée au moment où il faut réaffirmer le modèle républicain dont la grandeur et la difficulté reposent justement sur sa capacité à enjamber les identités particulières. (France must also rise to the challenge of integrating immigrant populations that have difficulties in finding their place in our society and our nation. Highlighting regional identities and recreating groups of native speakers is truly a bad idea when it is necessary to reaffirm the republican model, the greatness and burden of which lie in its ability to pass over individual identities).

Though is not uncommon, indeed, for minority language activists to also be nationalists, we can wonder if separatism is more likely to be caused by the recognition of language rights or by their non-recognition. There are many examples of states that are officially multilingual and yet show little signs of separatism (e. g. Switzerland, Luxembourg, Austria, Romania, Eire, Finland, Paraguay, etc.), and even more examples of State monolingualism having devastating impacts on marginalised languages.

3.7 An attack on France's constitutional principles

Opponents to the Charter naturally referred to the Conseil constitutionnel's decision no. 99-412 (1999), which observed that:

La Charte européenne des langues régionales ou minoritaires, en ce qu'elle confère des droits spécifiques à des 'groupes' de locuteurs de langues régionales ou minoritaires, à l'intérieur de 'territoires' dans lesquels ces langues sont pratiquées, porte atteinte aux principes constitutionnels d'indivisibilité de la République, d'égalité devant la loi et d'unicité du peuple français. [...] Ces dispositions sont également contraires au premier alinéa de l'article 2 de la Constitution en ce qu'elles tendent à reconnaître un droit à pratiquer une langue autre que le français non seulement dans la 'vie privée' mais également dans la 'vie publique', à laquelle la Charte rattache la justice et les autorités administratives et services publics. (The European Charter for Regional or Minority Languages, in conferring specific rights to 'groups' of speakers of regional or minority languages on the 'territories' in which these languages are used, violates the constitutional principles of the indivisibility of the Republic; of equality before the law and of the uniqueness of the French people. These measures also run contrary to the first paragraph of Article 2 of the Constitution on the basis that they extend to recognising the right to use a language other than French, not only in 'private life' but also in 'public life', to which the Charter links the justice system, administrative authorities and public services)

Jean-Luc Mélenchon used it to warn against dividing French citizens:

Témoigner, poursuivre en justice, signer des contrats dans une autre langue que la langue française constituerait un recul par rapport à l'ordonnance de Villers-Cotterêts qui représente une avancée fondamentale dans l'égalité des Français devant la justice et le service public. Y renoncer conduirait à des situations ingérables pour les administrations et les collectivités locales et à des divisions et incompréhensions absurdes entre administrés. (To testify, sue, or sign contracts in a language other than French would represent a step backwards from the Ordinance of Villers-Cotterêts, a fundamental breakthrough in the equality of the French people before the justice system and the civil service. To renounce it would lead to unmanageable situations for local administrations and authorities, and absurd divisions and misunderstandings between constituents.)

Mélenchon's invocation of equal rights is quite baffling here. Indeed, granting a legal monopoly to one language at the expense of others can hardly be considered as a 'fundamental breakthrough in the equality of the French people', since it amounts to giving a linguistic and sociological advantage to speakers of the official language, at the expense of speakers of thereby marginalised languages (Oakes 2011a, 2011b). Furthermore, as observed above, Mélenchon's concerns are unfounded since none of the thirty-nine requirements selected by the Jospin administration in 1999 would enable anyone to 'testify, sue or sign contracts in a language other than French'. Yet somehow, according to Henri Guaino, the Charter's supporters wanted nothing less than to annihilate the French Republic itself:

Ce que vous réceusez, c'est le principe d'unité et d'indivisibilité de la Nation ; ce que vous attaquez, c'est le principe de l'égalité républicaine ; ce que vous refusez, c'est l'autorité d'un État exprimant le bien commun et appartenant à chaque citoyen. [...]

Regardez l'histoire des pays sur lesquels vous prenez exemple, elle n'a rien à voir avec la nôtre, qui est celle d'une nation dont la diversité anthropologique est l'une des plus grandes du monde, et qui n'a surmonté cette diversité que par la politique et le droit, et l'action d'un État unificateur, et (pardon d'un mot aussi décrié aujourd'hui) centralisateur. [...] Dans la civilisation française, il y a quelque chose qui dérange certains d'entre vous, qui s'appelle la République, les valeurs républicaines, l'État républicain. [...] L'institutionnalisation du communautarisme linguistique sera la matrice de tous les autres communautarismes régionalistes, ethniques, religieux. Vous ouvrez une brèche immense. L'apocalypse? Non bien-sûr. Mais la lente désagrégation de la Nation en une juxtaposition de particularismes, de communautés et de tribus : oui c'est bien le risque que nous prendrions ! (What you are rejecting is the principle of unity and indivisibility of the Nation; what you are attacking is the principle of republican equality; what you are refusing is the authority of a State that expresses the common good that belongs to each citizen. [...]) Look at the histories of the countries that you use as examples; they have nothing to do with our own. Ours is that of one of the most anthropologically diverse nations in the world, a nation that has only overcome this diversity through law, politics, and the action of a unifying and (forgive me the use of a word so despised today) centralised State. There is something in French civilisation – namely the Republic, republican values, the republican State - that troubles some of you. The institutionalisation of linguistic ghettoisation will be the matrix of all the other regionalist, ethnic and religious ghettoisations. You are opening a huge loophole. It wouldn't mean the end of the world, of course. But the slow disintegration of the Nation

into a juxtaposition of particularisms, ethnies and tribes; yes, that is the risk that we would be taking!)

Guaino's parallel between 'linguistic ghettoisation' and 'religious ghettoisation' is not uncommon. In May 2014, the Fédération Nationale de la Libre Pensée organised a 'national gathering' against the constitutional bill, and gave the floor to various secularist pressure-groups: Association Laïcité-Liberté, Comité Laïcité République, Conseil National des Associations Familiales Laïques, Mouvement Europe et Laïcité. Their opposition to promoting regional languages showed that they are not as much concerned with secularism as with assimilating minorities into dominant culture through homogenisation and suppression of diversity (Blommaert & Verschuere 1998). Those who accuse regional language activists of being sectarian clearly need to be reminded that, as Alain Fenet (2010) puts it, 'Les minoritaires ne réclament pas des droits particuliers mais l'exercice particulier de droits universels' (Minorities are not asking for individual rights, but for universal rights to be exercised on an individual basis).

3.8 An attack on France's national sovereignty

Since none of the 39 requirements selected by France within the Charter would infringe upon constitutional principles, opponents to its ratification resorted to targeting the Preamble, which underlines an 'inalienable right to use a regional or minority language in private and public life'. To Guaino, this posed a clear threat to France's national sovereignty: 'les préambules posent des normes juridiques et ne sont pas seulement des déclarations d'intention sans conséquences' (A Preamble sets legal standards and is no mere statement of intent without

consequences). However according to Fraisse (2001) and Woehrling (2005), if the Charter was ratified this Preamble would have no binding force on the French Constitution, especially since it would come attached to France's Interpretative Declaration which cautiously states that:

– dans la mesure où elle ne vise pas à la reconnaissance et à la protection de minorités, mais à promouvoir le patrimoine linguistique européen, et que l'emploi du terme de « groupes » de locuteurs ne confère pas de droits collectifs pour les locuteurs des langues régionales ou minoritaires, la Charte serait interprétée dans un sens compatible avec le préambule de la Constitution, qui assure l'égalité de tous les citoyens devant la loi et ne connaît que le peuple français, composé de tous les citoyens sans distinction d'origine, de race ou de religion. (In so far as the aim of the Charter is not to recognise or protect minorities but to promote the European language heritage, and as the use of the term "groups" of speakers does not grant collective rights to speakers of regional or minority languages, the French Government would interpret the Charter as compatible with the Preamble to the Constitution, which ensures the equality of all citizens before the law and recognises only the French people, composed of all citizens, without distinction as to origin, race or religion);

– l'article 7 § 1 d) et les articles 9 et 10 de la Charte seraient interprétés de sorte qu'ils n'aillent pas à l'encontre de l'article 2 de la Constitution, en application duquel l'usage du français s'impose aux personnes morales de droit public et aux personnes de droit privé dans l'exercice d'une mission de service public, ainsi qu'aux usagers dans leurs relations avec les administrations et services publics. Cette formulation reprend directement la jurisprudence du Conseil constitutionnel (The French Government

would interpret Article 7 § 1 d, and Articles 9 and 10 as posing a general principle which does not conflict with Article 2 of the Constitution, pursuant to which the use of the French language is mandatory on all public-law corporations and private individuals in the exercise of a public service function, as well as on individuals in their relations with public administrations and services);

– l'article 7 § 1 f) et l'article 8 de la Charte seraient interprétés comme préservant le caractère facultatif de l'enseignement et de l'étude des langues régionales ou minoritaires, ainsi que de l'histoire et de la culture dont elles sont l'expression. Conformément à la jurisprudence constitutionnelle, l'enseignement des langues régionales ou minoritaires ne doit pas avoir pour objet de soustraire les élèves scolarisés dans les établissements du territoire concerné aux droits et obligations applicables à l'ensemble des usagers des établissements d'enseignement (Article 7 § 1 f, and Article 8 would be interpreted as maintaining the optional nature of the teaching and learning of regional or minority languages, as well as of the history and culture they reflect. In accordance with Constitutional case-law, the purpose of regional or minority languages tuition cannot be to relieve pupils enrolled in schools of the relevant community of the rights and duties applicable to all those attending educational institutions);

– l'article 9 § 3 de la Charte ne doit pas être compris comme s'opposant à ce que seule la version officielle en langue française des textes législatifs qui sont rendus accessibles dans les langues régionales ou minoritaires puisse être utilisée par les personnes morales de droit public ainsi que par les usagers dans leurs relations avec les administrations. (Article 9 § 3 may not be interpreted as precluding the fact that only the official French version of legislative texts made available in the regional or minority languages may be

used by public-law corporations and by individuals in their relations with public administrations and services.)⁷

International law actually provides enough evidence to dispel any doubt concerning the sovereignty of States regarding their citizens' language rights or lack thereof (Paz 2013). When France ratified the International Covenant on Civil and Political Rights (1966) in 1981, it specified that article 27, according to which persons belonging to linguistic minorities 'shall not be denied the right, in community with the other members of their group, to enjoy their own culture ... or to use their own language', 'n'a pas lieu de s'appliquer en ce qui concerne la République' (is not applicable so far as the Republic is concerned). The Convention on the Rights of the Child (1989) was ratified by France accompanied by the same statement dismissing article 30 (a child belonging to a linguistic minority 'shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture [...] or to use his or her own language'). Between 1981 and 2008, 19 language right claims were submitted against France to the United Nations Human Rights Court and the European Court of Human Rights (ECHR), all to no avail (Paz 2013). It is therefore reasonable to wonder how any ECRML requirements not selected by France could be enforced by the European Court of Human Rights. Henri Guaino still seemed to think it a tangible threat:

Qui vous dit qu'un jour la Cour européenne des droits de l'homme, saisie sur la base de l'article 14 de la Convention européenne des droits de l'homme, pour discrimination fondée sur la langue, ne se référera pas aux dispositions de la Charte, à ce fameux 'droit imprescriptible' qui sera reconnu dans nos engagements internationaux et dans notre Droit national ? [...] Comment comptez-vous empêcher que soit appliquée la décision de la Cour, qui sera prise par des juges qui jugeront en fonction d'une expérience

historique souvent totalement différente de la nôtre, et d'un rapport à la question des minorités totalement étranger à notre culture et à nos traditions politiques ? (What makes you think that some day the European Court of Human Rights will not refer to the provisions of the Charter, to this very 'imprescriptible right' that will be recognised in our international commitments and our national law, if a case for linguistic discrimination is brought before them on the basis of Article 14 of the European Convention on Human Rights? [...] How do you intend to prevent the Court's decision from being implemented – a decision made by judges with historical experiences often completely different from our own, and conceptions of minorities that are completely foreign to our culture and our political traditions?)

Such a scenario seems all the more far-fetched given the ECHR's jurisprudence record in the field of linguistic rights. Indeed, the Court explicitly stated in its own Research Report on cultural rights case-law (2011) that:

The Court has had a rather restrictive approach in this field, granting a wide margin of appreciation to the Contracting States [...]. It has recalled that linguistic freedom as such is not one of the rights and freedoms governed by the Convention, and that [...] the Convention *per se* does not guarantee the right to use a particular language in communications with public authorities or the right to receive information in a language of one's choice. The Contracting States are in principle at liberty to impose and regulate the use of their official language or languages in identity papers and other official documents, for the purposes of linguistic unity.

In 2010, when called upon to rule on the French Conseil d'État's cancellation of a resolution passed by the Assemblée de la Polynésie française to allow the use of other languages than French in its debates, the ECHR precisely declared itself unable to oppose it:

La revendication du droit de la requérante de pouvoir se servir de la langue tahitienne au sein de l'Assemblée de la Polynésie française sort du cadre de la Convention et en particulier de l'article 10. Partant, l'examen du grief échappe à sa compétence *ratione materiae*, et doit être rejeté. (The applicant's claim regarding the right to be able to use the Tahitian language within the Assembly of French Polynesia is outside the scope of the Convention, and of Article 10 in particular. Consequently, the review of the grievance is not within jurisdiction by reason of the matter, and must be rejected – Birk-Levey c. France, decision no. 39426/06, 21.09.2010)

Conclusion:

State monolingualism still stands strong in France, thanks to a minority of parliamentarians engaged in a 'project fear' against the promotion of regional languages – even at the expense of bringing accurate information to the debate. As has been shown, these arguments are far from undeniable, and just as 'rife with ignorance' as those used against the first ratification attempt in 1999 (Giordan 2000). Successful as it is, this strategy makes France increasingly isolated in Europe and beyond, as was outlined in the explanatory memorandum of the Constitutional Bill. This isolation was highlighted again in December 2015, when a short speech translated into Corsican at the Assemblée de Corse caused a major media storm, prompting First Minister Manuel Valls to insist, on TF1's evening news, that 'il n'y a qu'une

seule langue dans la République, c'est le français' (There is only one language in the Republic, and that is French).⁸ French hostility towards protecting regional languages and minorities goes beyond national borders, and exports itself into European institutions: in 2013, when the European Parliament voted on a resolution on 'endangered European languages and linguistic diversity in the European Union' (passed by 645 votes in favour), 14 out of the 26 votes against came from French MEPs.⁹ This one nation - one language ideology, described by Henri Guaino as a 'French exception', is according to him a fundamental component of national identity and one to be proud of:

Il y a bel et bien, en ce qui concerne la Nation, l'État et la République, une exception française, héritage conjoint de la monarchie capétienne et de la Révolution française que vous détestez et que vous voulez liquider. Vous dénoncez dans l'exposé des motifs une divergence de vue sémantique qui constituerait une source d'incompréhension majeure entre la France et la communauté internationale, et qu'il faudrait bien entendu faire disparaître en alignant la France sur les autres pays. [...] C'est une différence que nous avons avec de grandes démocraties – devons-nous nous en sentir coupables, ou au contraire considérer que c'est l'honneur de la France, notre honneur, de défendre cet idéal? Devons-nous avoir honte ou être fiers d'être Français? As far as the Nation, the State and the Republic are concerned, there is indeed a French exception – the joint legacy of the Capetian monarchy and the French Revolution that you hate and wish to eliminate. Your explanatory statement criticises France's differing views, which allegedly represent a major source of misunderstanding between her and the international community, and should naturally be eradicated by bringing France into line with other countries. [...] We are different from other great

democracies – should we feel guilty about it, or rather consider it the honour of France, our honour, to defend this ideal? Should we be ashamed or proud to be French?

In spite of a public opinion largely in favour of promoting regional languages, and an initial success at the Assemblée nationale, this misleading Jacobin rhetoric eventually prevailed at a French Senate known for its conservative tendencies – further helped by a tense political context where the right-wing opposition (UMP/Les Républicains) would not give the majority an easy parliamentary victory shortly before the presidential elections. For the time being, it is quite impossible to predict how long this constitutional stalemate will impede the ratification of the Charter, especially in the current state of tension over France's national identity.

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⁴ Interview with Public Sénat <http://www.publicsenat.fr/lcp/politique/langues-regionales-stephane-follfrederique-espagnac-cest-micro-trop-tard-1099952#> [Accessed 26 January 2017].

⁶ Cf. concerning Breton: 'The highest number of Breton speakers recorded is in 1886, with just under 2 million people (or 59 percent of the total population of Brittany) able to speak Breton. In 1983, this figure had dropped to 604.000 people (or 16 percent of the population). Decreasing further still in 1991 to a quarter of a million (or 6.5 percent). The decline of the language thus seems to be gathering pace as more and more native speakers die and their numbers are not reproduced among the younger generations.' (Hornsby & Nolan 2011, 312).

⁷ Cf. http://www.assemblee-nationale.fr/14/rapports/r1703.asp#P391_46424 [Accessed 26 January 2017].

⁸ Corse: 'le français est la seule langue de la République' rappelle Manuel Valls. *Le Figaro*, 23/12/2015. Available at: <http://www.lefigaro.fr/politique/2015/12/23/01002-20151223ARTFIG00307-corse-le-francais-est-la-seule-langue-dans-la-republique-rappelle-manuel-valls.php> [Accessed 26 January 2017].

⁹ The French MEPs were: Philippe de Villiers (MPF); Jean Roatta, Brice Hortefeux, Philippe Juvin, Françoise Grossetête, Jean-Pierre Audy and Constance Le Grip (UMP); Dominique Riquet and Marielle Gallo (UDI), Jean-Luc Mélenchon (PG), Marine Le Pen, Jean-Marie Le Pen and Bruno Gollnisch (FN). Cf. Observatoire législatif du Parlement européen (2013).