MINORITIZED LANGUAGES AND ACCESS TO JUSTICE IN FRANCE:

A CASE STUDY OF BRETON AND WESTERN ARMENIAN SPEAKERS

By GRACE HANNAH CROAD

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Supervised by Dr Alice Corr and Dr Tendayi Bloom

Department of Modern Languages

College of Arts and Law

University of Birmingham

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ABSTRACT

This thesis examines access to justice in France for minority language speakers, a country which has long opposed the recognition of minoritized and endangered languages. In the first instance, this thesis investigates how a minoritized language is defined in the French context. Once defined, I ask how are minority language speakers able to access judicial systems, and how the French State interacts with the language and minority rights agreements to which it has signed up.

Drawing on linguistic justice, I argue that that rather than perceive minoritized languages as autonomous entities that are entitled to rights, the rights of minoritized people to have access to justice on their own terms and on the basis of their own language practices should be prioritised. However, this thesis demonstrates that minority language practice is limited in public settings by the French State. Enshrined by key French Republican models and legislation such as the Constitution and the Toubon Act, French is protected as the majority and national language by state bodies such as the Académie Française and the Délégation générale à la langue française.

In investigating the judicial setting as an example of a French State public setting and taking as case studies speakers of Breton and Western Armenian as examples of *regional* and *immigrant* minority languages respectively, I test the applicability of language and minority rights presented in the UDHR and ECRML on these groups.

However, the French State is noncompliant in adopting and implementing the minority and language related rights of the agreements that it has signed, citing that pro-minority and linguistically diverse language policy is incompatible with the values of the State. Therefore, this thesis asserts that as a result of the noncompliance by the French State to adopt the ECRML and to implement the minority and linguistic rights in the UDHR, minority language speakers in France are not able to have access to justice on their own terms and on the basis of their own language practices.

The case studies in this thesis consist of documented interactions between minority language speakers and French judicial institutions, government publications, and scholarship reflecting the reality of Breton and Western Armenian speaking communities in France as languages listed by UNESCO as endangered languages. Situating these case studies within the wider discussion about minoritized and endangered languages, Romaine (2007) asserts that globally, minority language communities face erasure. In response to this global decline of minority language practice, linguistic justice scholarship presents interventionalist measures, such as language documentation and rights, as a means to protect minority languages from erasure.

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CHAPTER 1: INTRODUCTION AND METHODOLOGY

1.1. Introduction and outline of thesis

Globally, minority language communities face erasure (Romaine 2007). In response to this global decline of minority language practice, linguistic justice scholarship presents three approaches. The first of these approaches synthesises conservation and ecological metaphors to illustrate how interventionalist measures, such as language documentation and rights, can protect minority languages from erasure. In contrast to this, the second approach considers the value of minority language practice for speakers, instead prioritising efficiency and economic factors. The third approach is that of "benign neglect" (Patten and Kymlicka 2003), whereby States enact no interventionalist measures.

Drawing on the first of these solutions, this thesis tests the language rights and documentation approach on minority language speaking communities in the French Setting. Specifically, the aim of this thesis is to examine minority language speakers access to judicial institutions in the French context, a country which has long opposed the recognition of minoritized and endangered languages, taking as case studies speakers of Breton and Western Armenian as examples of *regional* and *immigrant* minority languages respectively.

This thesis demonstrates that minority language practice is limited in public settings by the French State. Therefore, having chosen the judicial setting as a public setting to investigate, I argue that minority language speakers in France are faced with barriers when accessing judicial systems, and further to that justice.

Through minority language speakers' interactions with French judicial institutions, and the wider attitudes towards minority language communities in France, this thesis highlights how these barriers are the result of a linguistic hegemony maintained by the French State that

prioritises French, whilst excluding other languages spoken. On the recognition of minority communities and identity in France, French politician and lawyer Guy Héraud (1990:35) upholds that "France cannot recognize the existence of ethnic groups, whether minority or not".

Therefore, in the French context, I argue minority languages and their speakers don't 'exist' in their own right, and where languages are recognised in the governmentally issued *Langues de France* publication, this is presented as "property" of the French State (May 2003). Following this, third, international attempts to overcome linguistic barriers for minority language speakers and in response to the global decline or minority language use, namely in the form of language rights, are undermined simultaneously by the incompatibility between the French State's values and these agreements, and the non-compliance demonstrated to ratify them. The key international attempts to give rights to speakers to safeguard minority languages are evident through The United Nations (1948) document the Universal Declaration of Human Rights (henceforth, UDHR), and the Council of Europe (1998) document the European Charter for Regional and Minority Languages (henceforth, ECRML) agreements.

This thesis argues that the restrictions placed on minority language practice in France has both local and global implications. As a result of limiting and restricting minority language practice in public settings, speakers' access to French judicial systems and justice is hindered, and globally there is a decline in the use of minority languages, leading to their loss and erasure (Romaine 2007).

I attribute this decline in minority language use in the French context to the pervading dominance of the national language and its majority and protected status, which I argue results in an asymmetry between French and minority language use. Scholarship from within the multidisciplinary linguistic justice field presents the following solutions to this asymmetry.

First, a pro-minority identity approach that prioritises language rights is advocated by language ecology and language endangerment scholarship. Second, the prioritisation of efficiency and assigning economic value to minority language use is promoted **(**Gazzola, Templin, and Wickström 2018). Third, Patten and Kymlicka (2003) assess the outcome of "benign neglect", whereby States make no interventionalist minority language policy nor provide any language protections (Patten and Kymlicka 2003; Mowbray 2012).

However, whilst studies have shown linguistic injustices in the United States (Baugh 2018), Australia (Piller 2016), Eastern Europe (Patten and Kymlicka 2003), research to date has not addressed or compared the experiences of regional and immigrant minority language speakers in contact with French judicial institutions. As a result of the misalignment between the protectionist and hegemonic language related values of the French State, versus the pro-minority rights laid out in international rights agreements, a gap appears. The minority and language protections this thesis investigates are the recommended minority, language, and identity related rights presented in the 1999 European Charter for Regional and Minority Rights (ECRML) and the 1948 Universal Declaration of Human Rights (UDHR).

The incompatibility between the State and the aforementioned agreements is cited as the reason for the State's noncompliance to adopt the agreements by the Constitutional Council in 1999. Therefore, as a result of this theoretical misalignment between values relating to language policy in the French and the human rights instruments it has signed, I consider empirical case studies, formed of documented instances of minority language users in contact with State judicial institutions, and examine further how 'access to justice' in the French context is hindered as a result.

Therefore, this thesis argues that as a result of the incompatibility between the key authorities in the French context, and the noncompliance by the French State to adopt the ECRML and to implement the minority and linguistic rights in the UDHR, minority language speakers in France access to judicial systems is affected, and further to that justice, is hindered.

1.1.1. Outline

In Chapter 1, I introduce my research questions, highlight the methodology employed, and explain the case studies. The case studies I draw on throughout the thesis are predominantly formed of documented interactions between State judicial institutions and minority language speakers of Breton and Western Armenian. These instances are additionally supported government publications *Langues et Cité* which have a dedicated volume to the culture and history of each language, and further sources highlighted from these publications from academics who come from these groups.

Chapter 2 of this thesis introduces the growing field of 'linguistic justice' as a framework used to describe and tackle "the asymmetries and injustices arising from multilingual contexts" (Pool, 1991). The "multilingual context" that I investigate focusses on the interaction between minority language speakers and judicial settings in France. This chapter establishes three approaches explored within linguistic justice that respond to the global decline in minority language practice. The first approach considers language preservation efforts, such as language rights and documentation. The second approach considers the prioritisation of efficiency and economic factors, such as using the national language for sake of efficiency or equating minority language practice with a cost-benefit analysis. The third approach offers no real solution to the problem of declining minority language practice identified by the UN and

language ecologists, and instead opts for an outcome of "benign neglect" (Patten and Kymlicka 2003). In response to this chapter's review of linguistic justice literature and the three approaches the decline in minority language practice, I establish the parameters of a language rights-based approach in facilitating "access to justice" for minority language speakers. In defining "access to justice" through employing a language and minority rights framework, I consider the communitarian, language and nation specific approach to justice adopted by the French State, versus the proposed universal, inalienable, and cosmopolitan approach to rights and justice advocated for by the international rights agreements the UDHR and ECRML.

Following the definition of a rights-based "access to justice" from Chapter 2 that considers approaches to justice by the French State, and developing the setting for Chapter 4 to consider the UDHR and ECRML, Chapter 3 establishes what is meant by 'language rights' in France. The French State does not ratify and implement all elements of the international human rights instruments it has signed; therefore, Chapter 3 considers the specificities of the French context in contextualising why minority and identity rights are not implemented in the way the ECRML and UDHR specify.

Following the contextualisation of language within the French setting in Chapter 3, Chapter 4 identifies the aims of the European Charter for Regional and Minority Languages (ECRML) and the Universal Declaration of Human Rights (UDHR), the proposed linguistic and judicial rights and freedoms declared as 'available' to minority language speakers, and how minority languages and their speakers are conceptualised throughout.

In Chapters 3 and 4, I discuss how the French State has not ratified the ECMRL and does not implement the minority related rights of the UDHR, setting out the Constitutional Council of France's argument that this noncompliance is required as a result of the incompatibility of the

Charter with the values of the French State. Further, I point out that the Council does not oppose the signing or implementing of the UDHR, despite the application of the rights in the French setting, thus demonstrating that the State does not implement the UDHR rights either. Therefore, in Chapter 5, I go on to explore these aspects further with a discussion of the nature of this noncompliance and the incompatibility of values of the French State with those of the two international human rights instruments. Chapter 6 concludes the thesis, reiterating that access to justice for minority language speakers is hindered by the French State's position on language, which further exacerbates the global effects of limiting minority language practice.

1.2. Methodology

1.2.1. Introduction

This section sets out the research methods I apply in this thesis. In investigating the research questions, I chose to adopt a case study approach, so that throughout the thesis I am able to demonstrate the exclusion facing minority language speaking communities in interactions with French judicial institutions. The first subsection therefore reiterates these research questions, and the following subsection explains the advantages that case study research offers my project.

1.2.2. Research questions

I chose to adopt a case study approach in order to investigate to the research questions. This project's overarching research question asks how speakers of Breton and Western Armenian in France can access judicial systems, and the first question I investigate in order to answer this refers to how minority language speakers are conceptualised in France, which is centred in the background of the French context explored in chapter 3. The second question I investigate refers

to how "access to justice" is formed in the French context for these speakers. In investigating both of these questions I employ a case study approach, in the first instance in order to illustrate how these particular minority language communities exist in reality in France, and in the second instance in order to demonstrate how access to justice is not necessarily facilitated for these minority language speakers.

1.2.3. The framing of minority

In order to investigate the first of my research questions, which asks how a minority language and speakers are conceptualised in the French context, despite the aversion in French language related policy to employ minority-related terms, I refer to languages other than the national language as minority languages.

This section first explains the choice to define languages, speakers, and rights within minority-related terms. I follow these definitions with an explanation of the difficulties that arose when employing "minority language community" as a term, as I demonstrate throughout the analysis of this thesis that the Breton and Western Armenian communities in France cannot be neatly packaged into singular communities with uniform aims or a single standardised language.

Throughout this thesis I employ minority-related terms to languages and speakers as an all-encompassing term to refer to languages that are not the national or majority language, but languages that are also facing processes of minoritization in the French State. The literature review of this thesis considers the numerous presentations of minority languages and speakers across scholarship and language policy, whereby in minority-related terms I synthesise

languages referred to as endangered, minoritized, immigrant, or indigenous across linguistic justice and language endangerment scholarship into this one category of minority.

In the case of minority languages in France, I argue that the use of minority in its most basic form reflects the opposition and contrasts drawn with the national and *majority* position of French. This reflects the ideological position of French as the majority language, seen through its status as the language of the Republic. Further to the conceptualisation of minority language, as speakers of a language other than the stipulated majority language, by default these speakers become minority language speakers.

However, various iterations of "minority languages" will be encountered throughout the thesis, reflecting the diverse ways in which the term is understood in the academic literature, and in society at large. Roche (2020) presents an "endangerment" model as a means of demonstrating the processes that minoritize and endanger languages, thus aligning "minority languages" that face erasure with "endangered" language status. The use of "endangered" in reference to minority languages and their speakers is additionally employed throughout United Nations publications, for instance within its stated aims, the United Nations Educational, Scientific and Cultural Organization references its aim to "raise awareness" of the "alarming rate" of the disappearance of what it refers to as "indigenous languages" around the world (UNESCO, 2011). This reference to the alarming rate of disappearance of minority languages is further observed across language ecology and language endangerment scholarship, which also frames minority languages in endangered terms.

Moving on from the conceptualisation of minority language, I define minority language rights in the following way. Minority rights are presented and sectioned into a number of subcategories across the two international rights agreements that this thesis considers. Whilst

the UDHR does not explicitly reference "minority" rights, in Article 2 it does stipulate a list of characteristics whereby a person may vary from the majority and cannot be discriminated against. This list includes race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

However, the European Charter for Regional and Minority Languages makes explicit reference to the rights of "minorities". Within this definition, the ECRML further categorises languages into either that of "territorial" languages which are considered to be "of Europe" with European roots, and "the languages of migrants" (Council of Europe 1992). Whilst in my analysis it is interesting to draw distinctions between the experiences of speakers of a language considered indigenous and with a history situated within France, versus that of speakers of a language considered "immigrant". These rigid definitions neglect the complexity of minority language practice and the citizenship of speakers, as a speaker of an "immigrant" language, may in fact not be an immigrant. I explore this further in §3.2.2, where I assess the role territoriality and the territorial principle plays in the forming of language policy, such as the ECRML.

Initially in my research I deliberated whether referring to speakers of a minority language as a minority language community, or minority language speaking community, was a helpful term to adopt. I ascertained that suggesting that speakers of a minority language are one singular "community" with identical linguistic and associated cultural experiences, relationship to the majority language, and political aims (if any) would be an unhelpful and false presentation of minority language speakers.

In establishing what constituted a minority language community, I considered factors such as a shared geographical space, a shared language, and shared political views or aims. However, it became clear that relating to shared geographical space, neither Breton nor Western Armenian

speakers resided in a singular space, whilst historically Breton speakers have been linked to the French region Brittany, Breton speakers have moved from Brittany to Paris where clusters of Breton speakers now exist (Cole 2006:46).

Speakers of Breton are not situated solely in the region where the language is documented to have originated, as documented associations of Breton speakers in Paris for instance demonstrate how users of the language have emigrated to bigger cities (Langues et Cité 2010). Additionally, in the case of Western Armenian, speakers are documented to reside in various locations across France, representing a significant percentage of the populations of Marseille-Beaumont, Lyon-Décines, and Alfortville (Langues et Cité 2008). Therefore, whilst acknowledging that speakers of these two languages do not belong to fixed and bounded homogenous communities, by operationalising minority language community, I acknowledge the shared linguistic characteristic as a marker of identity, by which speakers can be discriminated against or disadvantaged in interactions with French judicial institutions.

In the same way that "minority language communities" are not fixed, bounded, homogenous communities, the presentation of "languages" as fixed and bounded is also a contentious concept, and one that this thesis will not adopt. Language disinvention scholarship, challenges the assumption that languages are singular fixed entities that are often considered as living things (Makoni and Pennycook 2006). This argument critiques the approach of language rights that prioritise the rights of languages over the rights of speakers, as it would be logically flawed to give rights to languages (Makoni and Pennycook 2006).

Therefore, when assessing the efficacy and applicability of minority language rights it is crucial that I consider these in terms of the rights of speakers and the interactions between people and French institutions, over the rights of languages as a language cannot exist in itself if it does not

have speakers (Langues et Cité 2010). The prioritisation of the rights of languages and arising conflict between the rights of people, is summarised by linguist Jenny Davis (2017) as linguistic extraction relating to her work on language survivance. Linguistic extraction describes the process of assessing languages and language reclamation movements but in a removed space from the lives, communicative practices, and embodied experiences of speakers (Davis 2017).

Whilst the language disinvention perspective does critique the notion of language rights (Makoni and Pennycook 2006), I argue that the concept of protecting minority language speakers is not completely undermined and rendered meaningless. This is provided that the rights pertaining to speakers is the focus over any illogical framing of minority languages as singular homogenous entities. Makoni and Pennycook (2006) additionally argue that languages cannot be enumerated and categorised into singular static entities, as it is clear that the fixed and static definitions of "regional" and "non-territorial" laid out in the European Charter for Regional or Minority Languages have elements that are applicable and non-applicable to both Breton and Western Armenian, meaning neither minority language speaking community fits neatly within the binary definitions.

As a result of this dispersion of its speakers, Western Armenian speakers fulfil the first stage of the definition of diaspora set out in Safran (1991). Considering the themes of diasporas in modern societies, relating to the myths of homeland and return, Safran (1991) defines a diaspora as an expatriation of minority communities with links and a maintained relationship to an ancestral home, whereby speakers have been dispersed from an original centre to two or more settings. Expanding on this definition, Clifford (1994:307) relates the experiences of diasporas in terms that contrast with the norms of nation-states and the claims by indigenous or autochthonous people.

1.2.4. Introduction to the ECRML and the UDHR

This section will address the reasons I chose to test the judicial, minority, and identity rights from the UDHR and ECRML and the selected case studies. In §1.2.4, I will introduce and lay out the parameters of these language case studies.

In order to demonstrate the failings of the French State in facilitating access to justice for minority language speakers in France, I chose two minority languages to act as case studies that I would apply to my working definition of access to justice.

I define "access to justice" as the successful implementation of international minority and language related rights stipulated in the UDHR and ECRML in the French setting. In the application of these rights to the French setting, I chose to analyse the experiences between two different minority language speaking communities and speakers' interactions with French judicial institutions.

As I frame my working definition of access to justice within a rights-based approach to justice in a judicial setting, I initially shortlisted a number of international rights agreements to use a basis to test against the case studies. These were the United Nations document the Universal Declaration of Human Rights, the Council of Europe's European Charter for Regional and Minority Languages and the European Convention for Human Rights, and the Universal Declaration of Linguistic Rights.

My selection of the judicial setting allowed me to further analyse how minority language speakers are able to access justice, through various French judicial institutions. I located the case studies developed throughout the project using sources from Ministère de la Culture journal Langues et Cité, which has volumes dedicated to both Breton and Western Armenian.

I established that in order to test the rights within these documents on the case studies I was developing, I needed to ascertain what relevant judicial, political, minority, and identity related rights each document proposed. At this stage it became clear to me that the UDHR and the ECHR shared a lot of similarities in their approach to rights and justice, such as the prohibition of discrimination and rights to a fair trial. Therefore, in order to simplify the testing stage of the rights from each document on the case study, I chose to proceed with the UDHR.

Additionally, when considering access to justice specifically within the French context, it became clear that I needed to consider documents recognised within the French State. France has signed the 1948 UDHR and the 1999 ECRML. Therefore, the French State is party to the rights included therein, and according to both agreements the State is the facilitator of such rights. As a result, despite its progressive and pro-minority intentions, I realised that the inclusion of the optimistic Universal Declaration of Linguistic Rights publication was unproductive, as it was not recognised or adopted by France. Instead, the initiative was drafted at the 1996 Barcelona World Conference on Linguistic Rights, and was presented by the Translations and Linguistic Rights Commission of the International PEN Club and the CIEMEN (Centre Internacional Escarré per a les Minories Ètniques i les Nacions) with the moral and technical support of UNESCO, in addition to 61 NGOs, 41 PEN Centers and 40 experts in linguistic rights from all over the world. Despite this wide range of advocates, the French State was not one.

I therefore disregarded the ECHR and the UDLR and proceeded to withdraw the judicial, political, minority, and identity rights from the UDHR and ECRML that I would apply to the developing case studies. Within the application of these rights to the case studies, I additionally wanted to illustrate the similarities and differences between the experiences of different

categories of minority language group. For this reason, I chose to investigate documented court interactions between speakers of Breton and Western Armenian with French judicial authorities.

1.2.5. Case study research

The literature review in upcoming Chapter 2 asserts that linguistic justice is a multidisciplinary field from which numerous potential solutions to the global decline of minority language practice are proposed. These advances span both empirical studies that draw on case studies (Baugh 2010; Mowbray 2012; Piller 2016) and theoretical models, such as the language ecology model, and language rights frameworks.

For this reason, I chose to adopt a case study approach to first consider the applicability of the theoretical models proposed in the linguistic justice scholarship, including the language ecology model and the principle that rights protect minority languages. When examining this principle in Chapter 4, I decided to test the applicability of the Universal Declaration of Human Rights, and the European Charter for Regional and Minority Languages, as two examples of international and European theoretical sets of rights, in relation to minority language case studies.

Qualitative research includes the studied use and collection of numerous empirical tools, including case study, interviews, cultural texts and productions, introspection, and personal experience, which can further describe routine or problems in individuals lives (Duff 2007:27). From within these qualitative research methods, I adopted a case study approach to highlight

what Duff (2007) refers to as problems affecting individuals' lives, which in this instance is the problem of minority language decline.

Whilst this decline is a noted global trend (Roche 2019; Romaine 2007), this thesis situates the problem in the French context, and considers case studies within France. In addition to the case study approach, in the forming of the case studies, I draw on cultural texts and productions from government publications, scholars from within the language community, and French and wider language policy, in order to broaden the scope of the comprehensive profiles I am developing.

The key recurring principles of case study approaches to research that I adopt in this thesis include in-depth study, that can highlight multiple perspectives, and offer contextualization (Nunan 1992; Merriam 1998; Duff 2007). The documented court interactions between speakers of Breton and Western Armenian with French judicial institutions offer an in-depth example of minority language speakers being denied language rights stipulated by the ECRML and UDHR. In the context of this project, the multiple perspectives are highlighted through the conflict between minority language practice and its associated culture, and French State attempt to guarantee equality between citizens on the basis of a-cultural identities. The contextualisation of these two perspectives is illustrated through the applying of the rights that the French State has signed to the case studies, demonstrating how minority language speakers exist and operate in France.

There are numerous philosophical approaches to qualitative research, spanning positivists seeking external truths, interpretive or constructivist scholars who approach a phenomena from a participant-focussed perspective, and critical standpoint theorists who comment on the social, political or economic conditions that may in some way systematically disadvantage people on the basis of race, gender or class for example (Duff 2007:21), or people or minorities whose

languages are constrained by the dominance of another language (Pennycook 2001). I situate my project within the final of these approaches, as my research questions investigate the social and political position of minority language speakers in the French context, considering whether language practice is a basis for disadvantage when these speakers interact with French judicial institutions.

Duff (2007) further highlights that cases can comprise more than the individual participants in them, instead that these can be representative of other "bounded social entities", for example communities or group organizations. I find this definition to be both true, relating to how my case studies are comprised of more than the individuals linked to them, but also false as I disagree with the notion that people can belong to "bounded social entities".

Referring to the former, the case studies that I develop throughout this thesis are comprised of more than the individuals linked to the documented court interactions and represent the recurring treatment of minority language speakers in interactions with the State. However, the assumption that people and speakers can form "bounded social entities" is a theme I tackle throughout this thesis. In relation to language, Makoni and Pennycook (2006) position that languages are not bounded nor fixed entities, and Breton specialist Broudic (2010) further asserts that a language cannot exist in itself if it does not have speakers (my own translation). In relation to people, I argue throughout the thesis that despite shared characteristics between speakers of Breton and separately of Western Armenian, these groups do not form two singular homogenous groups with each a set of aims and standardised dictionary. Whilst language community may on the surface be a useful term to describe the people who operate using the language, to say that either of these languages forms a "bounded social entity" would be untrue based on the facts. Therefore, any simplification of language or of a minority language

community to a "bounded social entity" that ignores the presence and role of speakers, is a meaningless definition of language, or community.

1.3. Introduction to the case studies

Moving now to the case studies, this section introduces the documented court interactions and cultural texts and productions that will be the empirical focus to test the theoretical language rights stipulated by the ECRML and UDHR on.

I developed comprehensive profiles on the languages and speakers of Breton and Western Armenian to form the case studies using French government sources, scholarship from and pertaining to the minority language communities. I advanced these profiles with selected case studies from the French database Légifrance. The database is the official website of the French government for the free and public publication of legislation, regulations, and legal information, where I selected a number of documented court interactions to highlight the empirical gap between theoretical rights and their application, and scholarship documenting language practices of these minority language speakers.

The government sources I draw from are the 2008 and 2010 Ministère de la Culture publication Langues et Cité, volumes 11 and 17 relating to Breton and Western Armenian that contain cultural texts and productions, in addition to the 2016 Délégation générale à la langue française et aux Langues de France publication summarising the facts of the earlier Langues de France publication.

The French State online publication Vie-publique.fr, published by the Department of Legal and Administrative Information (DILA), aims to facilitate citizens' access to resources and provides useful data for understanding the major issues driving French public debate. Early in the project, I used the search engine element of this resource, inputting key terms such as “language” and “minority” to form an idea of how minority languages were presented in France by online resources published by the French State. As a result of my key-word searches, I found and adopted the 1999 Langues de France publication by linguist Bernard Cerguilini as a methodological tool to consider how minority languages are conceptualised in the French context. This publication itemises a list of languages that are considered “of France” and which are therefore deemed as “property” of the French State. This is a framing that I question in more depth in Chapter 3.

Whilst this thesis maintains that Breton and Western Armenian are minority languages in France, official status and recognition is unclear in the French setting due to a number of factors, which will be introduced and explained in chapter 3 section 2. I argue that as languages other than the single national language French, the ‘majority’ language, speakers of Western Armenian and Breton fall into the opposing ‘minority’ language category. As a result of French national attitudes towards identity, which champions a-cultural identities in the name of equality between all citizens, speakers of minority languages are actively minoritized.

Drawing on these two minority languages that are documented as spoken across France, within the French context both languages are categorised within the Langues de France group, a group of languages characterised by French sociolinguist and General Delegate for the French Language, Bernard Cerquiglini on behalf of the French government in 2003. The Langues de France category is key to framing the French State perspective on minority language speakers, as the document acknowledges the existence of other languages in France, the assertion that

these languages are “of France” as the title suggests, imposes French State ownership of these languages as opposed to the communities that use them.

In comparison to the French conceptualisation of minority language, which absorbs what it refers to as regional and non-territorial languages as languages *of* France, from within political science, Patten and Kymlicka (2003:3) defines minority language speaking communities using five distinct contexts. These contexts stand at the intersection between linguistic diversity and disadvantage, which Patten and Kymlicka (2003) deems affect the “stability and sustainability of a wide range of political communities”. The alignment of minority language speaking communities with “political communities”, as they suggest, is a helpful comparison, as throughout my preliminary research it became clear that the documented minoritization of certain language speakers is a result of political and historical factors, as opposed to linguistically comparable factors.

1.3.1. Breton

This section introduces the court case Cadoret et le Bihan v France, where Breton speakers were denied the opportunity to operate using their own language practices. Considering first the facts and history situating Breton in the French landscape, this section explains the position of Breton in France using Patten and Kymlicka’s (2003) minority language related contexts.

Breton, together Welsh and Cornish, is considered in the traditional classification of the Celtic languages (Ternes 1992:371), with Breton as the European continent’s only Celtic language (Cole 2006:46). Spoken exclusively on the European continent Modern Breton is classified from 1659 to the present, considered a turning point between Middle and Modern Breton

following the publication of Farther Julien Maunoir's Sacré Collège de Jésus which contained a Breton grammar and French-Breton dictionary (Ternes 1992:371).

On one hand there is a vibrant Breton cultural movement, focussed on the revival in Breton music, dance and language, on the other hand, however, Cole (2006:53) argues that there has been limited political space to allow for the development of a Breton regionalist movement. There are numerous instances of documented distain towards minority language groups, such as Breton, as Ternes (1992:377) states it was not uncommon to find an authoritarian note reading "il est interdit de cracher par terre et de parler breton (it is forbidden to spit on the ground and to speak Breton)".

The first of the two minority language communities that this thesis will assess in relation to the language rights frameworks the UDHR and ECRML, is Breton. Breton falls under the second of Kymlicka and Patten's five contexts (2003:3), under the category of "regional language/minority nationalisms", additionally Breton is considered as a "regional" and "territorial language" within the definitions of language presented by the ECRML, and in the French context framed by the Langues de France publication, Breton is listed as regional language of France.

In his work assessing language disadvantage and discrimination as the causes of linguistic injustices, American sociolinguist John Baugh (2018) examines how people living in diverse speech communities may become victims of linguistic prejudice. This is an evident theme in the relationship between speakers of a national language and minoritized regional languages in France. Further to this assertion, in the minority language category "regional language/minority nationalisms", Patten and Kymlicka (2003:4) examine how conflicts have historically arisen

between a dominant language group and various smaller regionally concentrated and historically rooted language groups.

Patten and Kymlicka (2003:4) explain that in the same way as observed in eastern Europe, language related conflicts in the West arise when a linguistically dominant national group "attempts to impose its language as the state language on all parts of the country, including those regions which the minority views as its historic homeland". This is evident throughout the French context, as the political tensions between speakers of Breton and the French state are documented from numerous perspectives in the July 2010 Ministere de la Culture publication *Langues et Cité*. The publication documents how all languages other than French were formally prohibited in schools, which is further supported by the minister of public instruction Anatole de Monzie in 1925, who infamously declared that "for the linguistic unity of France, the Breton language must disappear" (Safran 2005: 154).

Patten and Kymlicka (2003:4) summarise that outcomes for language conflicts in the West have varied widely between countries, however the following trends are emerging which grant language rights to what they refer to as "regional linguistic groups": first, that a regional language is accorded the status of an official language in the relevant region; second, that the regional language is granted co-equal status alongside the majority language; and third, that the regional language becomes the only official language within the region. None of these outcomes has been afforded in the case of Breton in France.

Following this framing of Breton in France as a regional language and minority nationalism, let's consider the documented court interactions between Breton speakers and French judicial institutions. Mowbray (2012) introduces a series of cases brought before the UN Human Rights Committee by Breton speakers. Denied the opportunity to speak their preferred language in the

courtroom and during hearings, Breton speakers accused French judicial institutions of violating human and "minority" rights, such as, the right to a fair trial (UDHR 1948) and the more contentious and interpretable freedom of expression (Mowbray 2012:134). One of the specific cases from this series was that of the 1991 appeal to the ECHR, the case of Cadoret et Le Bihan v. France. The authors appeared before the Tribunal Correctionnel of Rennes in 1985 facing charges of defacing road signs that appeared in French, to feature the Breton place name equivalents (Dhommeaux 1991). The appeal was fruitless, as the defendants as French citizens were expected to operate using French in the court proceedings (Dhommeaux 1991).

I chose this particular case and acknowledge it as a classic example demonstrating the tension between the aims of international and European commitments to "minority rights", seen through the UDHR and ECRML, versus the facts of the monolingual French Republic that prioritises the use of French and has restrictive language expectations of its citizens.

1.3.2 Western Armenian

This section will introduce the cultural texts and productions and documented court interactions that I use to comprise the comprehensive profile relating to speakers of Western Armenian in France.

Western Armenian is a long-established minority language in France, as a result of numerous waves of immigration of speakers leaving Armenia dating back to the 1920s (Donabedian-Demopoulos and Al-Bataineh 2014). Western Armenian became a world diaspora language following the dispersion of survivors of the Armenian genocide (Dum-Tragut 2011), and as a result, has been classified as an endangered language by UNESCO (UNESCO 2011).

This connection between an endangered language and a diasporic language is reflected in Safran's (1991) definition which positions a diaspora as an expatriation of minority communities with links and a maintained relationship to an ancestral home, and additionally expanded on in Clifford's (1994) definition which positions the experiences of diasporas in terms that contrast with the norms of nation-states and the claims by indigenous or autochthonous people.

Language scholars invested in the language preservation of Western Armenian Anaid Donabedian-Demopoulos and Anke Al-Bataineh (2014) state that France hosts the largest Armenian community in Western Europe which plays an essential role in the cultural network of the Armenian diaspora in the world. However, in terms of legal recognition as a linguistic minority, Western Armenian is excluded from European minority language policy, such as the European Charter for Regional and Minority Languages, on the grounds of being a "language of migrants". This contentious term "of migrants" I argue is undefined and unhelpful in minority language discourse, as an undefined term this does not answer questions relating to how long a language is considered a "language of migrants" before it becomes a "language of citizens".

Clifford (1994) makes a distinction between the diasporic communities and immigrant communities. Whereas, the ECRML makes no reference to diasporic communities, instead grouping languages considered not "of Europe" into an "other" category named "the languages of immigrants". I argue that instead of a "language of migrants", as the language would be positioned by the ECRML, Western Armenian is spoken across numerous communities in France, and is not specific to a single region or location, thus instead making it "non-territorial" by the standards suggested in the ECRML. The Charter defines a "non-territorial

language" as one spoken by nationals but not specific to any location, and "languages of immigrants" as a language spoken by non-nationals, it therefore becomes unclear which category Western Armenian belongs to as settled speakers may be nationals or non-nationals.

The data to establish how many speakers of Western Armenian there are in France, or the citizenship status of these speakers is not collected by the French national census. French national census information is collected based on a number of characteristics, including: sex and age, occupation, housing conditions, means of transportation – but data on wider factors, such as race or language is intentionally not collected (David 2019). Article 1 of the French Constitution states that 'France is an indivisible, secular, democratic and social Republic. It ensures equality before the law for all citizens regardless of origin, race or religion. It respects all beliefs'. On the basis of this assertion, the French Constitutional Council has established that gathering statistics based on race or ethnicity is unconstitutional (David 2019). Whilst the focus of this thesis is not the contentious defining of ethnicity within the French context, from a legal perspective David (2019) synthesises cultural elements such as kinship, religion, language, or geographical origin with a broader definition of ethnicity that spans culture and history. This association of ethnicity, a theme deliberately evaded in French census data collection, with minority language practice means that meaningful data collection relation to such practices are not collected or compared on a national or governmental level. As a result, it is difficult to draw meaningful conclusions about the decrease in minority language practice in France, or to compare this to broader global trends of minority language decline.

This is an issue that pervades the facilitation of "minority rights" for both of the "minority language communities" I assess. The lack of census information and data, on for instance how many people speak each language, in what settings, and data on competencies between the

majority language and minority language usage, further minoritizes and makes meaningful discussion about minority language related issues difficult.

Further to this, the existence of "minority" languages in France therefore cannot be quantified, and conventional language planning efforts with the aim of protecting and encouraging minority language use, are not possible. Language planning efforts in the form of "linguistic diversity hotpots" identify regions with high numbers of endangered languages (Anderson, 2011). This enables the collection of census data, mapping, and statistics, which are key to the descriptive research element in endangerment linguistics. Roche champions this data-driven approach, which generates the emergence of archives with the eventual aim to generate what he refers to as a "digital Noah's Ark of language" which offers widely documented accessible resources relating to minority languages in Europe (Roche, 2020). As a result of the missing census information, these hallmarks of descriptive research that measure language endangerment are lacking and render language continuation efforts incompatible with the French context.

Mowbray (2012) places emphasis on states to guarantee opportunity, desire, and ability in facilitating minority language speakers. However, as established, in the French context, conventional language continuation efforts are incompatible with French State models and data that could inform language protection policy relating to "minority language speakers" is not collected by the State. Therefore, arguably as a result of this negligence, there are documented instances of "minority language communities" in France generating their own language and cultural related archives with the aim of language preservation and continuation.

This is evident in the case of Western Armenian as the language is present in numerous public fields, such as the cultural, sports, educational, political (Donabedian-Demopoulos and Al-Bataineh 2014). Language continuation efforts from within this minority language speaking

community are demonstrated through the influence and longevity of its publishing institutions, such as the Haratch newspaper founded by Ch. Missakian in 1925, three daily newspapers Agos, founded by Hrant Dink, and the publications Jamanak and Marmara, alongside promoted educational routes (Donabedian-Demopoulos and Al-Bataineh 2014). The teaching of Western Armenian is encouraged within a variety of structures in France, such as Franco-Armenian bilingual schools, and weekly communal language classes (Donabedian-Demopoulos and Al-Bataineh 2014).

Despite the established lack of data relating to minority language speakers in France, it is clear through the continued presence and cultural texts and productions relating to Western Armenian and its speakers that a Western Armenian minority language community is established in France. Therefore, in order that this thesis may later highlight the barriers speakers of Western Armenian counter when interacting with French judicial institutions, I now introduce the two following documented court interactions between speakers of Western Armenian and these institutions.

I draw on the following two specific case studies to highlight how in the case of Western Armenian speakers, an empirical gap arises between the theoretical language rights championed in the UDHR and the ECRMR and the applicability of these rights in the French context.

The first instance relates to the documented interaction between an unnamed translator-interpreter and the French civil Cour de Cassation: Cour de Cassation, Chambre civile 2, du 23 octobre 2003, 03-10.390. This exchange, where Mrs X appealed an earlier decision that she was not added as a translator-interpreter to the court, highlighted that there was no Western Armenian translator-interpreter registered on the list of the Lyon Court of Appeal, despite the community having grown considerably in recent years.

The second instance relates to the quality of translator-interpreters in the facilitation of minority rights for speakers of Western Armenian, this time in Bordeaux, the case: Cour de cassation, civile, Chambre civile 2, 23 juin 2016, 16-60.024. This case depicts an appeal to an earlier decision that meant unnamed translator-interpreter Miss X was not added as an official translator to the court, however this was despite the fact that she claimed her expertise is already regularly called upon by the court, and further to this it became evident she has no official translation certification.

Both of these recent instances demonstrate that in different locations across France, no standard approach exists in translator-interpreter practice in the judicial setting relating to Western Armenian language speakers. Therefore, the international rights that constitute what I refer to as minority language rights, such as the key recurring themes of non-discrimination, Article 2 of the UDHR, and the right to a fair trial, Article 10 of the UDHR and Article 9 of the ECRML, are not fully realised for minority language speakers.

I attribute this failure of realising minority language rights for speakers to the following series of events. First, the majority language is the language of the court. Following this, the judicial, political and minority rights in the French context are supposed to be facilitated by the State, however in the case where linguistic barriers arise, the assistance of a translator-interpreter is called upon to mitigate the linguistic barriers and allow a minority language.

However, as is demonstrated in the first case, no translator was available in the court despite the presence of the minority language being used in the local community, and in the second instance, there was no quality assurance in the process of electing translator-interpreters. When there is an intersection between political and judicial rights, such as that of a fair trial, and the non-discrimination and minority rights, these rights are facilitated, and linguistic barriers

mitigated by those in translator-interpreter roles. If, as is the case in France, there is no standardised approach to ensuring this role is first filled, and second filled by someone suitable, the facilitation of the aforementioned rights for speakers of minority languages is hindered.

1.4. Chapter Summary

This chapter introduced the research questions and explained the methodology behind employing a qualitative case study approach to the issues relating to minority language practice and access to justice for speakers in the French context.

The research questions ask how speakers of Breton and Western Armenian in France can access judicial institutions. As a result, the project considers not only the local but also the global implications of what I have deemed in my conclusion to be negligence towards minority language speakers in the French State, and other States that do not protect their linguistic minorities.

When considering the local impact on minority language speakers, I examine what I argue to be the two key language and minority agreements that France has signed, these are the ECMRL and UDHR. In order to investigate the research question, this thesis will test the rights explained in these documents to the case studies I've developed.

When considering the global impact on minority language speakers, I approached this side of the impact using as a framework the theoretical model of language ecology (as developed in Chapter 2), and the Mowbray (2012) model that triangulates desire, ability and opportunity with minority language practice. In defining the case studies and application of the rights used in

measuring the local impact, I drew on documented court interactions as empirical evidence. However, at the global stage, using data exploring the number of minority language speakers in France, and whether this number follows the global declining trend (Romaine 2007), is impossible. As observed earlier in this chapter, the French State intentionally does not collect any data on language or identity related characteristics in the national census.

After justifying this case study approach, this chapter set out the international rights agreements containing the judicial, political, and identity related rights that the case studies will be tested against. Having initially chosen four international human rights frameworks, I established that the Universal Declaration of Linguistic Rights does not pertain to the French context as the State is not a member of the programme or a signatory of its charter. I additionally chose to focus on the purportedly universally applicable rights of the UDHR as opposed to compiling these rights with the additionally European Convention for Human Rights, which contains many of the same themes.

Following the setting of the parameters for the theoretical rights frameworks this thesis will analyse and test the case studies on, this chapter introduced the comprehensive case studies. These are formed of documented court interactions between minority language speakers and cultural texts and productions, drawing predominantly on Délégation générale à la langue française et aux Langues de France publication Langues et Cité publications, volumes 9 and 11, which focus on.

Before the dissection of the judicial, political, and identity rights within the theoretical rights frameworks in Chapter 3, Chapter 2 will expand on the importance of language rights within the context of language preservation. Chapter 2 will therefore introduce the literature review relating to multidisciplinary field linguistic justice, in which numerous potential solutions are

proposed to the global decline of minority language practice, and the national level of access to justice for minority language speakers.

CHAPTER 2: LINGUISTIC JUSTICE AND LANGUAGE RIGHTS

2.1 An introduction to the growing field of linguistic justice

Linguistic justice is an emerging area of study in which scholars from numerous disciplines respond to the conflict arising between speakers of minority languages in interacting with global languages, with a broad body of work focussing on English (Van Parijs 2018; Baugh 2010; Piller 2016), and in other situations where majority languages can be linked to an imbalance of power over minority languages in certain settings (Cole 2006; Raymond 2006).

The present chapter introduces the main approaches considered in linguistic justice scholarship towards the decline in minority language practice. This decline is documented by the United Nations in the UNESCO Project, Atlas of the World's Languages in Danger, and in my preliminary research it became clear that as a result of various global factors, minority language practice is declining (Romaine 2007; Piller 2016).

This decline is the result of a number of factors. These factors include the growing influence of global languages, such as English (Van Parijs 2019), and the conscious shift that people make away from minority language practice towards using a national language for purposes of work and opportunities (Kloss 1971). This global decline is highlighted by the UN and commentators in the emerging field of linguistic justice, spanning language ecology, and language endangerment. From within these academic fields, some solutions are proposed which advocate for language and minority rights to safeguard against erasure.

Throughout linguistic justice scholarship, the idea that language rights protect minority languages from erasure is a recurring perspective (Piller 2016; Mac Giolla Chrìost 2019). However, the emerging field remains largely undefined across its multidisciplinary

commentators. Attempts to address what Pool (1991) refers to as linguistic asymmetries and injustices have been made across different contexts, and bar a few exceptions scholars from sociolinguistics, law, political science, economics, and philosophy have acted independently and neglected each other's research and methodology (Mac Giolla Chríost 2020).

Linguist and Philosopher Federico Gobbo (2018) states that whilst a broad agreement on the meaning exists, it is still not clear what "linguistic justice" is. Mac Giolla Chríost (2020) further argues the multiplicity of definitions does more to cloud the meaning of linguistic justice than expand it. Therefore, conflation between key terms such as "justice", "fairness", and "rights" between fields exists, which subsequently hinders cooperation in generating a shared vocabulary of concepts key to framing 'linguistic justice' (Mac Giolla Chríost 2020).

Considering the lack of shared vocabulary between commentators of linguistic justice, from the perspective of language endangerment scholarship, Roche (2020) calls on this lack of cooperation as a "failure of linguists to see politics, and of justice-oriented scholars to see endangered languages" which consequently leads to "a *state of abandonment* for speakers of endangered languages".

As a result of this multidisciplinary intersection, numerous perspectives arise pertaining to the issue of declining minority language practice. I categorise these themes into three distinct approaches, which are each expanded on in the following sections. These approaches are: first, the pro-minority language and identity preservation related rights, set out in documents UDHR and ECRML; in contrast to this identity related approach, second, is the prioritisation of economic and efficiency related processes; which is followed by, third, the approach that Patten and Kymlicka (2003) coins "benign neglect", which refers to a nation-state's disregard towards regional or otherwise minorities.

2.2 Language Preservation and Rights

This section introduces and assesses the approaches that advocate for language preservation and language rights attempts in order allow minority language speakers the ability to operate using their own language practices.

I determine language continuation and language preservation efforts to refer to measures taken to avoid the erasure of a language, caused by a decline in practice by speakers to the point where a language is not actively used. I argue that these measures, facilitated by the State, can be categorised into two categories: the presentation of language rights, or that or benign neglect. The first of these approaches asserts that language rights protect minority languages from erasure. In summary, erasure is avoided when speakers continue to practice languages, which results in language continuation.

Therefore, this section will first introduce and explain the biological essentialist view, how this thesis sustains that this rigid framing undermines language rights, and this conceptualisation of language in relation to language endangerment scholarship. Second, addressing solutions proposed in sociolinguistics, this section will consider models that triangulate justice with the ability and opportunity for minority language speakers to operate in their preferred language. Third, this section will consider how language rights shift from these theoretical models to key legislative policies, such as the ECRML and UDHR.

First, one of the key perspectives aligned with language preservation efforts relates to a biological essentialist view, which presents languages as "having identities that correspond to species" (Jaffe 1999; Pennycook 2004). This approach is further supported across language endangerment and language ecology scholarship, illustrated through "endangerment" models

or “salvage paradigms” (Roche 2020) where interventionalist measures, such as language rights, are considered crucial to intervening in a global crisis (Roche 2020). Language endangerment scholarship links linguistics and ecology by “situating the current exponential loss of many of the world’s languages within a wider ecological framework” (May 2003:95), where 46% of the world’s languages are endangered (Campbell and Belew 2018).

As a consequence of this disappearance, parallels are drawn between ecological conservation efforts to preserve species, and conservation efforts to preserve languages. This preservation approach draws on language planning techniques, such as language documentation, and international language rights to ensure the continuation and preservation of a minority language. Language planning efforts in the form of “linguistic diversity hotpots” identify regions with high numbers of endangered languages (Anderson 2011). This enables the collection of census data, mapping, and statistics, which are key to the descriptive research element in endangerment linguistics. Roche (2020) champions this data-driven approach, which generates the emergence of archives with the eventual aim to generate what he refers to as a “digital Noah’s Ark of language” which offers widely documented accessible resources relating to minority languages in Europe (Roche 2020).

From within the broader field of sociolinguistics, Mowbray (2012) further advocates for measures to safeguard the use of minority languages in public settings, synthesising opportunity, ability, and desire. Mowbray (2012:22) theorises that there are three conditions for language use, which in turn ensure language security continuation and are a step in the direction of providing solutions to linguistic injustices. She states that “individuals must have the capacity to use the language, opportunity to use the language, and desire to use the language” (Mowbray 2012:22).

Opportunities to use a minority language in a public setting, such as in the judicial setting, must be met with the capacity or ability to use a language by speakers, and the desire to use it in order for the language to continue (Mowbray 2012). Baugh (2010) similarly asserts that in order to overcome linguistic discrimination, a triangulation of language rights with justice and equality of access is presented. These models align justice with language rights and the facilitating of opportunity for minority language speakers to operate in their preferred language.

When considering the global decline in use of minority languages within the French context, this language rights perspective is adopted by the international human rights instruments that attempt to safeguard minority, identity, and linguistic rights, such as the 1948 Universal Declaration of Human Rights (UDHR), and the 1999 European Charter for Regional and Minority Languages (ECRML), both signed by the French State.

As a result of interventionalist measures and the documentation of languages and prioritisation of rights for minority language speakers, signatory States of these rights agreements are responsible for facilitating the rights stipulate therein. Therefore, it is the responsibility of the State to grant speakers the right to operate in their own language and encourage the continued use of minority languages in public settings. However, as will be demonstrated in Chapter 4, attempts of interventionalist measures made by supranational human rights agreements are not always ratified and implemented by the States that have signed them.

2.3 Economic and Efficiency based approaches

This section considers the prioritisation of economic and efficiency-based factors relating to minority language practice in linguistic justice scholarship. Unlike the previous section which considers the prioritisation of interventionalist measures, such as minority and identity rights, this section examines the work that prioritise economic and efficiency-based factors in approaching minority language practice, which I then apply to the developing French context of this thesis.

When considering the role of minority languages in France, and the situation whereby French is elevated as the single national language of France, a linguistically homogenous State is idealised. Chapter four of this thesis explores the notion of linguistically hegemonic States and language ideologies in more detail; however, it is crucial to consider at this point a pervading factor among key definitions of language ideology, which refers to the equating of language practice with value, often political or economic value (Jaworski and Thurlow:2010).

This opposition drawn between assigning a political, economic, social or cultural value to a minority language, and the ability to operate using minority languages, undermines the core argument of the previous section that highlights speakers of minority languages should be able to access judicial institutions in France on the basis of their own language practices. As a result, minority languages could be considered in ~~un~~quantifiable terms and reduced to a value, whereby it could be deemed acceptable to override the speakers minority and identity rights in favour of efficiency or cost reduction in certain judicial processes.

Pool (1991) proposed the concept of linguistic justice to describe the "asymmetries and injustices" arising from multilingual contexts and brings together linguistic justice and what is

defined as linguistic efficiency. Pool (1991) further presents solutions to these asymmetries, whereby in multilingual settings for the sake of efficacy those whose mother tongue is not considered the most widespread should be the ones to adapt. Further to this argument, Piller (2016:2) additionally expresses social mobility issues and language related injustices arise at the helm of linguistic diversity, commenting that segregation as opposed to diversity can occur in multilingual settings as a result of linguistic diversity, leading to economic inequality, cultural domination, and impartiality of political participation of minority language speakers.

Kloss (1971) additionally postulates that certain groups of people in society operating using minority languages would benefit financially and be able to integrate more relating to job opportunities if they adopted the national language. However, as Van Parijs (2002) asserts, is the dilemma between efficiency in language use and overall fairness inescapable?

As a result of prioritising either efficiency or economic based factors relating to the practice of minority languages in public settings, I argue that the language rights approach to facilitating speakers ability to operate in their preferred language is undermined. The value of a minority language practice for speakers is weighed up, creating a trade-off between the identity and cultural significance of language to speakers, versus the efficiency of institutions operating in one language and the financial implications of hiring a translator-interpreter, for example.

This is illustrated through the Breton speaker case study, introduced in chapter one, Cadoret et le Bihan v France, where speakers of Breton were expected to operate in French for purposes of efficiency, as French nationals they were expected to know French (Mowbray 2012). Following this incident, speakers appealed and the Court of Appeals ruled that as the defendants could operate in the language of the court they are expected to and they do not therefore qualify for a translator-interpreter which would have allowed them to operate in the court in Breton. In

this instance, the minority and identity related rights stipulated by international rights agreements the UDHR and the ECRML are overlooked for the sake of efficiency.

As a result of this prioritisation of efficiency, speakers are expected to speak a national or majority language over a minority language in order to integrate into one homogenous state. This shift towards to the national language in public settings in the name of integration into the state relegates minority language use to the private sphere. Mowbray (2012) synthesises that minority language speakers require the desire, ability, and opportunity to practice a language in order for that language to continue. However, it is evident that through the prioritisation of efficiency over minority language use in public settings removes the 'opportunity' element from this formulation.

2.4. Benign neglect

In my assessment of linguistic justice scholarship, I found that the two recurring solutions being proposed by theorists engaging with the field are that of either benign neglect by the State or the favouring of the earlier discussed language rights framework. This section will therefore introduce the theory surrounding an approach of benign neglect towards minority language communities and language policy, and how this neglect when demonstrated by a State can have a detrimental impact on the erasure of a minority language.

Named and introduced in Patten and Kymlicka (2003), benign neglect refers to the result of no meaningful language policy or solutions relating to minority languages speakers' access to justice. Patten and Kymlicka (2003:32) associates liberalism within western liberal states, such as that of France, with ideas such as minimal government and benign neglect, as opposed to the enforcer of rights role as is stipulated in international rights agreements. As a result of an

approach of benign neglect' Patten and Kymlicka (2003:32) subsequently highlights that in disputes pertaining to language policy the state does not "encourage or discourage particular linguistic choices by its citizens".

Without specific policy or subsequent measures to ensure the teaching and facilitating of speakers usage of a minority language in a public setting, speakers are denied the ability and opportunity to use a language. Therefore, as a result of a State's pursual of benign neglect relating to language policy and practice, minority language usage is restricted to the private sphere.

Referring back to this thesis' earlier assertion that minority language speakers require the opportunity and ability to use a language alongside the desire to want to do so (Mowbray:2012), if an approach of benign neglect is pursued then no effort to permit a minority language speaker to operate in their preferred language is made. Therefore, in order for a speaker to function in judicial or other public settings they are required to operate in the majority language. This as a result may force minority language speakers towards general shift towards the majority language of the State, which in the context of France is French.

This thesis will demonstrate in Chapters three and four the models and legislation that constitutes the French State's approach to language rights. Whilst it must be argued that the French State is not wholly negligent of minority language speaking communities, as it has signed international human rights agreements and has published its own categories of minority languages aligning these languages with French culture, the noncompliance by the State to adopt the ECRML nor implement certain minority rights from the UDHR does not facilitate the rights-based approach to linguistic justice.

2.5. "Access to justice"

This section will first establish my working definition of access to justice. Second, this section will relate the conceptualisations of justice I adopt to the French context. Third, this section will consider access to justice within the wider development of a globalised rights agenda.

Following these conceptualisations of linguistic justice demonstrated so far in this chapter, my working definition of linguistic justice focusses on the various recurring themes that appear throughout these definitions. The first of these refers to the implementation of some kind of measure to allow minority language speakers the ability to operate using their own languages practices, and the second of these refers to spheres of justice that affect minority language speakers mobility in the French context.

As a growing field, linguistic justice and the principles within language rights frameworks proposed by a) scholars operating in the field and b) international human rights organisations, remain largely undefined (Mac Giolla Chríost 2020). This section considers definitions of justice that underpin the two spheres of justice affecting minority language speakers in the French context: first, the court systems, attitudes, and legislation of the State and second, the responsibilities stipulated by international human rights agreements.

Flynn (2016:12) highlights that "access to justice is not easily defined" and identifies Badhi (2007) as a useful lens in framing this discussion. The integral understandings of justice, the substantive, procedural, and symbolic, are synthesised in Badhi (2007) in the following ways. Badhi (2007:3) introduces the idea of substantive justice to refer to the assessment of the rights claims that are available to those who seek a remedy. However, it is later conceded that whilst symbolic access to justice serves as an important measure of social progress and justice, it often

proves difficult to measure (Badhi 2007:39). This formulation of justice is followed by the procedural aspects of justice, which concern the opportunities and barriers in getting a claim into court and the institutions and rules that dictate this setting (Badhi 2007:3-28). Finally, the symbolic component of access to justice exists outside of these systems and asks to what extent a certain legal system promotes belonging and empowerment to its citizens (Badhi 2007:3).

Considering these interpretations as different facets of justice within the French context, this thesis adopts the substantive view of justice to assess whether the rights agreements the UDHR and ECRML a suitable remedy to affected minority language speakers. The procedural aspects of justice in the context of this thesis would refer to the documented court interactions that demonstrate the process by which a speaker can access the court, and the role of an interpreter in this process. The symbolic component of access to justice in the context of this thesis, refers to my earlier assertion that minority language speakers should have the right to practice their preferred language in interactions with the State, in order to "promote belonging and empowerment" synthesised in Badhi (2007:3).

Considering this definition within the judicial setting that this thesis assesses, access to justice therefore needs to address how minority language speakers can access justice in a direct way. This advocacy for minority language speakers to operate on their own terms is reflected in the investigative questions into what makes a just linguistic order introduced in Sen (2011). Centred on realization-focused, Sen (2011) asks first "how could linguistic justice be advanced" as opposed to, second, "what would be a perfectly just linguistic order". The first of these questions addresses the advancement of linguistic justice for minority language speakers, I argue that any advancement would revolve around speakers ability to operate in their preferred language, supported by language rights and unimpaired access to judicial systems and justice.

The second of Sen's (2011) investigative questions refers to "what would be a perfectly just linguistic order", which is positioned in opposition to the first question, relating to how to advance linguistic justice. This counter-question refers instead to a "perfectly just linguistic order", which is an aim I would align with the French State's approach to language practice. Through Article 2 of its Constitution's asserting that the language of the Republic is French, and the numerous bodies and legislation that uphold this ideal, the "perfect linguistic order" refers to the monolingual and a-cultural identities that citizens are expected to adopt.

Examining these two questions in the French context leads to two opposing outcomes. The first of Sen's (2011) questions refers to an advancement of linguistic justice for minority language speakers, where minority language protections are advanced to create a fair and just access to justice. Whereas the second question when considered in the French context produces an outcome that aligns with the French Republican ideal of a linguistic hegemony, that prioritises a single national language, and relegates minority language practice to the private sphere.

The French context of this thesis is formed of unitary values of the Republic that encourage a-cultural identities, and the nation-state models that underpin these. I employ the term *a-cultural* to refer to the homogenous and standard citizen idealised and adopted by the French State, whereby cultural affiliations that divert from what is considered the norm, are excluded in some way. As a result, 'justice' in the French state is envisaged in a number of ways. First, in 1875 the constitutional foundations for the Republic were passed by the Assembly (Raymond:2006:5), here justice is constructed to "elevate the aspirations of the Declaration of the Rights of Man and the Citizen" (Raymond 2006:5).

Kiwan (2006:99) explains that although the terms 'citizenship' and 'nationality' today are linked and "coterminous in many different national contexts", in terms of constitutional rights

of the individual "the two concepts were not always linked in France" (Kiwan 2006:99). This is seen through the lack of distinction between *person* and *citizen* in the Declaration, which suggests rights span both that of "Man and the Citizen". In addition to guaranteeing the rights of the *individual* as opposed to *national* or *citizen, inalienable* suggests that all *people*, including residents of the state, as opposed to selective groups adhering to modern definitions of a *citizen,* are entitled to these constitutional rights.

Second, the Declaration refers to "impartial justice" which "embodies the sovereignty of the people" that underpins the Republic (Raymond 2006:5). Impartiality in French State institutions is mirrored in the expectation that individuals remain a-cultural, in order to ensure a "politically homogeneous citizenry" (Cole 2006:44). The expectation is that an individual's citizenship is formed partially by a private domain, constituting cultural and linguistic 'particularisms', and partially as an acting civic member of the state (Kiwan 2006:98). Therefore, by restricting 'particularisms', or differences, to the private domain, an individual is considered with complete neutrality and impartiality. Therefore, judicial institutions composed of impartial "active members of the political nation-state" (Kiwan 2006:98) would administer impartial justice.

However, Piller (2016:4) would counterargue that "in reality the idea of impartial justice is a fiction; a fiction that reminds us of what it is that we should strive for". Impartial justice made up of impartial figures in the French context would remove linguistic particularisms, including the practice of minority languages. However, as the case studies relating to Breton and Western Armenian speakers highlight, minority language speakers do operate within French judicial institutions, and are not a-cultural nor impartial as a result. This therefore highlights the impartial vision of justice envisioned in the Declaration of the Rights of Man and the Citizen is not the version of justice employed in the case studies.

Judicial institutions such as the courts and policing processes in France are legislated by and form part of the French State and its institutions, there are certain stipulations within various systems, such as French as the language in public and judicial settings (Légifrance 1994). However, the rise and development of a globalised rights agenda throughout the 20th century cannot be overlooked when defining "access to justice" in the broader European and international context, of which France is a part. The French State has signed numerous pieces of international human rights agreements, including the Maastricht Treaty, the ECRML, and the UDHR, meaning that facilitating "access to justice" for minority language speakers in the French context would need to adhere to these definitions in addition to those already influencing French judicial institutions.

This development of a globalised rights agenda focusses on non-discrimination on the basis of "minority" status in the international sphere. This reinforces a cosmopolitan approach to justice, a position with inalienable rights at the centre that is underpinned by universalist values that supersede individual nation-states. A proponent of the cosmopolitan approach, political theorist Simon Caney (2001:979) advocates that 'a person's nationality or citizenship should not determine their entitlements'. This position however conflicts with the communitarian approach to justice evident in the French context, which prioritises the sovereignty and particularisms of nation-states and subscribes to a more localised, context specific, and relative needs-based distributive justice.

The principle of protecting and offering rights on the basis of "language" I argue is situated contentiously and loosely amongst broader international "minority rights", reflecting the aims of the 1995a *UN Report of the Commission on Global Governance, Our Global Neighbourhood)* recommending a specific focus on global concerns such as war, poverty, the

rights of children, women and minorities, and the environment, in addition to the aims stipulated by more symbolic agreements such as the UDHR and the ECRML.

2.6. Chapter Conclusion

This chapter introduced the perspectives and potential solutions to the decline of minority language practice, and subsequent barriers facing minority language speakers in France, using linguistic justice scholarship as a framework.

These solutions first included the maintenance of language rights, whereby international frameworks such as the ECMRL and UDHR produce sets of rights that Member States are responsible for facilitating. This chapter second established an alternative approach to linguistic justice, through economic and efficiency-based approaches, which was followed finally by an approach of benign neglect by the State regarding minority languages.

It is clear that in order for minority language speakers in France to access judicial institutions on the basis of their own language practices, the first approach discussed in this chapter referring to language rights frameworks to ensure language preservation is the most facilitative. This approach prioritises pro-minority measures such as language documentation and language rights, which language endangerment and language ecology scholarship positions as a solution to possible language erasure.

In Chapter 3, I will take the approaches introduced in the present chapter and apply the case studies developed in Chapter One to the proposed language rights frameworks the UDHR and ECRML.

CHAPTER 3: THE MODELS AND VALUES THAT UNDERPIN THE FRENCH REPUBLIC

3.1 Introduction

The focus of this chapter is to introduce and scrutinise the models and values that underpin the French Republic in relation to minority language speakers and their ability to practice minority languages.

As the research questions investigate first how a minority language is conceptualised in the French context, and subsequently how minority language speakers in France can access judicial systems, this section examines the models and values that establish the French context and the French State's approach to language practice.

Building on the definition of minority language in §1.2.4, this chapter interrogates how minority languages are conceptualised in the French context, considering the values and models that underpin the French Republic and how these models intersect with minority language speakers and communities. Safran (2005:152) asserts that "officially, France does not acknowledge the existence of minorities on its soil", therefore, in this section I explain the conceptualisation of and resistance towards acknowledging "minority" groups in French language policy, focusing specifically on the governmental Langues de France categorisation and historical models of citizenship that relegate minority language use to the private sphere.

The three key models and factors that I investigate in establishing the French State's approach to language policy is as follows. First, the position of French as the single national language is legislated and protected by the French Constitution, historical legislation such as the Toubon Act, and bodies such as the Académie Française and La délégation générale à la langue française et aux Langues de France.

The second factor this section examines in establishing the French State's approach to language policy, considers historical nation and identity building efforts. The naming and construction of the French language demonstrates the historical nation building and national identity efforts made in order to cement a single national language, which as highlighted in the previous section, is maintained in contemporary France.

The third factor considers the publication of the 1991 Langues de France report instructed by the State and completed by linguist Bernard Cerquiglini. The controversial publication categorises minority languages spoken within France as languages "of" France instead of existing within their own right, a categorisation that May (2003) argues is absorbed minority languages as French languages and property of the French State.

Following this, as a result of these models and the dedicated State institutions, an approach to language practice that prioritises and defends the position of French as the single national language is maintained by the State. This linguistic purism, or linguistic protectionism, prescribes one version of a language as purer or of higher quality than others (Thomas 1991:108), and in in the French context was institutionalized through the Académie Française. Therefore, I argue as a result of this protectionist language ideology, the State is preserving a linguistic hegemony.

3.2 French as the single national language

The position of French as the single national language is legislated and preserved by the State. Examining language rights within political theory, Patten and Kymlicka (2003) presents 'language preservation' and 'nation-building' as the two prominent normative models of

language. The two are closely linked, and as I will demonstrate, the preservation of the national language is arguably key to the forming of the nation in the French context. Therefore, this subsection will explain the legislation and unitary models that continue to promote and maintain French in the name of 'language preservation' and introduce how these conflict with wider European language aims, and the following subsection will explore the second model 'nation-building'.

The first factor to consider in the preservation of French as the single national language is the preservation of its position by law. There are various key pieces of legislation that are maintained in contemporary France to safeguard the national language, these include the French Constitution, historical law the Toubon Act, and governmental bodies the Académie Française and La délégation générale à la langue française et aux Langues de France. Historically, the protection of French following the Revolution reflected the unifying aims of the nation-building project, advocating for the promotion of a singular language amongst a fragmented nation which pre-revolution hosted numerous regional languages (Cole 2006).

Contemporary measures include the 1975 the Bas-Lauriol law which mandated the use of French in the world of work and across audio-visual or commercial fields, including advertising, instructions, and invoices (Légifrance 1975). This measure was updated and replaced by the 1996 Toubon Act which was key in positioning French as the national language and requires the exclusive use of French in certain contexts, for example in public settings and meetings, and to protect French from the increasing use of English in France (Mowbray 2012: 155). The Act not only prohibits the use of English, but it also excludes the use of French regional languages and those considered as "immigrant language groups" including Arabic, Portuguese and Polish (Mowbray 2012:155).

The introduction of the Toubon Act followed the 1992 addition to the French Constitution that declares French the language of the Republic and all governmental activity to be conducted in French. Mowbray (2012 155) argues as a result of this legislation "the already well-established dominance of French as a majority language and functions to limit diversity".

The second factor to consider in the national language preservation project is the indivisible and unitary approach adopted by the French State following the French Revolution. In the defining of ethnonational minority identities in France, Safran (2005 152) explains that what is considered "national" forms the basis of an "indivisible political community". The language of this "indivisible political community" is stipulated in Article 2 of the fifth Republic's Constitution, stating that "the language of the Republic is French" (France 1958). This current legislation reflects post-revolutionary nation-building efforts to introduce a national language, Blommaert and Verschueren (1998:364) states that "when France needed to identify le peuple after the French Revolution, the French language was no more than an administrative means for state-wide communication, a language which was shared (even in its dialectical variants) by less than 50% of the population". The reference to unity and uniformity within France reflects the Jacobin doctrine of "the unity and indivisibility of the nation" and is considered one of the more enduring legacies post Revolution (Safran 2005:152).

Despite the assertion made in Safran (2005:152) that uniformity influences the indivisibility of a nation, and that an "indivisible political community" operates in the language of the Republic, as a result the minoritization of other languages has been actively pursued and historically documented. In Bochman (1985:119-129) French language policy is described as "purism at the level of the national language" resulting in "nationalist centralism directed against national minorities".

The third factor to consider in the preservation of French as the single national language of France, is the diminution of the practice of other languages. This approach, where languages other than the national language, are minoritized has created a dichotomy of majority versus minority language use. Minoritized languages become 'minority' as a result when compared with the 'majority' language, and the practice of these languages is further relegated to the private sphere and discourages language use other than French in public settings.

Safran (2005:152) argues that the construction of national unity was accomplished and is preserved largely by means of the French language, and therefore its "superordinate position" must be secured. The question of the long process of linguistic centralisation emerges from the post-Revolutionary era, whereby the State, unconcerned with linguistic diversity, considered language as a significant factor in the extinction of particularisms and securing the uniform ideals of the Revolution (Weber 1976:71). This centralisation approach was further secured by the State through attempts to abolish dialects and inevitably replace them with "the speech of the Republic", French (Weber 1976:71).

Despite these historic and more modern efforts to decrease minority language practice, in the name of what minister of public education Anatole de Monzie infamously claimed in 1925 was for the benefit of "the linguistic unity of France" (Safran 2005: 154), minority language speaking communities continue to exist, as is demonstrated by the case studies referred to and examined throughout this thesis.

Even though the translator-interpreters were found to be uncertified by the two respective courts, these two court proceedings demonstrate the demand for Western Armenian speaking translator-interpreters in the two respective jurisdictions. Numerous factors in the Cadoret et Le Bihan v France case demonstrate the existence and desire to practice Breton. First, the facts of

the case surround the defacing and contempt towards French language road signs that replaced signs depicting place names in Breton. Second, the defendants approached the European Court of Human Rights claiming that their inability to operate within the court and present themselves in Breton was discriminatory, thus demonstrating their desire to practice Breton in a public and judicial setting.

The fourth factor to consider in the securing of French as the single national language of France, is the resulting linguistically homogenous state. The prioritisation of French as the single national language contradicts the movement towards linguistic diversity by European institutions, such as by the European Union which in the Maastricht Treaty states that Member States must treat minorities of any kind with respect (European Union 1992), and the Council of Europe's European Charter for Regional and Minority Languages, where minority language rights are stipulated to protect "the historical regional or minority languages of Europe, some of which are in danger of eventual extinction" (Council of Europe 1992).

As a result, the prioritised position of French, compared with other languages existing in the Republic, constitutes the main tension between the French State and the ECRML. Although signed by the French State, the ECRML is not ratified by France as the language and minority rights proposed by the ECRML contrast with the monolingual language aims of the Republic. This contradiction in aims forms the basis of the noncompliance by the French State to ratify the Charter. This noncompliance in adopting the agreement, first undermines the Charter's attempts at universal applicability, and additionally a gap is generated, whereby minority language speakers' ability to operate in a judicial setting in a preferred language isn't guaranteed by law. As argued in chapter two, minority language speakers' access to judicial

institutions is predicated on the ability to operate using their own language practices. As a result, speakers' access to judicial systems in France is hindered.

3.3. The naming and construction of French in nation-building

This section addressing the relationship between the naming and construction of French in nation-building attempts and the minoritization of minority language identities. The predicted erasure of minority languages is theorised in Seifart et al. (2018) as the result of certain steamrollers, these include: globalization, economic development, and nation/state-building. In criticism of the Seifart et al (2018) assertion that there are certain steamrollers that lead to the erasure of minority languages, Roche (2020) critiques the notion that languages are spontaneously lost as a result of autonomous or inevitable processes or trends. However, the nation-building approach adopted by the French State is neither "autonomous" nor "inevitable" but rather a constructed attempt to position the majority language as the single national language. This position is supported in Mowbray (2012), which explains the invention of languages is not a neutral nor natural process, but rather there are "winners and losers". Additionally, May (2003), in specific reference to Breton and the Langues de France publication, argues the absorption of minority languages spoken in France into this category is a deliberate step which propagates French State ownership of these languages as cultural and national artefacts.

French is named in the 1958 Constitution as the singular language of the Republic, following the historic post-revolution attempts to re-align the nation (Cole 2006). This nation-building project constructed French as the language to reunite the people post-revolution. As a result, a

single national identity was developed and imposed on the various existing territorial, linguistic and religious identities (Cole 2006:44), which resulted in the minoritizing and excluding of minority languages and their speakers from the new national identity.

As introduced in the previous subsection, Patten and Kymlicka (2003) presents ‘language preservation' and 'nation-building' as the two prominent and interlinking normative models of language. I demonstrated that the ‘language preservation’ project to preserve French as the language of France and is maintained by the Académie Française alongside established language protections that disregard the practice of other languages.

This subsection considers the second of Patten and Kymlicka’s (2003) models of language, ‘nation-building’. Patten and Kymlicka (2003) delineates the naming and construction of language as a key feature of historic and contemporary nation building and maintaining efforts.

Cole (2006:44) argues that the construction of the French nation-state came as the result of a “gradual and uneven process of territorial aggrandisement and military conquest”, which focussed on a central authority which imposed a “single national identity upon various territorial, linguistic and religious identities”. Mowbray (2012 133) references revolutionary leader and advocate of universal suffrage Abbé Henri Grégoire, expressing that “unity of language is an integral part of the Revolution” and that “...to mould all citizens into a national whole, to simplify the mechanism of the political machine and make it function more smoothly, we must have a common language”. Here French can be seen as a mechanism to unite people into one collective force during the revolution, to “mould... into a national whole" that would succeed following this. Mowbray (2012:133,144) further asserts that the construction of a nation is not a “neutral process”, but rather that “winners and losers” are established, and that

the broader historical and political conditions which have led to the choice of a particular state language plays a role.

In the French context, the forming and ideals of the 'Republic' as a nation are based on "universalist values" (Raymond 2006:1) and a-cultural identities (Leca 1986), which form a "cultural homogeneity" (Kiwan 2006:99). This cultural homogeneity is further reflected in the stipulation of a national language, seen through the contemporary and maintained language policy, explained in detail in §5.2.2. As a result, I summarise the main facets of the French State's historic approach to nation-building as the following: the introduction of a cultural homogeneity compounded in the concept laïcité, which is supported by the a-cultural identities that are theorised in the name of equality, and subsequently as a result minority communities and groups that do not form part of this identity are excluded.

Let's consider first how French republican ideology is defined by uniformity and a-culturalism. The universalism propagated by unitary models of citizenship can be compared with the Blommaert and Verschueren (1998) proposition that "the ideal model of society is mono-lingual, mono-ethnic, mono-religious, mono-ideological", which leads to "a view of society in which differences are seen as dangerous, and centrifugal, and in which the 'best' society is suggested to be one without intergroup differences" (Blommaert and Verschueren:1998:362). Raymond (2006:1) further demonstrates the role of universalism in the Republic by stating that "the universalist values of the Republic are underpinned by a culture of participation in the public space", whereby participation is stipulated by the Constitution to occur in French.

This model divides an individual into their private life, where linguistic, religious or other minority cultural characteristics belong, and the public sphere, where an individual is an a-cultural citizen theoretically equal to all other citizens (Kiwan: 2006). Universalist values and

freedoms are considered to be realised when the citizenry shares and champions the same characteristics, such as democracy and one unifying language. Wharton (2006: 2) summarises that the Republic's "own specificity is dependent on the crucial belief that what liberates its citizens is the universalism of the rights that they enjoy equally", Millar (2005:24) further alludes to fact that those who are bidialectal, or bilingual, are considered in some way unrepublican by many fellow citizens. According to this model, all citizens are equal and therefore, minority groups, such as minority language communities, are not able to exercise additional rights. These principles of a-cultural identities are founded on the events following the French revolution where nation-building attempts focussed on a single national language as a unifying factor between numerous previously separatist groups.

The introduction of this "cultural homogeneity" excluded nationalist and regionalist movements across France in regions such as Corsica, Occitanie, and Brittany. Resistance by the State towards minority communities such as these, each accompanied by a minority language, continues within the debate surrounding minority language and regionalist movements in the last 100 years. For instance, the minister of public instruction Anatole de Monzie in 1925 infamously declared "for the linguistic unity of France, the Breton language must disappear" (Safran 2005: 154). Following this, in 1978 the French representative to the UN Human Rights Commission asserted that France cannot recognize the existence of minority groups, French politician and lawyer Guy Héraud (1990: 35) further explains that concerning a language other than the national one, the French government asserts this difference belongs to the domain of "the private exercise of public liberties by citizens".

Historically, 'republic' has two meanings in France, the first refers to 'France' as a nation-state with distinct cultural, historical and geopolitical interests, the second meaning refers to the

particular regime that resulted from the French Revolution and in contemporary France is interpreted as synonymous with 'democracy' (Révauger 2006: 117).

Part of the forming of historic attitudes towards the 'republic' is constituted in nation-building attempts, for instance in Kiwan (2006:99) the "cultural homogeneity" noticeable in the modern understanding of French citizenship is attributed to the post Franco-Prussian War rivalry with Prussia. This "almost mythical vision" of the nation was constituted by a uniform cultural identity and community (Kiwan 2006: 99), expounded by Jean Leca as a form of citizenship based on a-cultural identities. The focus on a-culturalism is founded on the revolutionary principles of universalism. This is further categorised in Dominique Schnapper (2003) as 'la transcendence par la politique', which expects citizens as individuals to cast aside cultural and linguistic 'particularisms' to the private domain, including the use of a minority language.

These a-cultural expectations of individuals operating within the Republic and its institutions remain a key feature of the contemporary French context. Within the republican ideal of citizenship, a separation between public and private spheres is established, whereby the public domain spans the "culturally neutral" and the private domain is where "cultural particularisms must remain" (Kiwan 100:2006). This idea of the public space is countered with a private domain, where any other values or differences, such as language practices, are contained. A person is conceived to have multiple roles in society, the first is an outward facing role as a public citizen, and the second a contrasting private and individual persona (Blommaert and Verschueren: 1998), whereby language is considered as an individual issue for a private citizen (Blommaert and Verschueren 1998).

As a result of French being stipulated by the Constitution as the national language to be used in public settings, the use of other languages, including the two minority languages this thesis

considers, are considered “individual cultural specificities” as “a matter for the private sphere of civil as opposed to civic society” (Kiwan 2006:97).

The theorised a-cultural identities and expectations of an individual in this model fall short when applied to the case studies introduced in chapter one. The case studies demonstrate that as Breton and Western Armenian are spoken, minority language speakers continue to exist and operate in France. This is despite the assertion that minority identities do not exist in France (Héraud 1990:35), and that any “cultural specificities” are relegated to the private sphere of an individual (Kiwan 2006:97).

However, the existence of minority language speaking communities is evident throughout France. Eriksen (1992:313-314) asserts that European nation-states were multilingual only a century ago and remain de facto plurilingual, however despite this, equal rights are not always granted to linguistic minorities. Namely, in the context of this project, minority language communities are evident in France through the documented court interactions between speakers of Breton in the Cadoret et le Bihan v France instance, and Western Armenian in the two documented rejections of individuals as translator-interpreters.

The case studies that this thesis examines are evidence of the presence of minority language communities in France. However, despite this fact, the French census does not gather information relating to identity-related characteristics (David 2019), therefore meaningful data relating to the number of speakers and other criteria is deliberately non-existent.

Kiwan (2006) synthesises two spheres, a public outward-facing element to an individual, with the alternate “private sphere” where “individual cultural specificities”, such as minority language use, are relegated to. The sphere encompassing the outward facing citizen’s role in

"civic society" refers to public interactions, which are stipulated by Article 2 of the Constitution and reiterated by the Constitutional Council to occur in French. Therefore, anything other than French is not reserved for these public interactions, which subsequently relegates the use of minority languages to the "private sphere" of society.

Despite the relegated position of minority language practice within the theoretical spheres of this French republican model of a person's citizenship, as demonstrated throughout this thesis, Western Armenian and Breton continue to be spoken in France and are employed variably in the public "civic society". The defendants in the Cadoret et le Bihan v France case were disallowed from presenting themselves and operating in Breton, and the proceedings instead were stipulated to occur entirely in French. In this instance, Breton is considered as a minority language and "cultural specificity" and thus is a characteristic relegated to the private sphere.

However, the two documented court interactions between judicial authorities and prospective Western Armenian translator-interpreters highlight a different outcome. Both interactions highlight that the translator-interpreters in question are deemed unfit to operate in the relevant Courts. This therefore illustrates a number of facts. First, that speakers of Western Armenian exist in France. Second, that these speakers are permitted to operate in judicial settings in this language provided that there is a qualified translator-interpreter. This highlights that not only are Western Armenian speakers theoretically able to operate in their language of choice in interactions with judicial institutions in France, but additionally that there are, albeit unclear, standards that the State requires of translator-interpreters to assist speakers to access the Court.

As a result, French Republican ideals, which rest on a-cultural identities in the public and civic sphere, are not consistently upheld when tested on contemporary access to judicial systems for minority language speakers. This inconsistency is highlighted between the difference in

outcomes between the Breton and Western Armenian documented interactions with judicial institutions. In the Cadoret et le Bihan v France case, speakers were deemed to have French language skills as French nationals and instructed to operate in the court using French (Mowbray 2012). However, in the case of the two documented court interactions relating to Western Armenian translator-interpreters, it is demonstrated that provided a court-approved translator interpreter is available, Western Armenian speakers are able to operate in their language of choice and unlike in the Cadoret et le Bihan v France case, are not expected to operate in French.

As a result of this difference in expectation to operate in the national language, the two minority language speaking communities are treated differently by the French State. This inconsistency demonstrates that when tested on minority language speakers' access to judicial systems, French Republican ideals that focus on a-cultural identities are inconsistently applied.

3.4. Identity and the Langues de France categorisation

This subsection examines the 1999 Langues de France report commissioned by the French government and was produced by linguist and directeur de l'Institut national de la langue française (C.N.R.S.) Bernard Cerquiglini. The aim of the report was to recategorize minority languages into 'the languages of France' group. The report identified 75 languages, including those in overseas French territories, that would qualify for language protections in the case that the government would ratify the ECRML (Cerquiglini 1999).

This publication raises a number of issues to be considered. First, the issue of ownership of minority languages is raised as languages are recategorized as "of France", as opposed to belonging to the communities that practice them. Second, although written in relation to the

impending European Charter for Regional and Minority Languages (ECRML), the report does not adopt the same terminology employed throughout the Charter. For example, the publication avoids terms relating to territory and minority. Third, despite the publication of the report on the grounds that the languages classified would be those that would gain protections under the ECRML, the State did not adopt nor ratify the Charter. Therefore, the classifications of languages to be "of France" and part of French "patrimoine" are left undetermined.

Although signed, the ECRML is not ratified by the French State. This move was justified by the Constitutional Council of France as the movement towards linguistic diversity advocated for by wider European movements, such as the ECRML, threatened the unitary and uniform values of the State and its approach to equality (Conseil Consitutionnel 1999).

As discussed in §3.2.3, languages other than French are considered to be "cultural specificities" and relegated to the private sphere of an individual. The link between minority languages in France exclusively as cultural markers of identity, and not languages that are subject to the same preservation attempts as French, is made plain through the Langues de France publication. In this publication, I argue that languages listed within this category are referred to and absorbed into French 'patrimoine'. This absorption into the French 'patrimoine' is considered in Hornsby (2010:172) whereby the question of ownership of language is debated.

Although this thesis does not consider the minority language speaking communities and the political or identity movements relating to the Occitan and Catalan languages spoken in France, the question of their ownership is raised in Hornsby (2010) and illustrative of the wider debate of ownership relating to minority languages. In its critique of the Torreilles and Sanchiz (2006:7) assertion that whilst "languages of France" have their own literature, together these form the "literature of France" (my own translation), Hornsby (2010) argues that as a result,

minority languages and their literatures are absorbed into that of France and hold no legitimacy without reference and connection to the French nation-state and the relating culture.

The publication categorises minority languages Breton and Western Armenian as langues de France. The ECRML considers Breton as a "territorial" language, with links to a French region meaning the language has "heritage relating to Europe". Whereas Western Armenian may not be conventionally considered as "territorial" or as having heritage relating to Europe, as its arrival in France related to the language practices of speakers fleeing Armenia (Donabedian-Demopoulos and Al-Bataineh 2014). Therefore, Western Armenian falls into the only other category named in the ECRML, considered as "the languages of migrants", despite the fact that 100 years on from its first documented presence in France speakers may not be considered "migrants". It then becomes unclear whether speakers are not covered by the rights laid out in the Charter even if they are citizens of France, as the people who use the language may not be "migrant" and the term "migrant" is employed to highlight the differences between and contrast the "regional" terminology.

The Langues de France publication does not reference the usual vocabulary associated with the territorial principle that underpins the ECRML. Whilst the territorial principle highlights the link between location and language use, the Langues de France publication avoids terms of territoriality. Piller (2016:33) synthesises the link between language and territory as a "central and normal way to think about language use", which "undergirds linguistic legislation". Whilst the Langues de France publication lists both Breton and Western Armenian, the former considered by the ECRML as "territorial" and the latter as "a language of migrants", the use of terms "minority" or "regional" are omitted in its explanation that languages spoken in France

are categorised as French. May (2003) refers to this terminology as an attempt by the French State to “absorb” and “own” minority languages, over the speakers of these languages.

The avoidance of key terms employed by the ECRML such as “territorial” and “minority” by Cerquiglini in the Langues de France report is further scrutinised by French linguist Anne Judge (2007) and minority language specialist Michael Hornsby (2010). Judge (2007:142) asserts that in addition to his attempts to omit territoriality, avoiding what is referred to as “regional languages” by the ECRML, Cerquiglini also avoids the notion of minority.

Hornsby (2010:181) asserts that terms of territoriality are not favoured in unitary republican vocabulary. The Langue de France report instead replaces ‘langue minoritaire’ with ‘langue de France’, Judge (2007:142) translates this as “a language of” or “belonging to France" which phrases ‘minority language community’ in a way palatable to republican vocabulary.

This phrasing raises a number of issues, the first of which considers who “owns” minority languages. By its own admission, the French State formed a “languages of France” category, however it is unclear whether as a result of this classification the State owes any responsibility to the speakers of these languages. This new phrasing indicates that if the French State ‘owns’ a minority language, it can “deal with it as it sees fit” and “preserve the status quo” (Hornsby 2010: 181). Roche (2020) further investigates this principle of property, asking first whether we treat “indigenous languages” as intangible property, and to whom they belong, and second if all languages are treated as intangible property, again the issue of who is responsible for this propriety as a whole is raised.

Despite both Western Armenian and Breton being listed as Langues de France, this seemingly pro-minority language publication does not suggest any protective or encouraging measures

towards the language and its speakers, and therefore does not align with the pro-minority language rights framework presented in linguistic justice scholarship. As demonstrated in the literature review in chapter two of this thesis, pro-minority language intervention efforts explored in linguistic justice span both the discussion of language rights, and language documentation (Roche 2020). However, the Langues de France categorisation does not address the global decline in minority language practice, nor does the document address the exclusion of minority language speakers in France in public settings. Some notable language intervention efforts to address these issues are explored through language continuation efforts (Mowbray: 2012), advocating for language survivance (Davis 2017) or language revitalization and documentation (Hinton, Huss, and Roche 2018), none of which are adopted by the French State.

Finally, in addition to not offering any meaningful recognition or protections, the Langues de France publication neglects to address wider issues facing minority language speakers. The issues that this thesis considers first relate to the barriers in accessing judicial institutions and in public settings in France, and second relate to the global decline in minority language practice as a result of the inability to practice a language publicly and in interaction with the State. The Langues de France publication neglects to address the decline in minority language practice globally, nor advocates for the adoption of any language protections for minority language speakers access' to justice in France. As a result, as the publication was drafted to ascertain which languages would be protected should France adopt the ECRML, the publication has no significance as the ECRML was never ratified by France.

3.5. Chapter Summary

The preceding sections have considered how "minority language communities" are conceptualised in the French context. Considering the facts of the French context in framing the discussion of minority language speakers' rights in France, it was shown how language rights for minority language speakers are undermined and erased by a language ideology in the form of a linguistic hegemony which prioritises the use of French.

This section identified three factors that contribute to the perseverance of a language ideology perpetuating an ideal of a linguistically hegemonic French State. First the protectionist language related legislation upheld by the Republic. Second, the historic nation-building efforts to construct and maintain French, and finally the ineffectuality of the Langues de France publication, contribute to the perseverance of a language ideology that furthers an ideal of a linguistically hegemonic French State. This linguistic hegemony will be expanded on in the discussion section in Chapter 4.

The practice of French in public settings is protected by numerous historic and contemporary laws. As a result, a conceptualisation of language as a singular bounded entity that can receive rights emerges. This conceptualisation frames languages as "enumerable" (Makoni and Pennycook 2006:1-2), and as "tangible" and "property" (Roche 2020:163-164), rather than a means of communication between speakers. This presents a version of French as a language that is additionally tangible in some form, and that can receive rights.

Makoni and Pennycook (2006) scrutinises the framing of language in this way, which comes as a result of the naming, construction, and enumeration of languages. This section has demonstrated how French was named and constructed in nation-building attempts post-

Revolution and maintained by the continued enumeration and forming of boundaries namely by the Académie Française, resulting in the linguistic hegemony pervading France.

The linguistic hegemony subsequently discourages the practice of minority languages in public spaces, instead stipulating the use of the national language. As a result of this lack of opportunity to use a language in public spaces, including that of judicial settings, minority language practice is restricted to the private sphere (Kiwan 2006) and faces erasure from such public spaces.

Further to this, the monolingual imagined "homogenous norm" proposed in Piller (2016) results from the linguistic hegemony that pervades the French context. This conceptualisation is further incompatible with the pro-minority and linguistically diverse aims of the international rights instruments the ECRML and UDHR.

In sum, the examination of the French context in §3.2.2-§4.2.4 revealed a linguistically hegemonic state that revolves around the maintained and protected national language. In order to demonstrate the incompatibility between these facts of French context, marked by a monolingual linguistic hegemony, and the plurilingual aims of the international human rights agreements the State has signed, the next section will introduce and address the plurilingual aims of the ECRML and UDHR.

CHAPTER 4: THE ECRML AND UDHR

4.1. Introduction

This thesis investigates how "access to justice" for minority language speakers is facilitated in France, considering the minority and identity rights proposed by the international human rights agreements the State has signed. I draw specific focus to the French State as a facilitator of the rights of the agreements it has signed as the modern nation-state is the framework within which justice is conceptualised and administered, as "it is the nation-state that is charged with safeguarding the rights of its citizens as individuals and in groups" (Piller 2016:7).

Therefore, this chapter considers the minority, identity, and language related rights presented by the ECRML and UDHR, two human and language rights agreements whose aims seek to protect minority language use across Member States in conjunction with the case studies, formed of documented court interactions and background from the relevant Langues et Cité publications.

The global rights-based approach to justice adopted by both agreements first prioritises the inalienable rights of individuals, which are, second, intended to be facilitated by the signatory Member States. This is made plain in the preamble of the UDHR which states that "Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms". However, as §3.2-§3.5 demonstrated, there are numerous factors in the French that context exclude minority languages and their speakers, meaning that inalienable rights are not exercised, and that further the Member States as signatories of these agreements are not facilitating rights.

As a result of the Republican ideals examined in §3.2, a gap emerges between the purported aims of the French State in relation to minority languages and their speakers, and the real aims. The French State is implicated by the treaties and international agreements that it has signed. Therefore, the purported aims of the State's approach to language policy should include the pro-minority, inclusive, and diverse objectives of the agreements it has signed, which span judicial, minority, and language related rights. Whereas in reality, it is clear that the real aims of the State are to advance the linguistic hegemony that encourages a single national language.

In the following two sections I establish the rights-based approach to justice that frames the French context, through the international human rights agreements the European Charter for Regional and Minority Languages (ECRML) and the Universal Declaration of Human Rights (UDHR), the rights outlined in these documents, and how "minority languages" are conceptualised across each.

I demonstrate that through introducing universal rights intended for individuals both of these agreements employ a cosmopolitan, universally applicable approach to justice, that aims to be applicable to any individual in any Member State. However, I also clarify how the established aims and conceptualisations of "minority" in the ECRML and UDHR conflicts with the communitarian approach to justice and the national language-orientated policy of the French Republic. As a result of Republican ideals that prioritise a-cultural identities, it becomes clear that the State does not implement certain elements of these agreements, especially relating to minority identity.

I conclude this chapter with establishing the conflicts resulting between the French context, analysed in Chapter 3, and the human rights agreements that the State has signed, examined in the present chapter. I separate these conflicts into two areas.

The first of these concerns the fundamental issues of compatibility between the pro-minority, purportedly universally applicable, and 'inalienable' sets of rights proposed by the rights agreements, versus the localised language policy aims and facts of the French context to maintain a linguistically homogenous State. Issues of incompatibility additionally arise between the theoretical pro-minority and universally applicable rights set out in the UDHR and ECRML, and the documented experience of minority language speakers evidenced in the case studies.

The second conflict resulting from this chapter's investigation into the French context alongside international human rights agreements the State has signed, focusses on issues of (non)compliance. Referring to the case studies developed and investigated in chapter one, section three, I first demonstrate how the French State is noncompliant in enacting the minority and identity rights stipulated by the UDHR, and additionally noncompliant in ratifying the ECRML at all. In the case of the ECRML, the Constitutional Council of France attributes the noncompliance by the State to the incompatibility between the Charter and the values of the State (Counseil Constitutionnel 1999).

Therefore, as I illustrate that the application of the minority, judicial, and language related rights set out in the international rights agreements is met with compliance and compatibility issues resulting from the French context, access to judicial institutions, and further to that justice, for minority language speakers is affected. These points of contention, and the implication of such on minority language speakers' access to justice is expanded upon and developed in the following chapter, chapter five.

4.2. The aims and rights of the ECRML

This subsection primarily explains the key aims and objectives of the ECRML, which mirror the Council of Europe's plurilingual and Eurocentric ambitions to protect "common heritage", seen in the first aim of the preamble. Additionally, this section dissects the definitions of minority and regional language proposed by the ECRML and the French State Langues de France publication, and how these are based in terms relating to territory and tradition. Following this however, it is clear that conceptually these definitions misalign and contradict, therefore undermining the Charter's potential applicability in one of its Member States.

Whilst international human rights agreements such as the United Nations' Universal Declaration of Human Rights (UDHR) and the Council of Europe's European Convention on Human Rights (ECHR) make reference to "non-discrimination", "minority", and setting-specific rights including judicial rights (United Nations 1998), the European Charter for Regional and Minority Languages (ECRML) was drafted by the Council of Europe to address the contentious issue of language and minority rights in the European setting more directly.

When defining access to justice for minority language speakers in France, I consider two documents, the Universal Declaration of Human Rights which I will introduce and establish in the following subsection, and the focus of this section, the ECRML. This section examines the aims of the ECRML, also known as the Charter, and the rights it proposes. Unlike the UDHR, which focusses on human capabilities in its approach to minority rights, and makes continual reference to individuals and people's rights, it is not always clear in the Charter who is the receiver of certain language provisions. As a result, a key issue with the rights proposed in the ECRML is the conflation between what I explain as the rights of people versus the rights of languages.

This conflation comes as a result of the conceptualisation of language as a static and bounded entity. Therefore, this section first draws attention to this key issue relating to the framing of rights throughout the aims and objectives of the Charter. The Charter conflates what I will refer to as the rights of languages, meaning rights that are linked to the language as an entity, versus the rights intended for speakers of those languages. As this section will demonstrate, this conflation is illustrated numerous times throughout the Charter, and is simply illogical as languages cannot be the receiver of rights in the same way people can. As a result of the muddying of these two versions of rights, it is unclear how minority language speakers would access certain minority and identity rights, as the framing promotes the heritage of the language over that of its speakers.

This section, second, scrutinises the definitions of language proposed within the ECRML. Within the Charter, languages are split into two restrictive categories, first the "regional or minority languages" and in contrast to this applicable group, is the "non-territorial languages" or "the languages of migrants". Using the case studies of speakers of Western Armenian and Breton as examples, in this section I demonstrate the inapplicability of these definitions to real life minority language speaking communities, as both case studies highlight speakers do not fit neatly within these two categories.

First, let's address the key conflation between the rights intended for languages and rights intended for speakers in the Charter. I argue that in the conceptualisation of language rights within the Charter it is clear that the rights of languages are prioritised over the rights of speakers. As discussed in the previous section of this chapter, section 3.2.5 demonstrates that certain language ideologies compound languages into static singular entities in order to justify conservation efforts or for legislation purposes. This perspective is illustrated numerous times

throughout the Charter. Article 12.3 states that in pursuing their cultural policy abroad, Member States must make appropriate provisions for regional or minority languages and the cultures they reflect. This framing implies that regional or minority languages are the receiver of these appropriate provisions, again reiterating the idea that languages can receive rights, and that language rights are those considered as the rights of a language, over the rights of speakers.

This bounded conceptualisation of language results in what is expressed as illogical throughout Makoni & Pennycook (2006), which contests the biologisation of languages, these cannot as such be granted rights in the same way as people. Instead, it would be more accurate to consider languages as discourses that are stylistically marked employed by speakers (Bourdieu 1991: 39). However, the former conceptualisation of languages as bounded entities in themselves is demonstrated through Article 2 of the Charter which states that Member States must apply the provisions of Part II, which refer to setting specific related enquiries, to all regional or minority languages spoken first within its territory and second which comply with the definition in Article 1. This article highlights the provisions are applied directly to the regional or minority language, which means that it is the language that is receiving particular protections over the speakers of that language. This supports my earlier assertion that the Charter prioritises the rights of languages over the rights of speakers, which is an illogical step as languages are not entities that can or should receive rights, but rather rights should be framed in such a way that they can be applied to speakers.

Considering these assertions and demonstrated conceptualisations of languages as their own entities, we move now to the aims and objectives of the Charter. The first of these aims reflects the drafting body the Council of Europe's ambition to achieve greater unity between Member States through the safeguarding of shared ideals and "common heritage". This theme of heritage

is continued throughout the second aim, where "heritage" is aligned with "Europe's cultural wealth" and the languages spoken therein. Referring back to Article 12.3 of the Charter, which asserts that Member States must make appropriate provisions for regional or minority languages and the cultures they reflect, the idea of heritage and culture is reiterated. However, in this instance I argue that the framing of the article suggests that the regional and minority languages themselves are responsible for their cultural impact, as opposed to the cultural practices of the speakers of those languages. Additionally, as explained throughout this thesis, the conceptualisation of languages as bounded entities is adopted in language preservationist efforts in order to liken endangered languages to endangered species. This is reflected in Article 7.2 of the ECRML asserts that Member States must eliminate exclusion, restriction, or preference relating to minority or regional language practice which may endanger or discourage the maintenance or development of a language.

The second aim introduces the theme of language endangerment to the Charter, stating that the protection of "historical regional or minority languages of Europe" from the dangers of extinction contributes to "the maintenance of Europe's cultural wealth". In defining the "historical regional or minority languages of Europe", which will be protected, the Charter categorises minority languages into two groups.

The first group, "regional" or "territorial" languages, is defined as those that are "traditionally used within a given territory of a State by nationals of that State" who additionally "form a group numerically smaller than the rest of the State's population" and are the group that the Charter does apply to. Whereas the second category, which the ECRML does not consider within its remit to extend language rights to, are the "non-territorial languages" which are those "used by nationals of the State which differ from the language…used by the rest of the State's

population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof". This group is also referred to as and conflated with "the languages of migrants".

The key recurring words in these definitions, "traditionally" and "territory", indicate the prioritisation of territory in defining the language categories, and further to this, which languages according to the Charter are able to access the rights it presents. These two criteria suggest first that a language must have been used in a particular place, seen through "territory", and second, for a particular period of time seen through "traditionally". This link between language use and territoriality, referred to as the territorial principle, is theorised as the basis for situating language rights in certain settings (Piller 2016; May 2003). Piller (2016:33) advocates for the link between language and territory as "a central and normal way to think about language use".

Within the territorial principle, legitimacy and recognition of a language are considered in relation to the location they are spoken in. Therefore, in the context of the ECRML, a minority language and the community that may speak it are limited and defined in terms of the relationship the language has with the specifically European location. This is reiterated throughout the second aim of the Charter which references "historical" languages, those associated with a particular territory, which are further considered to be "of Europe", which reiterates the ECRMLs focus on languages spoken "traditionally" in Europe.

However, the two rigid definitions of languages in the ECRML present "regional", "historical" and "territorial" languages, versus a "language of migrants" that is "non-territorial". Considering these definitions and the reference to "historical" languages, considered to be "of Europe" alongside the minority language case studies that this thesis considers, it becomes clear

that not all minority language communities can be neatly categorised into one group or the other. Therefore, the polarity drawn between “languages of migrants” and “historical” or “territorial” languages considered to be “of Europe” are not an accurate definition of certain minority language speaking groups in France.

This inaccuracy in defining minority languages in relation to documented communities that exist in France is demonstrated through the position of Western Armenian and its speakers. Western Armenian is among the languages listed as a language of France in the 1991 Langues de France document published by the Délégation générale à la langue française et aux langues de France, explained in further detail in section 3.2.4. Despite this category holding no legal significance in terms of definitive language protections, Délégation générale à la langue française et aux langues de France claims to recognise Western Armenian as a non-territorial language of France, based on the criteria that it does not have official status in any other country and is considered “long in use by significant numbers of French people” (Délégation générale à la langue française et aux langues de France 2016). This is supported in Donabedian-Demopoulos and Anke Al-Bataineh (2014) which states how France hosts the largest Western Armenian speaking community in Western Europe, as a result of various waves of immigration dating back to the arrival of Western Armenian speakers from Turkey, or via Syria, Lebanon or Greece (Donabedian-Demopoulos and Al-Bataineh 2014).

Therefore, I argue that as a result of its inclusion in the Langues de France publication and acknowledgement of the timeframe the language has been spoken in France, it is clear that French State aligns Western Armenian with French heritage, unlike the “language of migrants” and “non-territorial” category dictated by the ECRML. It becomes clear that the definitions of minority or regional languages employed in the Charter and by the French State misalign in

their criteria. The Langues de France publication was drafted to ascertain which languages would be considered applicable should France ratify the ECRML. However, there is a key conflation of terms between the French categories of minority languages and the terms used relating to minority languages in the ECRML.

Whereas the ECRML equates non-territorial languages with the "languages of migrants", and as a result deems the rights of the Charter does not apply to speakers of those languages, the Délégation générale à la langue française et aux langues de France does not make this distinction in its 2016 Langues de France infographic expanding on the Langues de France publication. Here the Délégation states that a non-territorial language is first recognised as a language associated with immigration, but additionally that the language is in long in use by significant numbers of French people. Therefore, it is clear that a distinction between the Charter and the Langues de France and French State conceptualisation of non-territorial language exists. This distinction is that in the French context a non-territorial language is considered as a language of France and an acknowledgment is made this category of language is spoken by French speakers, whereas defined in the Charter a non-territorial language is conflated with the "languages of migrants" category and disregarded by the Charter. The Charter states that its aim is to encourage rights to the "languages of Europe", with the preface that it does not consider "the languages of migrants". The French context considers Wester Armenian as a language of France, however according to the ECRML's rigid and binary definitions of minority or regional languages, Western Armenian is a non-territorial language not associated with Europe, therefore not a "language of Europe" as its aims seeks to encourage and protect.

As a result of this misalignment between the defining of territorial language by the French State and the Charter, the Charter's aim to achieve "greater unity between Member States through the safeguarding of shared ideals" is severely undermined.

The next aim of the Charter that is key to consider, refers to the fact that the protection and encouragement of regional and minority languages should not be to the detriment of the official language. This aim is prefaced by the Charter's attempt to "stress the value of interculturalism and multilingualism", however through stating that the encouragement of regional and minority language use must not be to the detriment of a Member State's official language, the official language is prioritised over the practice of regional and minority languages.

This argument reflects the position of the French Constitutional Council, whose 1999 ruling established that the position of the official language, French, would be compromised if the ECRML were to be signed and rights granted for regional or minority languages (Council Constitutionne:1999). Therefore, the aim of the Charter from the outset to discourage the protections of regional or minority languages at the unspecified detriment of the national language, undermines the applicability of the Charter and any of the rights it proposes.

The next subsection therefore will expand on the issues of applicability of the ECRML in the French context, considering the case studies this thesis has developed on the languages Breton and Western Armenian and their speakers.

4.2.1. The ECRML applied in France to Breton and Western Armenian

This subsection will consider the application of the pro-minority and plurilingual aims of the ECRML in France, introduced in the previous subsection, considering the minority language speaking case studies this thesis has developed relating to Breton and Western Armenian. I will demonstrate that the successful application of the ECRML in France to minority language communities is hindered by four recurring factors.

The first of these undermining factors refers to the way in which the Charter is formulated and maintained. It is formulated as a policy recommendation as opposed to legally binding and regulated legislation. Görter and Cenoz (2012) argue that the development of any legal standards are heavily constrained by political consideration, which in the case of French context, can be seen through French State resistance to implement the Charter and minority and regional related language rights. This constraint is not only represented by the resistance to implement the Charter but additionally in the way it is presented as a series of policy recommendations.

The applicability of the Charter is maintained by the Committee of Experts, to who the signatory states of the European Charter have to deliver a periodical report every three years (Gorter and Cenoz 2012), the Committee of Experts then examines these reports and prepares recommendations for the Committee of Ministers, the highest body of the Council of Europe (Gorter and Cenoz 2012). The Committee of Experts thus plays a central role in the monitoring process. Although the Committee can clarify ambiguities relating to the application of the Charter, it is not able to give definitive legal interpretation (Gorter and Cenoz 2012). As a result, the Charter is adopted and applied differently by each Member State, and in the case of the French State, not at all. The Charter offers states that have signed it the choice between different

alternatives, this is seen through the need to adhere to a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13 (Council of Europe 1992). Therefore, Grin (2003) argues that the degree of protection for minority language speakers is not explicitly prescribed, as a result meaning that a Member State can choose to loosen or tighten policies. Further to this, a wide variety of provisions across EU member-states appears (Grin 2003), which I argue comes as the result of the varying approaches to the Charter by Member States as the Council of Europe does not stipulate that the entire charter should be ratified, instead a state by state interpretation of the charter occurs and creates disparities between neighbouring states, and undermines a single universal approach to minority language rights across Europe, as the Charter intends in its aim to achieve greater unity between Member States through the safeguarding of shared ideals and common heritage (Council of Europe 1992).

The second of the recurring factors that I argue hinders the application of the ECRML in the French context is the conflation of key terms. For example, when referring to speakers the terms "citizen" with "person", and "language of migrants" with "non-territorial" language, are conflated. I categorise these recurring terms in the following way, drawing a distinction between "citizen", which refers to someone naturalised into a state, "resident", someone who resides in a State, and "person" itself.

Article 9.1 of the Charter states that in relation to judicial districts, the number of residents using the regional or minority language justifies any specified measures. I argue that the use of the word resident could refer to anyone living in France regardless of citizenship, including speakers of non-territorial or by the own Charter's admission, "a language of migrants". This

assertion that "residents using the regional or minority language" can justify the implementation of language measures contradicts the earlier aim of the Charter to protect the languages and heritages considered to reflect that of the European Member States.

Further to this, I argue that the languages and heritages of Member States do not exist outside of the people that practice or respect them, therefore the languages and heritages considered to be "of Europe" would fall to those considered to be people of Europe, which I align with "citizen". However, Article 4.2 introduces that the provisions of the Charter cannot affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities (Council of Europe 1992). Here, minority language speakers are being referred to as "persons belonging to minorities", which again reiterates the conflation between resident, person, and citizen throughout the Charter. It is unclear in "persons belonging to minorities" whether these minorities are considered in the category "of European heritage" introduced at the beginning of the Charter, or whether it remains an open category and refers to any person belonging to a minority, whether that is considered European, citizen, resident or otherwise.

Further conflation of terminology in the Charter is highlighted through the terms "non-territorial" groups and "the languages of migrants". The Charter positions "non-territorial" groups to highlight the opposing "territorial" category. This first category is additionally referred to as "the languages of migrants", with the Charter thus aligning "non-territorial" languages with the "languages of migrants", which I argue to not necessarily be the case. As demonstrated throughout this chapter, the French context and the Charter differ in their definitions of non-territorial language, which leads to Western Armenian being acknowledged as a language of France but not a language of Europe.

This leads me to the third factor that I argue affects the application of the ECRML in the French context, which refers to the restrictive conceptualisations of language, the categories of "regional" or "language of migrant". Considering these definitions in relation to the minority languages that this thesis considers, the application of these terms in the French context is severely undermined as neither Breton nor Western Armenian speakers fit neatly into either the "regional" or "language of migrant" categories. As discussed throughout this chapter, Western Armenian speakers are not considered to be territorial by the ECRML as the history of the language is not rooted within a European Member State, however in the French context, the updated multilingual Langues de France document certifies and aligns Western Armenian as a language of France, stating that languages may be "associated with immigration, but long in use by significant numbers of French people" (Délégation générale à la langue française et aux langues de France 2016). As a result, the existence of Western Armenian speakers in France proves that the ECRML's two rigid categories of language are not real-world applicable.

In the same way, this time considering Breton, it does not fit neatly within the category of a regional and territorial language. This is despite the fact that the language is aligned with French and European heritage, as the Breton language is the European continent's only Celtic language (Cole 2006:46). I argue that further the existence of Breton in France demonstrates the inapplicability of the regional and territorial category as the Charter states that regional languages are those that are "traditionally used within a given territory of a State". However, Cole (2006:46) illustrates the presence and importance of Breton speaking networks in Paris and even Brussels, demonstrating a remaining sense of distinctiveness in the Breton diaspora across French regions and even neighbouring Belgium. As a result, Breton does not conform to the definition of territorial or regional language as stipulated by the Charter, which, to reiterate, states that languages are "used within a given territory of a State".

Moving on to the fourth and final issue pertaining to the ineffectiveness of the Charter. At the time of its drafting, the ECRML was the first minority-related convention dedicated to the protection of languages and the outcome of a comprehensive process involving the Congress of Local and Regional Authorities, the Parliamentary Assembly, the Committee of Ministers, as well as representatives of national minorities and linguistic groups (Council of Europe n.d.). However, the Charter has not been accepted and ratified by all the Member States that it was designed to be implemented within. Therefore, the ECRML does not succeed in its intended application within European Council Member States as the French State remains uncompliant in ratifying and official adopting the Charter. Despite the fact that France signed the Charter, it has not ratified nor implemented it. Instead, contravening the aims of the Charter to produce a set of language rights applicable to minority and regional languages, and speakers, language rights in France appear in an ad hoc, non-standardised, and inconsistent basis.

This inconsistent application is demonstrated through the case studies. Despite the fact that Breton and Western Armenian are both considered languages of France and can be attributed to some of the ECRML language definitions, speakers of the language are treated first differently between each language. The Western Armenian speaking case studies demonstrate the courts' desire to outsource language services to qualified interpreters, therefore permitting Western Armenian speakers to operate in their preferred language in court. However, on the other hand, in the case of Cadoret et le Bihan v France, Breton speakers were ordered by the court to speak in French, a decision upheld by the defendants appeal to the European Court of Human Rights (Mowbray 2012). This distinction between the expectations of Breton speakers to operate in French whilst this same expectation is not placed upon Western Armenian speakers, is one of many examples of the inconsistent application of any language related

protections in France, as the State did not ratify and standardise the rights proposed by the Charter.

To conclude, I argue that the application of the Charter to the French context is undermined and made inefficient as a result of four key factors. The first of these is the fact that the Charter is presented as a policy recommendation to Member States, that is not considered legally binding, which means from the outset it is difficult to implement by the bodies instructed to do so. The second factor is the conflation of terms, which undermines the Charter's scope and applicability as it is unclear whether certain rights pertain to that of citizens of Member States, residents, or persons. Additionally, the categories non-territorial language and the language of migrants are synthesized, conflating two categories that span different groups of speakers. The third factor develops these conflation of terms, and pertains to the restrictive and binary nature of the two opposing categories of language proposed by the Charter. The fourth factor this section considered referred to the failure of the Charter to be applicable in the Member States it is designed to. As a result, in the French context, the approach to facilitating rights for minority language speakers is not standardised and inconsistent. The case studies further demonstrate that minority language speakers language rights in judicial settings are inconsistently applied, which therefore affects minority language speakers access to justice in France.

4.3. The aims and rights of the UDHR

This section examines the aims and rights stipulated in the United Nations Universal Declaration of Human Rights document (referred to now on as the UDHR, or the Declaration). First, this section will explain the rights-based cosmopolitan approach to justice adopted by the Declaration, evident through the purportedly "inalienable" and "universally applicable" rights, and how this further conflicts with the French context, explained in previous section, section 3.2. Second, this subsection will consider the human centred capabilities approach in defining 'the rights of people', and how this relates to minority language speakers. Third, this subsection will introduce the judicial, political, and minority rights the document presents relating to the rights of people. Following the introduction of these rights, the following section will consider them in application relating to the Breton and Western Armenian case studies.

The UDHR's aims and position on justice demonstrates an attempt to promote and secure a global and universal approach to justice. The UDHR therefore presents a set of what it considers "universally applicable" rights, which are to be facilitated by and the responsibility of Member States.

The UDHR positions its aims within the overall goal of contributing to "the foundation of freedom justice" and "peace in the world", for "all of the human family" (United Nations 1998). The wording "all of the human family" makes no specification to citizen, person, or resident, affirming the Declaration's universal and "inalienable" approach to rights and justice. This assertion is further supported by the final aim of the document's preamble which affirms that the promotion of rights "both among the peoples of Member States themselves, and among the peoples of territories under their jurisdictions", meaning that Member States are responsible for the access to rights for all residents regardless of citizenship.

Further to this, the UDHR preamble explains how rights are enacted through the signatory states, as "Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms" (United Nations 1998). This assertion that "Member States have pledged themselves" to the advancement of human rights, reinforces that States are responsible for the securing and facilitating of these rights. Within this pledge and throughout the document, the theme of "universal respect" is raised numerous times; for instance, through "taught and educational" means, Member States are expected to promote respect for rights and freedoms by progressive national and international measures "to ensure their universal and effective recognition and observance" (United Nations 1998). This focus aligns the Declaration's presentation of justice with "universal values" and a cosmopolitan approach to justice, which seeks to advance global universal values as opposed to local and context specific forms of justice.

Following this conceptualisation of justice that prioritises rights "for all the human family" (United Nations 1998), it is clear that unlike in the ECRML where the rights of languages were prioritised over the rights of speakers, in the case of the UDHR, the rights of people is a central component.

In investigating and applying the judicial and minority stipulated in the UDHR to the Breton and Western Armenian case studies, I categorise these rights as 'the rights of people'. This emphasis on 'the rights of people' mirrors the human centred capabilities positioned in the judicial and minority rights within the Declaration. This focus on people is demonstrated throughout the Declaration, starting with Article 2 which asserts that "everyone is entitled to all the rights and freedoms" (United Nations 1998).

The human centred perspective in defining 'the rights of people' by the UDHR is further demonstrated through Articles 7 and 10, which together explain that equality before the law and the right to fair judicial proceedings is to be done so without any discrimination to a person (United Nations 1998). These Articles both focus on the capabilities a person has which allows them to function in society. This human centred approach to rights, and further to that justice, through a person's capabilities is first demonstrated by the right to a fair trial (Article 10), which supports the capability to access a court or judicial setting without prejudice, therefore making it a 'fair' process for minority language speakers compared with the experiences of majority language speakers. Second, this capability to access and use systems and institutions that form part of society underpins the right to participate in public life, as explained in Article 19.

The UDHR and its human-centred principles prioritise a rights-based approach to justice, which is only facilitated through rights given to people granted by Member States, in terms relating to what capabilities a person can achieve. The capability approach to justice, theorised by Sen (1980, 1992, 2009), developed by Nussbaum (1990, 1992, 1999, 2011), and advanced by Shorten (2017), assesses an individual's situation by looking at their capabilities to function in particular ways.

In defining a person's capability, Shorten (2017:616) aligns capability with "the ability to achieve a functioning, or a combination of functionings", expanding on political theory presented in Nussbaum (2000) and Sen (2005) that a 'functioning' is what a person can do or be to function in a fully human way. From this description Shorten (2017) further summarises that capabilities can be described as 'real' or 'substantive' freedoms.

In Nussbaum's development, 'combined capabilities' allow a person "to do or be X if they have the internal capability to do or be X" (Shorten 2017). Therefore, to facilitate these capabilities

it is necessary that “no social, political or economic circumstances … impede or prevent them from doing or being X” (Shorten 2017, p616). Within this framework a person’s ‘substantive’ freedom consists of a combination of their “internal capabilities” (a person’s trained or developed traits and abilities, including their language repertoire) and the political, social and economic environment (Nussbaum 2011:17).

Considering this capability approach in relation to the UDHR in the French context, it is clear that the political and social circumstances, argued in Shorten (2017:616) and Nussbaum (2011:17) as potential impedance of freedoms, are framed by the French linguistic hegemony that pervades contemporary France. This linguistic hegemony, detailed in §3.2., exists as a result of historic State legislation that propelled French to the position of single, national language as part of forming the unitary state. Therefore, the capability model of justice takes the stance that substantive freedoms, including the internal capability of language repertoire, cannot be impeded or prevented by social, political, or economic circumstances.

In explaining capabilities in practice, Shorten (2017:616) gives the example that an individual “might lack the capability to achieve the functioning of being in good health because he lacks access to adequate medical care”. Following this same structure, in the French context, a minority language speaker might lack the capability to fully access or interact with a state's judicial institutions because they lack significant language protections or guarantees. Further to this example, a minority language speaker may lack the capability to fully access justice because they lack the ability to fully interact with judicial institutions.

The focus on human capabilities is demonstrated throughout the Declaration. The specific judicial, political and minority rights key to the discussion of minority language speakers in contact with French judicial institutions are as follows (United Nations 1998):

- Article 2: everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status.
- Article 7: all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- Article 10: everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- Article 13: everyone has the right to freedom of movement and residence within the borders of each State.
- Article 19: everyone has the right to freedom of opinion and expression, this right includes freedom hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- Article 22: everyone, as a member of society, has the right to social security and is entitled to realization through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for this dignity and the free development of his personality.
- Article 29: everyone has duties to the community in which alone the free and full development of his personality is possible.

The themes non-discrimination and equality are raised throughout the Declaration in an attempt to safeguard minority communities' access to rights. This is seen first in Article 2 which makes

reference to “non-discrimination or distinction” of any of the rights and freedoms advocated by the Declaration based on a number of characteristics, including that of “language” (United Nations:1998). This is one of the few references in the Declaration to language as a characteristic by which a community may be minoritized, and through aligning language within these broader characteristics, a list of discriminative and minoritizing factors is established.

Through this list of non-discrimination characteristics, the UDHR acknowledges a number of potential barriers that may affect the effective implementation of other rights in the Declaration. Therefore, in the case of language difference as one of these factors whereby someone may face discrimination, the UDHR thus recognises the barriers linguistic disadvantage can have in the implementation of other rights. By referring to language as a factor that cannot be discriminated against, I argue that the UDHR is implying that people have the inalienable right to operate in their preferred language.

This acknowledgement by international rights agreements that language use cannot be discriminated against and further consideration of language difference as a minoritizing factor, is not compatible with the facts of the French context. This positioning of language as a factor that cannot be discriminated against is not a right that can be easily transplanted into the French context, as the elevated and protected status of French the national language is underpinned by legislation that results in the minoritizing of other languages in public settings, as identified in section 3.2.

4.3.1. The UDHR applied in France to Breton and Western Armenian

This subsection establishes and demonstrates the inapplicability of the linguistic, minority, and judicial rights set out in the UDHR, introduced in the previous section, within the French context, dissected in section 3.2. Testing and applying these rights to the Breton and Western Armenian case studies developed throughout this thesis, this section will tackle the numerous conflicting themes between the aims and rights stipulated in the Declaration and the values and models that form the French Republic.

When conceptualising the rights key to access to justice for minority language speakers in the judicial setting in France, I consider a number of articles from the UDHR. The first of these is Article 10, which refers to the right to a fair process in a courtroom setting, "without interference" and for all people. The right to not face discrimination, mentioned in Article 7, and specifically on the grounds of language use, specified in Article 2, exists to assist the implementation of other rights, such as the right to a fair hearing by an impartial tribunal, as laid out in Article 10, and the right to freedom of speech laid out in Article 19.

The intersection between the rights and promotion of the Declaration's understanding of justice and the ideals of the French State align on a number of issues, for instance when considering rights relating to anti-torture, gender equality, and democracy-based rights. There is however a number of conflicts between the Declaration and the values of the French State when it comes to certain minority, linguistic, judicial, and political rights. These tensions come as a result of the cosmopolitan, universal, and global aims of the Declaration in contact with the linguistic specificities and communitarian approach to justice of the French Republic.

The first of the conflicts that arises relates to the purported universally applicable and inalienable rights of the Declaration, and how these are undermined in France. The second conflict in the application of the UDHR to the case studies in France refers to the varying interpretations of the right to freedom of speech. Following and closely linked to this discussion, the third conflict focuses on the difference in prioritisation of identity and identity rights between the UDHR and the French State. The fourth conflict this section will consider refers to the inconsistency and lack of standardisation relating to translator-interpreters in the French context.

The first of these conflicts comes as a result of the attempt at universal application by the UDHR, which makes reference to the rights of "all people", highlighted in Article 2 by the list of characteristics whereby people cannot be discriminated against. The list includes characterises such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or other status (United Nations 1998). The first conflict between the French context and the plurilingual pro-minority aims of the UDHR centres around the attempt to universalise rights. Aside from the initial mention of potential discriminatory factors in Article 2 of the UDHR, a focus on the "universal" and reference to "all people" is employed throughout the Declaration. The judicial and political rights in the Declaration continue to support the perspective that the stipulated rights are universally applicable to "all people", which as a definition includes those who may be otherwise minoritized along the lines specified in Article 2. Without specifically mentioning language, Article 7 of the Declaration further centres around "equality before the law" and reaffirms that "all people" are entitled "without any discrimination to equal protection of the law". However, as highlighted numerous times throughout this thesis, Breton speakers in the Cadoret et le Bihan v France case were forced to operate in French before the court, and upon appeal by the ECHR were not found to have been

discriminated against on the basis of language (Mowbray 2012). However, considering this outcome relating to articles 2 and 7 of the UDHR, as firstly language is a characteristic that cannot be discriminated against, and secondly that all people are entitled to equality before the law without any discrimination, I argue by the definitions stipulated by the Declaration, Breton speakers were discriminated against on the basis of language. Therefore, the aims to be universally applicable and to offer inalienable rights across Member States falls short when considering documented court interactions in France.

The second issue in the application of the UDHR in the French context refers to the interpretation of the right to freedom of speech. Following the explanation of the characteristics in Article 2 that cannot be a basis for discrimination, which includes language, issues relating to the interpretation of the right to freedom of speech arise. Despite both France and the UDHR championing various iterations of freedom of expression throughout their approach to rights as a whole, different interpretations conflict relating to the extent to which this is protected.

In addition to the list explaining the non-discrimination characteristics in Article 2 of the UDHR, the theme of identity in the UDHR is referenced through "the development of personality" in three key articles. These are Articles 19, 22, and 29.

The focus on identity in the Declaration is emphasised in Article 29, where it states that "everyone has duties to the community in which alone the free and full development of his personality is possible" (United Nations 1998). This open and ambiguous reference to "the free and full development of his personality" can be applied to language use. Blommaert and Verscheuren (1992) positions language as a marker of cultural identity, considering it to be a "fundamental, even natural and inalienable aspect of ethnicity or group identity", thus supporting a notion strongly linking language and personality.

Article 19 of the UDHR displays the right to freedom of opinion and expression, with reference to the capability to "seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations 1998). On a theoretical basis, Article 19 aligns with the approach to justice championed in the French State, specifically Article 11 of the 1958 French Constitution which states "the free communication of ideas and of opinions is one of the most precious rights". Both articles, one from the UDHR and the other the Constitution, make reference to "free communication", however the approach to minority language communities demonstrated in the French context by the case studies and the French background section does not suggest that "free communication" refers to freedom in choosing the language of the communication. In the Cadoret et le Bihan v France case, speakers were expected to operate in French as the court presumed, they could, disallowing the defendants to communicate freely in Breton with a translator-interpreter present for the purpose of the court. The two case studies depicting Western Armenian speakers' interaction with judicial institutions demonstrates a lack of certified translator-interpreters, further prohibiting "free communication".

Freedom of expression is considered an "essential freedom" in France and protected by the 1789 Declaration of Human and Civic Rights and the French Constitution (Dupré de Boulois 2018). Freedom of expression encapsulates both core French national values liberté and egalité, and frequently appears in discourse surrounding freedom of the press and media. The cultural importance of freedom of expression in democratic states such as the French context is clear. Therefore, I argue that as a result of the minority language rights positioned in the UDHR, the capability to choose and communicate in a preferred language is an integral part of freedom of expression. Situating freedom of expression alongside wider rights and freedoms, Pupavac (2012) asserts that rights are meaningless if they do not relate to speech, further aligning minority language rights with broader human rights and the absolute recognition of free speech.

The third conflict undermining the application of the UDHR in France centres on the difference in prioritisation of identity and identity rights between the UDHR and the French State. This is closely related to the misalignment between the UDHR and the French State relating to the extent that freedom of expression is granted to minority language speakers. The UDHR considers identity and cultural related rights as human rights, whereas within the French Republic a-cultural identities are championed in the name of equality, where an a-cultural individual is equal to all other citizens (Kiwan 2006).

Cultural and identity related rights are referenced throughout a number of the UDHR articles. As already established, Article 2 of the UDHR positions language as a characteristic that cannot be discriminated against, and Article 19 grants everyone the right to the freedom of expression "without interference" and "regardless of frontiers". Article 22 of the UDHR references the indispensable nature of cultural rights relating to the dignity and development of a person's personality, and Article 29 reiterates the importance of the development of personality, within a broader community. Blommaert and Verscheuren (1999) positions language as a fundamental, natural, and inalienable aspect of cultural identity.

The strong link between language and identity is evident throughout the French context. The French Constitution conceptualises the Republic as "one and indivisible" in line with the fact that the language of the nation is French (Conseil Consitutionnel 1958), whereby the "unity and indivisibility of the nation" is further considered in Safran (2005:152) as one of the more enduring legacies post Revolution. As discussed in section 3.2.3 of this thesis referring to the naming and construction of French in nation-building, the conceptualisation of identity in the French State relies on distinct domains of an individual's personality where citizens are expected to be a-cultural for the sake of impartiality and equality. In the case of the majority

language, historic efforts to position French as part of the national identity are reaffirmed by contemporary bodies such as the Académie Française, and as a result French is the language of the public and civic domain of an individual. However, in the case of minority languages, language practices alternative to the national language is relegated to the private sphere (Kiwan 2006).

In addition to the link between national identity and the national language, language and identity are closely linked relating to minority language speaking communities. In the case of Breton, Cole (2006:54) reiterates this link between regional identity and a strong cultural movement underpinned by maintaining a regional language, stating that the strongest symbol of the intersection between the political and cultural movement is the Diwan association, which runs a network of Breton-speaking schools. According to Langue et Cité volume 17 (2010) Breton language education enrolled more than 13,000 pupils in three different streams: 5,400 pupils in the public sector, 4,450 in the private sector and 3,210 in the Diwan schools.

In the case of Western Armenian speakers and identity, in addition to its presence in numerous public fields, such as the cultural, sports, educational, political, the teaching and maintaining of Western Armenian presence in France is encouraged within a variety of structures, such as Franco-Armenian bilingual schools, and weekly communal language classes (Donabedian-Demopoulos and Al-Bataineh 2014). The development of Franco-Armenian schools in France highlights the revival to reappropriate the language (Langues et Cité 2008), within France there are six private bilingual schools which are located across Marseille, Lyon, Nice, Ile-de-France, and an additional primary school in Alfortville. In total, these schools cater for more than a thousand pupils (Langues et Cité 2008).

Despite this strong and identifiable link between identity and minority language practice, the French State does not adopt the aforementioned UDHR identity related articles. For instance, Article 19 grants individuals the rights to freedom of expression "without interference", whereas as the Cadoret et le Bihan v France proceedings demonstrate, speakers' ability to express themselves in Breton was interfered with, as speakers instructed to operate using French (Mowbray 2012). Further to this removal of the ability to present themselves using Breton, Article 22 and 29 of the UDHR iterate the importance of cultural rights in the development of an individual's personality, which were not facilitated as speakers were instructed not to operate in a minority language.

However, on the other hand, when applying Western Armenian speakers' access to UDHR identity related rights using the case studies, the two Western Armenian documented court interactions demonstrate the Court's dedication to providing Western Armenian language support to speakers in their judicial setting. Therefore, a difference is demonstrated in the application of these rights within the French context between different minority language speaking communities.

The fourth point of conflict that arises between the UDHR and French Republic when testing the judicial, minority, and language rights on minority language speakers, is the inconsistency and lack of standardisation relating to translator-interpreters in the French context.

Therefore, in the case of minority language speakers coming into contact with judicial institutions, access to justice relies on the adequate fulfilment of translator-interpreter roles to facilitate access to these language, minority, and judicial rights laid out by the Declaration. Central to this discussion is the conflict between the judicial institutions operating in French, and minority language users' language practices. Potential linguistic differences are mitigated

by the presence of a translator-interpreter in order to ensure full access to proceedings, the court, and further to that justice. The effective practice of these roles should bridge the gap between the language of the court proceedings and a minority language speaker in order to facilitate access to Articles 2, 7, and 10 of the Declaration.

In this context I argue that the right to a fair trial is framed by the "full equality" to a "fair" processes laid out in Article 10 of the UDHR and in the case of minority language speakers is mitigated and supported by the successful practice of the translator-interpreter role. However, the case studies developed throughout this thesis relating to documented court interactions between Western Armenian speakers and Breton speakers with French judicial institutions demonstrate a lack of standardisation relating to translator-interpreter roles. When considering the application of these rights to these minority language speaking communities in relation to the outcomes from the case studies and the precedents set, it becomes clear that arguments in favour of efficiency are prioritised over identity and cultural rights. In the case of Cadoret et le Bihan v France, the prioritisation of efficiency is emphasised through the conducting of proceedings in French over Breton, as the defendants were deemed able to operate using French, as they were French nationals (Mowbray 2012).

On the other hand, as this thesis has illustrated, the documented court interactions relating to Western Armenian first demonstrate the removal and disallowance of translator-interpreters into the court on the grounds the particular translators involved were not qualified enough. As a result, I argue this demonstrates a desire by the French State through its judicial systems to offer a certified and high level of translator-interpreter services for Western Armenian speakers, ensuring that those who fulfil this role are qualified.

However, this produces a number of issues relating to the lack of standardisation of translator-interpreters available to minority language speakers. First, by disallowing the translator-interpreters on the grounds of lacking qualifications, it is unclear whether a qualified replacement is issued. Second, the translator-interpreter in the first documented court interaction relating to Western Armenian argues that she is already practising, without the required level of certification. And third, Western Armenian speakers are being granted opportunities to operate in their language of choice, whereas Breton speakers are not afforded the same opportunities.

This is evident in the Cadoret et le Bihan v France case, which is a widely used example to illustrate how speakers of a minority language were prohibited from using the language in the proceedings. Mowbray (2012) introduces a series of cases brought before the UN Human Rights Committee by Breton speakers. Denied the opportunity to speak their preferred language in the courtroom and during hearings, Breton speakers accused French judicial institutions of violating human and "minority" rights, such as, the right to a fair trial (UDHR 1948) and the more contentiously interpretable freedom of expression (Mowbray 2012:131).The removal of Breton from the proceedings highlighted the deliberate political steps which reflected the pervading attitudes towards minority language use in France, that minority languages were cultural artefacts as opposed to languages that people can employ and operate in.

However, despite sharing the same status as a Langue de France and having documented historical presence in France, Western Armenian speakers are not faced with the same expectation to operate in French when in the judicial setting as Breton speakers, as the two documented case studies demonstrate the courts of Lyon and Bordeaux deliberating translator-interpreter duties. Western Armenian speakers are however faced with a lack of translator-

interpreters resulting from the lack of standardisation in certifying the role, which may result in speakers being left no choice but to operate in French should a translator-interpreter not be present.

I argue that the lack of translator-interpreters for Western Armenian speakers to utilise comes as the result of lacking meaningful interventionalist language policy measures taken by the French State. No data is collected by the State to ascertain how many minority language speakers there are, where these speakers reside, or what relationship speakers have with the majority language. Therefore, left without adequate linguistic support, Western Armenian speakers' access to the UDHR minority rights, composed of non-discrimination and judicial rights, is hindered. If the State were to collect more minority language related data, this could potentially highlight that Western Armenian speaking communities are more than capable to operate in the national language in public and judicial settings. However, the question I investigate isn't whether speakers are able to function in the national language, as I have established in the French context this data cannot be found, the question is instead whether the French State is compliant with the rights agreements that it has signed.

Mowbray (2012) additionally comments on this issue, stating that internationally, the official language is afforded the privileged position as "given", which subsequently places focus on whether minority language speakers are able to use the language of the state, not whether the language policy of the state is fair. If, as is the case in the Cadoret et le Bihan v France case, speakers are deemed able to use the language of the State, it is unclear how this language competency in the national language is measured. As French citizens, the assumption is that Breton speakers could operate in the national language. However, as national census data in France does not ascertain how many citizens are Western Armenian speakers, a distinction

between Breton and Western Armenian speakers in interaction with judicial institutions arises. Speakers of Western Armenian not under the same set of expectations as Breton speakers to operate in the language of the court, however as the case studies document, qualified translator-interpreters are not always available, leading to the outcome where speakers are left without the option but to speak French.

As a result of this lack of standardisation relating to the access to translator-interpreters in French judicial institutions, I argue that the effective application of the judicial and minority rights proposed by the Declaration is hindered, specifically Article 10 which refers to access to justice "regardless of frontiers". Therefore, the rights stipulated by the UDHR to ensure fair and equitable access to justice are not met within the French State, and access to justice for minority language speakers is hindered.

To conclude, this section has demonstrated the numerous tensions that exist as a result of the conflict in aims between the purportedly universally appliable UDHR, that seeks to protect minority rights in the face of discrimination, and the monolingual a-cultural aims of the French Republic. These tensions result in the resistance by the French State to implement certain minority, language, and judicial rights in the French context. As a result, minority language speakers' access to these rights is hindered, which further hinders fair access to French judicial institutions.

4.4. Chapter Summary

In summary, this chapter first examined the legislative history of language policy in the French context and the ways in which a linguistic majority is maintained. Following this, I tested the minority, linguistic, and identity rights presented by the ECRML and UDHR on the case studies developed in Chapter 1 and established the numerous arising issues when applying these rights within the French setting.

This thesis' research questions ask, first, how a minority language and its speakers are conceptualised in the French context, and second how "access to justice" for these speakers is facilitated in France. This chapter demonstrated that minority languages and their speakers are minoritized and relegated to the private sphere of an individual in the French context, as the majority national language is legislated and maintained as the language of the State. Further to this removal of minority languages from the civic and outward facing element of an individual, minority languages in France are categorised within the Langues de France category. In this chapter I demonstrated that not only does this categorisation of languages not offer any tangible language protections for minority language speakers, the framing of languages of France absorbs minority language identity within a wider French heritage, whereby the ownership of minority languages moves away from speakers to the State.

The second question asks how access to justice for these speakers is facilitated in France. I defined access to justice in France using the key judicial, identity, political and minority rights proposed by the ECRML and UDHR. The responsibility to facilitate these rights falls on the Member States that have signed the agreements, which in the context of this thesis is France. Applying these rights to the Breton and Western Armenian speaking case studies developed

throughout this thesis, this chapter demonstrated that the French State does not facilitate access to justice for minority language speakers in a consistent or standard way.

The difficulties in the application of these rights in relation to the Breton and Western Armenian language speakers in the case studies revealed issues of incompatibility between the French context and the international rights agreements the State has signed.

In addition to the conflicts that arise between the French State and each set of rights proposed, throughout this chapter I have demonstrated there are additionally a number of key differences between the UDHR and the ECRML. The first is that, whilst the ECRML situates itself in the European setting, the UDHR aims to be universally and globally applicable. This difference is emphasised when the ECRML focusses its dissemination of rights on a specific criteria that speakers and languages must fulfil. For instance, defining "regional or minority languages" as languages that are “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population” and specifying that the rights of the Charter do not refer to “dialects of the official language(s) of the State or the languages of migrants”. Whereas, the UDHR makes no distinction between “migrants” or citizens, residents, or any other group. Instead, the Declaration promotes rights for what is refers to as “of all members of the human family”.

The second key difference between the ECRML and UDHR is that France is a signatory of the UDHR and not the ECRML. The State does not ratify the ECRML as the Constitutional Council in France determined the incompatibility between the Charter and the French State, explained in the 15th of June 1999 Décision n°99-412 DC on the grounds that there is national language in France, and the promotion of minority languages is incompatible with this position. However,

the UDHR additionally promotes non-discrimination on the grounds of minority language status, and the Declaration is not subject to the same scrutiny by the Council.

Articles 2 and 7 of the Declaration instruct that minorities of any description cannot be discriminated on the basis of their minority status. However, it is evident through the inapplicability of Articles 10, 22, and 29 to the Breton and Western Armenian language case studies in the French context that the non-discrimination rights stipulated in Articles 2 and 7 are overlooked and not prioritised in contact with French judicial institutions. The disregarding of these rights in the French context is demonstrated in the Western Armenian case studies when speakers are potentially left without adequate translator-interpreter services. Whereas, on the other hand further to this disregarding of minority language and identity rights relating to Western Armenian speakers, the Breton case study demonstrates deliberate political measures to disallow speakers' access to translator-interpreter services on the grounds that citizens should have the capability to operate in French.

The examples illustrated in this section have highlight the numerous points of conflict between the position of French in France and the plurilingual aims of the international human rights agreements it has signed which champion non-discrimination on the basis of language. As a result, the French State is noncompliant in the implementation of the minority rights designated by the UDHR, nor the ECRML. Therefore, the minority language rights for speakers, formed of the judicial, political, minority and identity related rights explained throughout this chapter, are not facilitated by the French State.

Building on the lack of this facilitation of rights by the French State, the next chapter will discuss the tensions introduced throughout the present chapter and expand on the implications

this has on minority language speakers' access to justice in France with reference to the cases of Breton and Western Armenian.

CHAPTER 5: ISSUES OF COMPLIANCE AND COMPATIBILITY BY THE FRENCH STATE

5.1. Introduction

Chapter 4 applied the minority and language related rights stipulated in the ECRML and UDHR to two case studies this thesis has developed. These case studies are derived from two documented interactions between speakers of Breton and of Western Armenian with French judicial institutions. As a result, I have illustrated how the minority and minority language related rights laid out in the ECRML and UDHR are not, and in some instances cannot be, applied in the French context in interactions between minority language speakers and judicial institutions.

This is illustrated through the protectionist legislation and bodies, the unclear Langues de France categorisation, and reliance on a-cultural identities. As a result, a linguistic hegemony is established where the national language is elevated above all others. This demonstrated the French State's position on languages and minority identities, whereby minority languages are relegated to the private sphere of an individual. However, France has signed the ECRML and UDHR, which each stipulate a number of minority and identity related rights that Member States are supposed to facilitate. As a result, the French Constitutional Council ruled that the French State cannot be compliant of the ECRML, as it is incompatible with the France's position on language and minorities, and therefore cannot be ratified.

The purpose of the ECRML was to offer language, minority, identity, and judicial rights to minority language speakers (Council of Europe 1992), however these cannot be facilitated if the Member States do not ratify the Charter, as is the case in France.

This thesis' discussion of minority language speakers' access to minority rights and French judicial institutions has highlighted a number of issues relating to incompatibility between

systems. I argue that these instances of incompatibility hinder minority language speakers' access to minority, judicial, and identity rights in the French context.

Therefore, this chapter will scrutinise the arising issues of incompatibly these between systems, before addressing the resulting noncompliance by the State to adopt the minority and language rights it has signed. The first section will address the points of incompatibility, starting with the conflicting and incompatible definitions of justice between the French context and the international human rights agreements it has signed. Second, I consider the conflict between the language ideology adopted by the French State and the multilingual aims of the rights agreements it has signed. This leads into the third point that addresses the existence of minorities in France versus the a-cultural expectations of the State. Finally, this section will conclude by considering how these proceedings variables relate to the conflict between the Charter and the French context.

Following this, the second section of this chapter establishes the noncompliance by the State to enact the minority, language, and judicial rights in the ECRML and the UDHR. For this reason the ECRML is not enacted in France, the rights pertaining to minority language speakers' access to justice are not facilitated, and there is no consistency in the way that minority language speakers access to judicial systems is supported.

5.2. Compatibility

This section will discuss the issues relating to the theme of incompatibility between systems when considering the existence of minority language speaking communities and their rights in the French context.

The first of these is the incompatibility relating to differences in conceptualisations of justice between the French context and that of the international human rights agreements it has signed. The French State adopts a communitarian and therefore localised approach to justice that relies heavily on the French context, whereas the ECRML and UDHR both rely on an absolute and international, therefore cosmopolitan, version of justice, which attempts to be universally applicable.

The second of these issues refers to the conflicting language ideologies of the idealised monolingual French State, and the plurilingual and pro-minority values of European and international human rights agreements that it has signed. Therefore, this section will introduce the theory relating to language ideologies and discuss the resulting linguistic hegemony that pervades the French context, and how this homogenous approach to language practice in the French State propagates the "standard language myth" (Lippi-Green 2012).

The idealised monolingual French State demonstrates the strive towards a-cultural identities in France, which the State justifies as allowing all citizens to access justice equally. As a result of this, cultural and linguistic identities are excluded.

Therefore, following this, the third issue refers to the reality of how minority language speakers exist in reality in France. As established in Chapter 3, the French State champions a-cultural identities within various Republican State models in order to purportedly facilitate equality between citizens. As a result, the existence of minority identities is not considered or accounted for and there is an incompatibility between the existence of minority language speakers in France and the a-cultural expectations of citizens.

The fourth issue pertains to the conflict between the Charter and The French context. As I have reiterated numerous times throughout this thesis, the values of the Charter express plurilingual

and pro-minority sentiment through the production of identity, minority, and judicial rights. However, as already established, this approach conflicts with the idealised monolingual French State.

5.2.1. Opposing interpretations of justice

The UDHR and ECRML propose a universally applicable approach to rights, underwritten by global approaches to rights and justice whereby context and region should not affect the facilitation of inalienable rights. This approach falls short in the French context when confronted with the particularisms of the French State, where a communitarian approach to justice has been adopted, instead highlighting the specific cultural understandings of 'language', 'justice', and 'minority' and their implications in a specific context.

The purportedly inalienable, universal, and global aims and approach championed by the UDHR and ECRML conflict with the facts of the French context. The prioritisation of minority rights by Article 2 of the UDHR seeks to enable various categorised minorities to access broader rights, such as the judicial rights stipulated in Article 10. This conflicts with the prioritisation of the unitary, indivisible State, underpinned by the national language, and the subsequent aversion to linguistic difference permeating the French context. Cole and Raymond (2006) offers an assessment of the model of the unitary French state, which conceptualises the Republic as one and indivisible, influenced by the "inalienable and individual rights" proposed in the 1875 document the Declaration of the Rights of Man and the Citizen. This declaration, one of the significant influences of the UDHR, positions its own French context-specific approaches to "inalienable" rights, which in relation to language practice do not align with the "inalienable" rights of the UDHR.

Both the UDHR and Declaration of the Rights of Man and the Citizen champion "inalienable" and universal rights. However, in the case of the Declaration of the Rights of Man and the Citizen, the French State relies on and prioritises a singular language above all others. Whereas Article 2 of the UDHR enshrines non-discrimination on the basis of language as foundational to the access of all other rights. As a result, the different framings and definitions of "inalienable" in the French and international rights contexts are not compatible.

The international level of minority rights, demonstrated by Article 2 of the UDHR and the aims of the ECRML, includes minority language practices in its definition of "inalienable" rights. On the other hand, the version of "inalienable rights" in the French context overlooks cultural specificity in the name of a common national identity, and relegates minority language use to the private sphere "where cultural particularisms must remain" (Kiwan 2006:100). In this model, characteristics such as language are considered as cultural particularisms, which exist outside the norm of the national language French are rendered specific and relegated to the private sphere (Kiwan 2006). As a result, there is a misalignment between conceptualisations of "inalienable" in the French context, underwritten by the Declaration of the Rights of Man and Citizen, versus the version of justice centring on "inalienable rights" in the UDHR. Within the French State, "inalienable" approaches to rights are framed within the context of the Republic and Article 2 of its Constitution, which is stipulates French as the national language. However, on the other hand, the UDHR justifies its presentation of "inalienable" rights by stating that the facilitation of rights cannot be disregarded or overlooked on the grounds of language. Therefore, I argue that this incongruity between definitions of "inalienable" leads to the exclusion of minorities in the French setting, as language as a cultural particularisms is excluded from the "culturally neutral" public domain (Kiwan 2006:100), and language in the UDHR is considered as a factor that cannot be discriminated against.

5.2.2. Language ideologies

This section introduces the theory relating to language ideologies, and how France idealises a linguistically hegemonic State. The French State upholds a linguistic hegemony and a-cultural expectations of citizens.

§3.2.2 illustrated the models and State institutions that named, constructed, and continue to protect French as the single national language of France. Following these demonstrated examples pertaining to 'how' French is safeguarded as the national language, through legislation, nation-building efforts, and language policy, this section expands on 'why' a single national language is employed in France.

The implementation of one national language creates a linguistic homogeneity or hegemony, which in turn demonstrates a type of language ideology that upholds the elevated position of the national language, which consequently minoritizes other languages spoken. Adopted by France, this position of prioritising one language above all others perpetuates what Lippi-Green (2012) refers to as a standard language myth, defined as the ongoing construction and re-construction of a language by those with vested interest in the concept.

Therefore, this section first introduce how language ideologies are theorised across sociolinguistics and expanding on my analysis of nation-building and language legislation from the previous subsection, I consider these ideologies within the French context. Following this, I analyse the emerging portrayal of a language as a static bounded object, or entity, and the problems of this conceptualisation. I conclude this subsection by considering the implications of protectionist and limiting language ideologies on the rights of minority language speakers in pursuit of access to judicial institutions.

Blommaert (1999:9) theorizes language ideologies as historical debates, where a "struggle for authoritative entextualisation" occurs. As a result of this, Blommaert (1999:9) further asserts a

phenomenon is rendered “unambiguous, effective and memorable”. Considering this effective and memorable conceptualisation of language ideology in relation to France, the construction and dissemination of French as the national language was implemented by post-revolutionary authorities (Cole 2006). Eriksen (1992 318) asserts that following the revolution, “language planning from above” was implemented over “gradual linguistic change”, which resulted in the purging and discrimination of local languages in the name of “revolutionary equality”.

Heath (1989:53) classifies language ideology in terms of “self-evident ideas and objectives” key to a particular group relating to language use and expression. In the French context, “self-evident ideas and objectives” are laid plain in the mission statement and statutes of the Académie Française, the governmental body that legislates and safeguards the language. These aims include that the body is the only one to produce an official dictionary of French, and that precautions are to be taken against the rise of English (Les missions n.d), which I argue additionally minoritizes other minority languages spoken in France. Minority language speakers in France are additionally excluded from certain public arenas as a result of the Toubon Act’s approach to restricting English use. Whilst Article 1 of the Act reiterates the sentiment of the Constitution, that the language of the nation is French, Article 2 relates specifically to the work place, stating that all work documents in France must be written in French and further to this, Article 3 refers to public announcements made on public transport (Légifrance 1994). It is widely commented that this reiteration of the place of French in public society intentionally attempts to restrict and limit the global influence of English, however these restrictions additionally affect to minority languages spoken within France.

Considering the French context, Piller (2016:29) refers to “the invention of linguistic homogeneity” as not “merely historical interest”, and that “the normalization of linguistic homogeneity continues to affect us today”. The continuation and maintenance of the invented

linguistic homogeneity in France is evident in the legislation and language protections by the State discussed in section 3.2.2, which include the Toubon Act and the role of the Académie Française in publishing dictionaries and establishing the boundaries of French.

Further to this Piller (2016:29) asserts that the invention of linguistic homogeneity is supported by the introduction of "the standard language as the imaged ideal against which the diverse repertoires of individual speakers are judged". As a result of the introduction of a standard language, "the diverse repertoires" of speakers is judged, meaning that those who do not speak the standard form of a language, or in fact a different language are not only judged for this, but also face a form of "representational injustice" (Piller 2016:29).

Lippi-Green (2012) terms this phenomenon of elevating and maintaining one national language above all others as "the myth of standard language". This myth is able to persist as it is continually constructed and re-constructed by those who benefit from the concept (Lippi-Green 2012). In the French context the construction and reconstruction are demonstrated by the introduction of French as the language post-revolution to unite and group people (Cole and Raymond 2006). This hypothesis that a standard language demotes other languages to a subordinate level is evident throughout the French context, illustrated best through the relegation of minority language practice to the private sphere, as opposed to being used in the civic and public sphere (Kiwan 2006:99).

Following this myth of a standard language in excluding minority languages, the French language planning and preservation project is interpreted by some in sociolinguistics in more extreme terms. Hornsby (2010:171) expresses that the underlying ideology within the French republican rhetoric on language "makes for uncomfortable reading". Upon expansion of this assertion, Hornsby (2010:171) references Bochman (1985:119-129), which aligns the key

features of French language policy as “linguistic colonialism” and as “nationalist centralism directed against national minorities”. This vilification of the “nationalist centralism” affecting minority communities in France is further postulated in Eriksen (1992:314), whereby despite a clear indication that minority languages are spoken, to contemporary nationalists the idea of a “multicultural, multilingual state” is considered in “unnatural and impractical” terms.

Hornsby (2010:172) further highlights this pervading sense of “supremacy of French” through the tendency in France to reflect “the prevailing republican focus on linguistic unity”, evident through the publication the Petite anthologie des littératures occitane et catalane (Torreilles and Sanchiz 2006). The reference to the anthology as “small” signifies the indication that Occitan and Catalan are considered “small” compared with the national language French (Hornsby 2010:172), further indicating the supremacy of French when compared with national linguistic minorities.

Within the various above iterations of a language ideology that prioritises the national language and unitary republican values, a conceptualisation emerges of French as a fixed autonomous entity with boundaries that is able to be maintained and can receive legal protections and rights. Makoni and Pennycook (2006:1) defines all languages as “social constructions” that were “invented”, which further lead to the creation of an ideology that presented languages as “separate and enumerable” entities (2006:2). The conceptualisation of languages as “invented” and “enumerable” (Makoni and Pennycook 2006:1-2), and as “tangible” and “property” (Roche: 2020) defines a language ideology that views languages as fixed homogenous entities, rather than a non-static means of communication adopted by speakers, as this thesis asserts.

Considering this “invented” definition of language in the French context, the French language is constructed and maintained by governmental bodies Délégation de la Langue Française,

responsible for the Langues de France publication, and the Académie Française. Created in 1635, the Académie dictates the specificities of the language and grammar, citing in its mission statement to be the sole producer of a French dictionary. Article 24 of its statutes declares that the main function of the Académie Française is to work with "care and diligence" to ensure French remains "pure, eloquent and capable to deal with the arts and sciences" (Les missions n.d). This framing of French positions language as a static entity with fixed boundaries, with a stipulated and fixed vocabulary, which can be legally protected and maintained. This position further establishes the parameters of a language, which considers it to be an object that can be legislated and protected, however as established in the literature review in chapter two, Makoni and Pennycook (2006:2) assert that this biologisiation of languages is logically flawed as languages are not living entities.

In a more extreme version of this conceptualisation of languages as invented and fixed entities that can receive rights, a biological essentialist view presents languages as holding identities that correspond to species (Jaffe 1999:121; Pennycook 2004). The biological essentialist view and further ecological approach to language rights, introduced in chapter two section one of this thesis, draws a comparison between conservation efforts towards endangered species and the decline in practice of endangered languages. Within this metaphor and these assertions, languages are likened to endangered species and accordingly considered as bounded entities, a perspective heavily criticised in Makoni and Pennycook (2006) as limiting and unhelpful in conceptualising language. Instead Makoni and Pennycook (2006) advocates for a conceptualisation of language that considers them not as "living" objects, but rather as a means of communication that is "fuzzy" and without definitive boundaries.

In the same way measures are taken to protect endangered species, language ecology and endangerment scholarship advocates for interventionalist steps to avoid languages facing

erasure (Romaine 2007). However, contrary to the approach advocated for by the language ecology perspective, which supports measures to protect endangered languages facing erasure, the French State adopts preservation attempts to protect its own national language. As a result, as this thesis has asserted throughout its course, language policy that prioritises and protects the use of French over minority languages discourages the use of and minoritizes these languages.

Protectionist language ideologies and the framing of French as tangible, enumerable, and therefore entitled to rights and protections, undermines the position of minority language speakers in France. This is done through the demonstrated personifying of French, conceptualising the language in "tangible", "enumerable" terms that frame it as a kind of living entity enables the language to receive rights over that of minority languages, and in turn their speakers.

In addition to this framing of languages as "separate and enumerable", Makoni and Pennycook (2006) critiques language planning efforts that rely on methods such as language naming, construction, and enumeration, as language enumeration categorises linguistic factors and establishes finite boundaries of a language. In the context of the French State, language planning efforts and language enumeration attempts are evident in positioning a single national language, forming the role language plays in its national identity. As a result of this language protection project, minority languages and their speakers are excluded from public settings, as seen through the criterion stipulated by the Constitution and Toubon Act.

However, in the case of linguistic identities relating to minority languages, unlike the constructed and maintained approach to the majority and national language efforts by the State, language continuation efforts come from within the communities that use the language. For example, the Western Armenian language archives in Paris are maintained privately by

members of the language community (Délégation générale à la langue française et aux langues de France 2011). In the same vein, language preservation efforts relating to Breton are carried out by speakers, academics, and notably, school teachers through the illustrative Diwan schools initiative (Langues et Cité 2010). These language preservation attempts to document and present efforts to avoid the erasure of languages, in these instances, comes from the language communities themselves. This is in stark contrast to the endorsement and State funding the Académie Française receives from the Ministry of Higher Education and Research (Cour des comptes 2015).

5.2.3. The existence of minority identities in France

As established in §3.2., the existence of minority identities in France is a contentious issue, as a-cultural identities are prioritised within French Republican models. As a result, the elevation of a-cultural identities relegates minority identities to private domains. However, the case studies demonstrate the presence of minority language speakers in France and their interactions with judicial institutions. Therefore, the existence of minority language speakers is incompatible with the a-cultural expectations of the French State.

I assert that this issue of incompatibility between the reality of minority language speakers and the identity-related expectations of the State can be attributed to the following two key factors.

The first of these factors comes a result of the difference in definitions between the State, the Charter and the Declaration. The Charter employs the terms “regional”, “immigrant”, and “non-regional” in its formulation of language rights. In the first instance, the formulation of these language rights is not ambiguous, since it is difficult to distinguish the rights of speakers versus the illogical rights of languages.

Moreover, the definitions employed therein do not coexist with the definitions of minority language speaker employed in the French context. The Declaration similarly refers to 'minorities' in Article 2 and categorizes language as a minoritizing factor that cannot be a reason someone may face discrimination in conjunction with other rights, such as Article 10 which refers to fair judicial process. The application of the minority related rights in these instruments is compromised when in contact with a setting that employs a conflicting definition of minority, avoiding the term completely in favour of the langues de France framing.

The second aspect of the incongruence between the de jure and de facto positions of linguistic minorities in France relates to the endangerment of minoritized languages in the French State. Specifically, the lack of data collected by the French State relating to linguistic minorities.

I assert that the contentious relationship between France and minority identity is exacerbated by the lack of data relating to members of minorities as in the national census, no information is gathered relating to how many languages a person speaks, if they speak a language other than French, what this is, or the relationship they have to the majority language or a minority language.

Language planning efforts across sociolinguistics rely on the enumeration and data collection of minority languages (see, Roche 2020; Mac Giola Chrìost 2019), not only for the purpose of human centred policy, but additionally as a documentation tool. Notably, Roche (2020) promotes a data-driven approach to language planning, which advocates for the emergence of archives with the eventual aim to generate a "digital Noah's Ark of language" which offers widely documented accessible resources relating to minority languages in Europe. Language planning efforts in the form of 'linguistic diversity hotpots' identify regions with high numbers of endangered languages (Anderson 2011). This enables the collection of census data, mapping,

and statistics, which are key methods involved to the descriptive research element of endangerment linguistics in order to preserve endangered languages. In framing language continuation, Mowbray (2012) places emphasis on states' capability to guarantee opportunity, desire, and ability in facilitating minority language speakers rights. As a result of the missing census information in France, the hallmarks of descriptive research that can enumerate and document minority languages and their speakers are lacking.

As a result of the aversion to collecting data relating to minority identities, such as numbers of minority language speakers, the reality of the number minority language speakers in France cannot be quantified. Therefore, further to this lacking data and information, meaningful language policy responding to potential data in relation to minority languages and the experiences of speakers is not generated, meaning that the language preservation or planning attempts that seek to overcome "the danger of eventual extinction" facing minority language communities postulated in the ECRML will be hindered.

5.2.4. The conflict between the Charter and the French context

The French State is required to respect and protect the status and rights of the various minorities in its jurisdiction. These specifications are made throughout three key documents that the French State has signed, and therefore responsible to uphold.

In addition to the ECRML, France is a member of the European Union and therefore the State signed the Maastricht Treaty, the Treaty of the European Union, which stipulates that joining European Union Member States are required to treat minorities within their jurisdiction with respect (Treaty on European Union 1992). The ECRML, although contentiously signed and not ratified, reifies the "inalienable right to use a regional or minority language in private and public

life" embodied in the United Nations International Covenant on Civil and Political Rights, and further aligns itself with the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. Further to these two examples of the French State signing European agreements that encourage minority language practice, France is a Member State of the United Nations, in which Article 2 of the Universal Declaration of Human Rights (UDHR) prohibits discrimination on the basis of several factors, including language.

Therefore, the purported plurilingual and pro-minority language aims included in documents signed by the French State support the overarching aims to avoid discrimination based on language practices and to additionally allow minority language speakers the ability to operate in their language of choice. However, as demonstrated in §5.2.2, the real aims of the State are illustrated through the maintenance of a monolingual imaginary that prioritises French as the single national language.

As a result, the French State's failure to ratify the Charter is a barrier for minority language speakers accessing various State institutions in France. As a result, across minority language communities in France, there is a lack of standardisation when it comes to judicial interactions. For example, as §4.3 demonstrated, this lack of standardisation is demonstrated through the lack of translator-interpreters and certified translator-interpreters across the two documented court interactions relating to Western Armenian speakers.

The French State justifies its refusal to ratify the Charter by framing the aims of the Charter and the values of the Republic as incompatible. The Charter champions linguistic diversity through minority language rights within the bounds of Member States, whereas the Republic as "one and indivisible" as highlighted in the Constitution, does not easily accommodate difference (Cole 2006:44).

The debate on ratifying the Charter in France has received resistance for the alleged tension between considered national French values being at odds with the linguistic plurality proposed in the Charter. For instance, in its Preamble aims, the Charter introduces "the right to use a regional or minority language in private and public life" as "an inalienable right" which conforms to the principles embodied in the United Nations human rights agreements.

This causes friction within the French context. Consider the obvious contradiction the French State would be committing if on one hand it affirms that 'the language of the Republic and its institutions is French', at the same time as it permits regional or minority languages (as required/recommended by the Charter) to operate across these institutions. However, the extent to which "the right to use a regional or minority language" in public, and by extension judicial settings, is not specified by the Charter. If, as is the current situation in France, a person is unable to operate in the language of the court, they are granted—in principle, although not (commonly) in practice, demonstrated §4.3—the use of a translator-interpreter to access the court. Therefore, the possibility of a speaker operating in a minority language which would be enabled by the ratification of the ECRML in France, is already the current in the case of speakers who cannot access the majority language. However, as demonstrated in Chapter 3, language rights in France appear in an ad hoc, non-standardised, and inconsistent basis. The inconsistent and lack of standardisation is demonstrated through the case studies in the following ways.

Even though Breton and Western Armenian are stipulated to be languages of France, speakers of each language are not afforded the same rights relating to their language practices in the judicial setting. The two Western Armenian studies illustrate the courts' intent to outsource language services to qualified interpreters, which would enable Western Armenian to be spoken in court. However, in the Cadoret et le Bihan v France case, speakers' access to a translator-

interpreter was not approached in the same way. This disparity between the expectations of Breton speakers to operate in French whilst Western Armenian speakers are offered translator-interpreter services, illustrates the inconsistent application of language related protections in France.

5.3. Compliance

Following the issues of compatibility examined in the previous section, chapter four section 2, this section considers what I consider to be the main consequence of incompatibility, the resulting noncompliance by the State to ratify and uphold the agreements it has signed. The French State signed the Charter in 1999 and despite the State's involvement in the drafting of the ECRML, to this day, France has still not ratified and does not enforce the Charter (Baztarrika 2018).

As demonstrated in Chapter 4, the rights expressed by the Charter seek to protect and safeguard minority languages spoken within European Member States. However, these rights and attempts to safeguard minority languages and their speakers are undermined when Member States are non-compliant and do not ratify it despite signing it, as is the case with France. There are application issues relating to both the ECRML and UDHR relating to the rights of minority language speakers. For example, the ECRML includes unclear and inconsistent presentations of language, language rights, and of speakers from the outset. As a result of this inconsistency concerning vocabulary relating to languages, language rights, and speakers, the applicability of the Charter is undermined by ambiguity. The conflation of key terms is highlighted in the Charter's defining and presentation of what it means by 'language rights', throughout the Charter the 'rights of people' and 'the rights of a language' are used interchangeably and thus

conflated. The Charter conflates the rights it dedicates to people, those that can be accessed and completed by a person, and the rights it dedicates to languages, seen through protections of languages as artefacts.

Throughout this thesis I have argued that it is unhelpful to view languages separate to the people that use them, or in ways that suggest the language in itself is self-sufficient, therefore it remains the most logical thing to grant rights to people and not languages themselves. As a result, the facilitating of language rights, to speakers, is done through the Member States who have signed the agreements. However, despite the issues with the aforementioned documents, the French State has signed them, and therefore is required to attempt to facilitate the rights included within them.

I argue this non-compliance by the French State to adopt the Charter is two-fold. First, the conflict between the monolingual values of the State and the plurilingual values of the Charter highlights the aims of the Charter are incompatible with the French context. Additionally, second, the framing and terminology of minorities and minority language speakers in the Charter do not coexist with the definitions of minority and minority language defined by the French State.

5.3.1. Resistance by the French State to ratify the ECRML

The incompatibility between the particularisms of the French State, consisting of the uniform values and position of the national language, are considered by the French Constitutional Council to be incompatible with the values and aims of the Charter. As a result, the French State is resistant to ratify the Charter.

Human Rights frameworks appear to be "justified as fait accompli" from the critical perspective of rights in political science, Chandler (2002:12) remarks this is because governments and

international bodies have acknowledged, signed and "accepted them" (Chandler:2002:12). The signing and "acceptance" of international human rights frameworks, such as the UDHR in France, however, does not translate as tangible clear-cut standards or "rights" that a minority language speaker can lay claim to. Further to this, Brown (2001:599) refers to the 'record of compliance with human rights law' as 'patchy' and states are unwilling to prioritise support for human rights. This lack of prioritisation is clear from the French State's refusal to sign the ECRML and overlooking of minority and language related rights in the UDHR. The French Constitutional Council deliberated that the ECRML cannot be ratified in France as the values of the Charter contradict the Constitution. However, the UDHR is signed and purportedly implemented by the French State, so there is a clear obligation to ensure these human (and within this, 'minority') rights, despite the Council's aversion to ECRML.

The attempts and subsequent resistance to ratify the Charter have been the subject of political and media controversy since its development (Baztarrika 2018). In 1999, French President Jacques Chirac called the French Constitutional Council to review the signing and adopting of the ECRML. The Council opposed the presentation of language and cultural and identity related rights in the case of the ECRML and objected to the ratification of the Charter in France on the basis of the purported "collision between the treatment of languages in the Charter and the constitutional principles of the Republic" (Baztarrika 2018:55). In the 1999 Decision, the Council stated that the conditions of the Charter that grant each person "an inalienable right" to "use a regional or minority language in private and public life" are unconstitutional and therefore incompatible with the Republic.

On a fundamental basis, the Charter advocates for the advancement for minority language practices. This is seen through the preamble of the Charter which states its aims are to protect "the historical regional and minority languages of Europe", whereas the constitutional

principles of the Republic are founded on “a zeal for uniformity and homogeneity” (Baztarrika 2018:55) which is further emphasised through Article 2 of the French Constitution, stipulating that “the language of the Republic is French”.

The French State has signed the UDHR, which sets up a series of identity and minority rights. When comparing the minority rights set up by the UDHR with those in the ECRML, there are some similarities. For instance, “the recognition of the regional or minority languages as an expression of cultural wealth” expressed in the objectives of the ECRML names “minority languages” specifically as a facet of culture and identity. In the case of the UDHR, Article 2 of the Declaration names ‘language’ as a characteristic that cannot be discriminated against. Article 22 of the UDHR explains how cultural rights are key to the free and dignified development of someone’s personality and identity. These two articles together highlight the importance of language in relation to culture and identity across the two rights agreements.

However, the presentation of language as a cultural and identity related right in the UDHR is not met with the same criticism as the ECRML’s presentation of minority languages as an expression of cultural identity. Articles 2 and 22 of the UDHR stipulate ‘language’ practices cannot be discriminated against and cultural rights allow for the full development of a person’s person. The Council does not critique or object to the implementation of the UDHR. Therefore, it seems illogical that the ECRML is opposed by the French Constitutional Council on the basis of incompatibility with the values of the State, yet the UDHR is not ideologically challenged by the Council in the same way and does not face the same criticism from this body, despite being signed by the State.

5.4. Chapter Summary

As highlighted at the beginning of this chapter, this thesis' discussion of minority language speakers' access to minority rights and French judicial institutions has illustrated a number of issues relating to incompatibility between systems.

This chapter illustrated the incompatibility between systems relating to minority language speakers' access to justice. This chapter identified four areas of incompatibility pertaining to minority language speakers' access to justice in France. The first of these was the conflict between the French conceptualisation of justice, and the universal and absolute approach to justice adopted by the UDHR and ECRML. The second factor this chapter considered was the conflict between language ideologies between the idealised monolingualism in France, resulting in a linguistically hegemonic State, and the plurilingual aims of the UDHR and ECRML. The third area of incompatibility refers to the existence of minority language speakers in France versus the a-cultural expectations of citizens by the State. The fourth area of incompatibility considered the ECRML in relation to the French context, which is undermined by the misalignment between the Charter and France relating to the terminology of minorities and minority languages.

As a result of these areas of incompatibility, the French State continues to be noncompliant in adopting the minority and linguistic rights of the UDHR, and additionally noncompliant in the ratifying of the Charter.

CHAPTER 6: CONCLUSIONS

6.1. Introduction

In conclusion, this thesis has demonstrated that minority language practice is limited in public settings in France for speakers of Breton and Western Armenian. This has local and global consequences for minority language speakers that will be summarised in this section.

In France, Breton and Western Armenian speakers' access to justice is hindered as a result of the State's noncompliance to adopt the language rights frameworks that it has signed, namely the French State will not ratify the ECRML and does not implement the minority and language rights of the UDHR. As a result, through the analysis of the case studies used in this thesis relating to Breton and Western Armenian speakers, I demonstrated that speakers were not able to operate using a minority language consistently and efficiently in judicial settings. Therefore, as a result of this neglect of minority language rights, access to justice for Breton and Western Armenian speakers was hindered.

In addition to the local impact on access to justice for speakers of Breton and Western Armenian in the French context, globally minority language practice is reportedly declining. This decline leads to the loss of languages (Romaine 2007), and as demonstrated in chapter four section 2.3, the lack of data relating to linguistic minorities undermines language planning and continuation efforts, as key methods involved to the descriptive research element of endangerment linguistics data, mapping, and statistics are neglected. Despite the fact that in this thesis I have agreed with the Makoni and Pennycook (2006) assertion that languages are not "living" entities, I maintain the loss of languages as possible and as a result of declining practice by speakers.

As discussed in chapter two section two, referring to the triangulation of opportunity, desire, and ability asserted in Mowbray (2012) to ensure language continuation, a lack of

interventionalist measures by the French State to allow speakers the opportunity and encourage the ability to use a minority language would result in a lack of desire to do so and lead to a decline in minority language practice. This decline in minority language practice is argued by Kloss (1971) to be as a result of a shift by minority language speakers towards a majority language for employment or integration opportunities, with May (2003:96) further arguing that "the individual *mobility* of minority-language speakers is far better served by shifting to a majority language".

6.2.Access to justice hindered by the French State's position on language

This thesis asserted that access to justice for minority language speakers in the French setting was realised through speakers having the right to their own language practices.

Chapter three and four demonstrated that access to justice for minority language speakers is hindered by the French State's position on language, that encourages a monolingual linguistic hegemony and excludes minority languages from public and civic settings. Chapter three demonstrates that the State declares French as the single national language, and therefore as a result all other languages become actively minoritized by protectionist legislation and governmental bodies, such as Article 2 of the Constitution, the Toubon Act, and the Academie Française . It is my contention as a result of my empirical research that this minoritization hinders access to justice for minority language speakers as the minority and language rights and freedoms are incompatible with a noncompliant French State.

In Chapter 4 I discussed the rights and freedoms laid out in the ECRML and UDHR. When applying these rights to the facts contained in the case studies it became clear that some elements of the agreements were incompatible with the French context, this misalignment is

further exacerbated by the fact that the French State was noncompliant in ratifying in the ECRML and implementing the UDHR.

Following on from this, the discussion in chapter four examined the reasons why France will not ratify the ECRML and how the State additionally does not implement the minority and language rights of the UDHR. The French State's noncompliance in ratifying the ECRML is attributed to the incompatibility between the national values that prioritise state unity through one single language, versus the diverse pro-minority sentiment and rights expressed through the Charter. In its 1999 decision justifying why the Charter is incompatible with the State, the Constitutional Council declares that the provisions of the Charter conflict with the first paragraph of Article 2 of the Constitution. Specifically, the right to use a language other than French in private and public spheres is recognised in the Charter, making express reference to judicial and administrative institutions, whereas Article 2 of the French Constitution lays out the language of the Republic and its institutions as French. The French State, however, does not resist the UDHR in the same way, despite the Declaration stating its own minority and language related rights and expressing clear pro-minority and anti-discrimination sentiments.

These instances of non-compliance by the State and incompatibility between it and the Declaration and the Charter agreements, restricts speakers' ability to use a minority language in interactions with the State, and as the case studies demonstrate, this limitation applies in relation to the judicial setting. The case-studies of Western Armenian speakers' experience highlight the inefficacy and non-standard practices of employing translator-interpreters in the setting, whereas the case study of Breton speakers illustrate that there is an expectation to operate in French where speakers are French citizens. Neither of these outcomes fulfils the judicial, minority or language rights stipulated in the Charter or the Declaration explained in §4.3.

Further to this, the inability to operate in a minority language effects speakers' access to justice. Minority language speakers' ability to fully function in the judicial setting is hindered when they are either, forced to operate in the national majority language in the case of Breton speakers, or left without adequate linguistic support, in the case of Western Armenian speakers, thus leaving speakers no option but to operate in the national language.

6.3.Global effects of limiting minority language practice

Throughout this thesis I have highlighted the relevance between the exclusion of minority language speaking communities in certain settings in France, and the global decline in minority language practice globally.

Chapter two illustrated the endangerment paradigm, where language ecology and language endangerment scholarship drew parallels between endangered languages and ecological systems. This perspective illustrates that when speakers are not given the opportunity to practice a minority language, it can be erased. The wider global effects of restricting minority language practices result in the decreasing use of a language, which may lead to its eventual loss.

In avoiding and overcoming this potential language loss, aligning with the Mowbray (2012) suggestion that the continuation of a language is predicated upon the ability, desire, and opportunity to use that language, this thesis has demonstrated the importance of language rights for minority language speakers. Chapter two of this thesis demonstrated the possible outcomes that minority language speakers face in interaction with the State commented on in linguistic justice scholarship, the first of these outcomes is benign neglect, where the State does nothing in relation to language protection efforts. On the other hand, this thesis has argued that the successful implementation of language rights for minority language speakers can not only assist

in the accessing of systems via translator-interpreters, but additionally that through the continued opportunity, ability, and desire to practice a minority language, this can influence the global decline in minority language practice.

BIBLIOGRAPHY

Academie-francaise.fr. n.d. *Les missions*. [online] Available at: <https://www.academie-francaise.fr> [Accessed 10 February 2022].

Anderson, B., (2011) *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.

Badhi, R. (2007) Background Paper on Women's Access to Justice in the MENA Region, International Development Research Centre (IDRC) Women's Rights and Citizenship (WRC) Program and the Middle East Regional Office (MERO) Middle East and North African (MENA) Regional Consultation, December 9th-11th, 2007, Cairo, Egypt [access online: https://www.uwindsor.ca/law/rbahdi/sites/uwindsor.ca.law.rbahdi/files/womens_access_to_justice_in_mena-bahdi_en.pdf]

Baugh, J., (2018) *Linguistics in pursuit of justice*. Cambridge: Cambridge University Press.

Baztarrika, P., (2018). 'A Look at the European Charter for Regional or Minority Languages from the point of view of the Basque Language and the Basque Country. *Revista de Llengua i Dret, Journal of Language and Law,* 69, pp.54-77.

Blommaert, J. and Verscheuren, J., (1992). THE ROLE OF LANGUAGE IN EUROPEAN NATIONALIST IDEOLOGIES. Pragmatics, 2(3), pp.374-377.

Bochman, K., (1985) 'Pour une étude comparée de la glottopolitique des fascismes' *Problèmes de glottopolitiques.* Rouen: Publications de l'Université de Rouen, pp.19-29.

Bonotti, M. and Mac Giolla Chríost, D., (2019). *Brexit, Language Policy and Linguistic Diversity*. Basingstoke: Palgrave Macmillan

Bourdieu, P. (1991) *Language and Symbolic Power*. London: Polity Press.

Bourdieu, P., (1982) *Ce que parler veut dire : L'économie des échanges linguistiques*. Paris: Fayard.

Broudic, F. (2010) LE BRETON :UNE LANGUE MENACÉE OU UNE LANGUE OFFICIALISÉE, Bulletin de l'observatoire des pratiques linguistiques, (July 2010) Langues et Cité: Le breton, Délégation générale à la langue française et aux langues de France 17, pp.2-10.

Bulletin de l'observatoire des pratiques linguistiques, (2008) Langues et Cité: L'arménien en France, Délégation générale à la langue française et aux langues de France 11, pp.3-11

Cadoret and Le Bihan v France, Merits, Communication No 221/1987, Communication No 323/1988, UN Doc CCPR/C/41/D/221/1987, UN Doc CCPR/C/41/D/323/1988, IHRL 2399 (UNHRC 1991), 11th April 1991, United Nations [UN]; Human Rights Committee [CCPR]

Campbell, L. and Belew, A., (2018) *Cataloguing the world's endangered languages*. London: Routledge.

Caney, S., (2001) 'International Distributive Justice'. *Political Studies*, 49(5), pp.974-997.

Clifford, J. (1994) 'Diasporas'. *Cultural Anthropology* 9(3) pp.302-338.

Cole, A. and Raymond, G., (2006). *Redefining the French Republic*. Manchester: Manchester University Press.

Conseil Constitutionnel. (1999) Décision n° 99-412 DC du 15 juin 1999. [online] Available at: <https://www.conseil-constitutionnel.fr/decision/1999/99412DC.htm> [Accessed 18 February 2022].

Council of Europe **(**1950**),** *European Convention on Human Rights Section 1,* European Court of Human rights

Council of Europe (1999) *European Charter for Regional for Minority Languages* [online] Available at: https://www.coe.int/en/web/european-charter-regional-or-minority-languages [Accessed 18 December 2020]

Cour des comptes, (2015) L'Institut de France et les cinq académies: un patrimoine exceptionnel, une gestion manquant de rigueur. [online] L'Institut de France et les cinq académies, p.20. Available at: <https://www.ccomptes.fr/sites/default/files/EzPublish/20150430-rapport-thematique-Institut-de-France.pdf> [Accessed 20 February 2022].

Creswell, J. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. Thousand Oaks, CA: Sage.

David, C. (2019) The Census and the Question of Ethnicity: The French Approach in a comparative frame. HAL Open Science Archives

Dhommeaux, J. (1991) Le pacte relatif aux droits civils et politiques et le breton. *Revue juridique de l'Ouest*, 4(4), pp.519-523.

Donabedian-Demopoulos, A., Al-Bataineh, A., (2014) *L'arménien occidental en France : dynamiques actuelles*. Institut National des Langues et Civilisations Orientales (Inalco); Institut de Recherche pour le Développement (IRD).

Duff, P., (2007). *Case study research in applied linguistics*. New York: Routledge, pp.27-33.

Dum-Tragut, J., (2011) *Cultural, Linguistic and Ethnological Interrelations In and Around Armenia*. Newcastle upon Tyne: Cambridge Scholars.

Dupré de Boulois, X., (2018) *Droit des libertés fondamentales*. Paris: PUF.

Eriksen, T., (1992) Linguistic Hegemony and Minority Resistance. *Journal of Peace Research*, pp.313-332.

Flynn, E. (2016) *Disabled justice? Access to justice and the UN Convention on the Rights of Persons with Disabilities*. London: Routledge.

France, (1958) The French Constitution, Adopted by the Referendum of September 28, 1958 and Promulgated on October 4, 1958. French Text and English Translation. New York :French Embassy, Press and Information Division, 1958.

Gazzola, M., Templin, T. and Wickström, B., (2018) *Language Policy and Linguistic Justice: Economic, Philosophical and Sociolinguistic Approaches:*. Springer Nature Switzerland AG.

Hornsby, M., (2010) 'From the centre to the periphery: Recent debates on the place of Breton (and other regional languages) in the French Republic'. In: R. McColl Millar, ed., *Marginal dialects: Scotland, Ireland and beyond*. Aberdeen: University of Aberdeen, pp.171–197.

Jaffe, A. (1999) *Ideologies in Action: Language Politics on Corsica*. Berlin: Mouton de Gruyter.

Kiwan, N., (2006) The Citizen and the Subject. In: A. Cole and G. Raymond, ed., *Redefining the French Republic*. Manchester: Manchester University Press, pp.97-113.

Kloss, H., (1971) 'Language Rights of Immigrant Groups' *The International Migration Review*, 5(2) The Impact of Migration on Language Maintenance and Language Shift), pp.250-268.

Kymlicka, W. and Patten, A., (2003), *Language Rights and Political Theory*. Oxford: Oxford University Press.

Lachapelle, G. and Paquin, S., (2005) *Mastering Globalization: New Sub-states' Governance and Strategies*. New York: Routledge.

Leca, J., (1988) Interview with J. Leca, 8 December 1986, in C. Wihtol de Wenden (ed.), La Cityonneté et les changements de structures sociale et nationale de la population française (Paris: Edilig/Fondation Diderot – La Nouvelle Encyclopédie)

Legifrance.gouv.fr (1994) *Loi n° 94-665 du 4 août 1994 relative à l'emploi de la langue française* [online] Available at: https://www.legifrance.gouv.fr/loda/id/LEGITEXT000005616341#:~:text=L'emploi%20d'une%20marque,les%20dispositions%20r%C3%A9glementaires%20relatives%20%C3%A0

Legifrance.gouv.fr. (1975) *Loi n°75-1349 du 31 décembre 1975 relative à l'emploi de la langue française*. [online] Available at: <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000521788/> [Accessed 27 September 2021].

Legifrance.gouv.fr. (2003) *Cour de Cassation, Chambre civile 2, du 23 octobre 2003, 03-10.390, Inédit*. [online] Available at: <https://www.legifrance.gouv.fr/juri/id/JURITEXT000007629223?isAdvancedResult=&page=2&pageSize=10&query=arm%C3%A9nien+traducteur&searchField=ALL&searchProximit

y=&searchType=ALL&tab_selection=all&typePagination=DEFAULT> [Accessed 26 January 2021].

Legifrance.gouv.fr. (2016) *Cour de cassation, civile, Chambre civile 2, 23 juin 2016, 16-60.024, Inédit*. [online] Available at: <https://www.legifrance.gouv.fr/juri/id/JURITEXT000032779519?isAdvancedResult=&page=7&pageSize=10&query=L%E2%80%99arm%C3%A9nien&searchField=ALL&searchProximity=&searchType=ALL&tab_selection=all&typePagination=DEFAULT> [Accessed 26 January 2021].

Lippi-Green, R., (2012). *English with an accent*. 2nd ed. London; New York: Routledge.

Mac Giolla Chríost, D., (2013) *Language, identity and conflict: A Comparative Study of Language in Ethnic Conflict in Europe and Eurasia*. London: Routledge.

Mac Giolla Chríost, D., (2020) Linguistic justice bound and unbound: an Irish case study. Cardiff: Cardiff University.

Makoni, S. and Pennycook, A., (2007) *Disinventing and reconstituting languages*. Clevedon: Multilingual Matters.

May, S. (2003) Rearticulating the Case for Minority Language Rights, *Current Issues in Language Planning*. 4:2, pp95-117, DOI:10.1080/14664200308668052.

Ministre de l'Education Nationale, de la Recherche et de la Technologie, et à la Ministre de la Culture et de la Communication, (1999) *Les Langues de France*. Paris: Délégation générale à la langue française et aux langues de France.

Mowbray, J., (2012) *Linguistic Justice: International Law and Language Policy*. Oxford: Oxford University Press.

Multilingual and Multicultural Development, 38:7, pp607-621, DOI: https://doi.org/10.1080/01434632.2016.1192174

Nussbaum, M. (2011) *Creating Capabilities*. Cambridge: Harvard University Press

Pennycook, A. (2001). *Critical applied linguistics: A critical introduction*. Mahwah, NJ: Lawrence Erlbaum

Pool, J. (1991)'The Official Language Problem', American Political Science Review 85 (1991): 495–514.

Pupavac, V., (2012). *Language Rights: From Free Speech to Linguistic Governance*. London: Palgrave Macmillan.

Révauger, J. (2006) Social Policy and the challenge to the 'republican model' In: A. Cole and G. Raymond, ed., *Redefining the French Republic*. Manchester: Manchester University Press, pp117

Roche, G., (2020) Abandoning Endangered Languages: Ethical Loneliness, Language Oppression, and Social Justice. *American Anthropologist*, 122(1), pp.164-169.

Romaine, S. (2007), Preserving Endangered Languages. *Language and Linguistics Compass*, 1: pp.115-132. https://doi.org/10.1111/j.1749-818X.2007.00004.x

Safran, W. (1991). 'Diasporas in Modern Societies: Myths of Homeland and Return'. *Diaspora: A Journal of Transnational Studies 1*(1), 83-99.

Safran, W. and Laponce, J., (2005) *Language, ethnic identity and the state*. London: Routledge.

Safran, W., (2005) Ethnonational minority identities in France. In: G. Lachapelle and S. Paquin, ed., Mastering Globalization: New Sub-states' Governance and Strategies. New York: Routledge. New York: Routledge.

Sanchiz, M. and Torreilles, C., (2006) *Petite anthologie des littératures occitane et catalane*. Montpellier: CRDP Montpellier.

Schnapper, D. (2002), *La Démocratie providentielle : essair sur l'égalité contemporaine*, Paris, Gallimard

Seifart, F., Evans, N., Hammarstrom, H., and Levinson, S., (2018). 'Language Documentation Twenty-Five Years On' *Linguistic Society of America*, 94 (4), pp. 324–45.

Sen, A., (2011) *The Idea of Justice*. London: Belknap Press: An Imprint of Harvard University Press

Shorten, A. (2017) 'Four conceptions of linguistic disadvantage', *Journal of Multilingual and Multicultural Development, online early http://www.tandfonline.com/doi/full/10.1080/01434632.2016.1192174*

Ternes, E., (1992). The Breton Language. In: D. Macaulay, ed., *The Celtic Languages*. Cambridge: Cambridge University Press, pp.371 – 377

Thomas, G. (1991) *Linguistic purism*. London: Longman.

Thurlow, C. and Jaworski, A., (2010) *Semiotic Landscapes: Language, Image, Space (Advances in Sociolinguistics)*. London: Bloomsbury Publishing.

Treaty on European Union (1992) [online] Luxembourg: Office for Official Publications of the European Communities. Available at: <https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf> [Accessed 5 November 2021]

UNESCO, (2011). *Atlas of the World's Languages in Danger*. 3rd ed. Paris: United Nations Educational, Scientific and Cultural Organization.

UNITED NATIONS. (1998). *The Universal Declaration of Human Rights, 1948-1998*. New York, United Nations Dept. of Public Information.

Weber, E. (1976) *Peasants into Frenchmen: The modernization of rural France, 1870-1914.* Stanford: Stanford University Press, pp 50-72