

Pannel: "The Language of Harassment,  
Disrimination and Violence"

***To tell oneself, to be told, and to become:  
the linguistic question of address to  
women at the crossroads of the law***

ILLA

11-14 septembre 2019 UCLA

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- ***1/ to be what you were born***
- ***2/ social and individual modifications***
  - ***A) why being called by « Madame » or « mademoiselle » is relevant from the law point of view***
  - ***B) the name received at birth; the marriage name; the adoption name, and the name you choose for yourself***

# What is this about?

- Studying the **sexual, cultural and discursive construction of individuals** through the issue of **nomination, address** and their **performative dimension**
- By observing how **the speech of the other** and the **way of addressing the other** is **negotiated** and **modalized** in **language** and **speech**
- About the **importance** given to the **name** that is **given**, the **name** we « **bear** » and the **name** we **choose** and **how it is** is **part of a performative conception** of the way of **addressing someone as creator of identity** because of the **powers of assignment** based on the **theory of speech acts**.

- If
- "To say is to do things with words",
- to address, to name someone a certain way **is to make someone *become*** according to the way s/he is addressed
- (Austin 1962, Butler 2004, Dufour et al., 2004, Fracchiolla 2013, Kerbrat 2008, 2010, Lecolle et al., 2009, Cislaru et al., 2007)

# What about administrative modifications and their effects in social interactions?

- Context (2011): **Administrative forms**
- **Deletion of *maiden name*** (*nom de jeune fille*)  
→ Into ***birth name*** = (*nom de naissance*)
- Deleting *Mademoiselle* → for *Madam*  
(to avoid discrimination → « Mon Damoiseau »???)

- "The Mix-Cité association was seized by Mrs DO (attached letter) which sent on 12 March 2007 a request to the HALDE for support in the face of a flagrant case of discrimination: its request to replace the word " **miss** "by the mention "**madame**" on her **car registration card** was refused, although she presented it on the occasion of a **change of residence. Mrs. D.O. was asked for 145 euros** for the simple change of the mention "**miss**", while the **change of residence was made free of charge. It is obvious that this introduces a discrimination against women (men will never have to formulate an equivalent demand)** ".

→ "**Discrimination**" here, real: not only symbolic.

- Excerpt from the file prepared for LA HALDE by the mix-cité association: [http://www.mix-cite.org/actualite/documents/lettre\\_HALDE.pdf](http://www.mix-cite.org/actualite/documents/lettre_HALDE.pdf)

- Yet, this is **not a new subject** ... (+ numerous administrative circulars: **1974**, 1983, 2006 ...).
- 1st Written Question: **1972, René Pleven**, Minister of Justice, stated about Mrs and Mrs that "no regulation - even for the establishment of official documents [...] - imposes a choice between the two".
- **On March 3rd, 1983**, the Ministerial Response No. 5128 of the Minister of Women's Rights, **Yvette Roudy**, made it clear that "***the existence of two different terms for married women and those who are not married constitutes discrimination against women because there is no such differentiation for men***". Then the question comes back in 2003, 2005, 2006, 2011 cf. <http://www.madameoumadame.fr/ce-not-not-compulsory>, viewed on 21/10/2011

- Until very recently, a woman did not have a name of her own, but **passed from the father's name to the one given by the husband.**
- Name "maiden name": **trace of a bygone era**
- **To be replaced by "birth name":** the law of 6 Fructidor of year II (1794) which lays down the principle according to which **women keep their birth names all their lives (like men!);** and that, **if they wish to bear the name of their spouse after their marriage, it becomes their "name of use".**
- The terminology-remembrance of the time, where women passed from the authority of their father to that of their husband "patronymic", resulting from *pater, patris* then "husband's name".
- **The reform of the matrimonial regime of 1804 dates only from 1965:** a woman can finally manage her goods, open a bank account, practice a profession without the authorization of her husband.
- **It was not until 1970 that the mother became the equal of the father in matters of parental authority.**
- The name of birth allows for a regular equality between women and men.



# Some dates regarding women and Law

- **1920** : Law prohibiting abortion
  - **1942** : Abortion is considered as a crime against the State and is punishable by death.
  - **1944** : Women obtain the right to vote (21 avril)
  - **1965** : Reform of the matrimonial regime of **1804**: the woman can manage her property, open a bank account, practice a profession without the authorization of her husband. - **1967**: **Neuwirth law** of 18 December **legalizing contraception** (pill) (**not reimbursed until 1974**) (NB: in the 60s, contraception and abortion are widely confused) (see Emission Faced on control of births - 1960 - INA - ORTF).
  - **1970**: The mother becomes equal to the father in matters of parental authority. -
  - End of **1974**: Law on the Voluntary Interruption of Pregnancy.
- Symbolic violence linked to women's bodies and their physical and psychological alienation to men. (--> symbolic violence // physical violence

# Some dates regarding the name and Law

- **2003**, law n ° 2003-516 of June 18, 2003 **transmission of one or the other of their last name, or of the 2 names to the children.**
- Husband and wife may choose to take the name of their spouse as « nom d'usage » --> without loss of birth name in the civil status records).
- **After a divorce:** women can take their birth name back; others want to keep their married name, because it is the one they "chose", and also that of "their children" (=> **necessary authorization of the ex**).

- Circular Fillon (Prime Minister) dated 21 February 2012
- On the "deletion of the terms" Mademoiselle ", maiden name", "patronymic", "wife's name" and "spouse's name", forms and correspondence of the Administrations "is addressed to Ministers and Prefects.
- Concludes with: "You will want, therefore instruct the services under your authority **to eliminate as much as possible from their forms and correspondences the terms. (...) Forms already published may nevertheless be used until stocks are exhausted.**
- ... so the story continues...???

It does, indeed!...  
As does the  
struggle for  
feminization...

Sexe du patient\*


Homme

Femme

Nom de jeune fille du patient


Nom (marital) du patient\*

Prénom du patient\*


Numéro de dossier\* 

ex : 17C00000

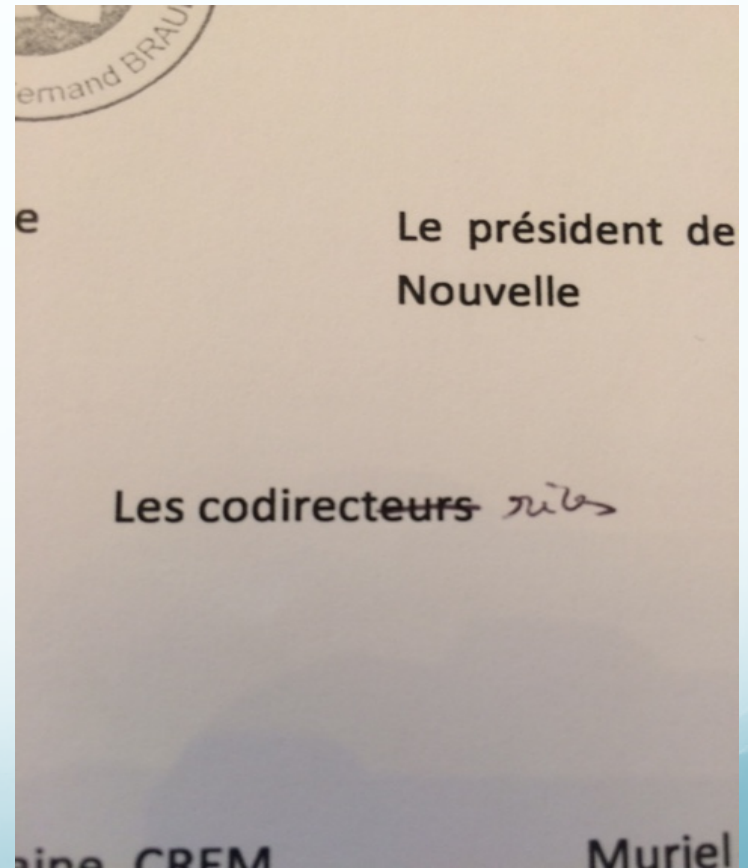
Adresse e-mail\*

Montant de l'honoraire (en euro)\* 

ex : 20,50 ou 20.50

Nom du payeur\* 

Je paie en ligne



# More recently...

- I have been interested and focusing on what changes the "**Marriage for All**" has brought about the transmission of the name in speeches and practices and to question the meaning of "being a married woman" in France in 2019 through the ways of addressing women, from when they are married.

**(which I will develop in my French communication)**

# Conclusion 1.4

All these elements show that **if the law stated is the same for all, its application remains relative and dependent on practices. Its variational dimension depends on:**

- The persons who are entitled to apply it; even unformatted software to evolve at the pace of humans.

→ the **symbolic sphere** is indeed **a place of social realization**. By virtue of the theory of speech acts and the performativity of the address, **the social is created with, within and by the symbolic realm.**

Address:

**a) defines places and social roles. (oral/written/forms: confusions appear)**

**b) assigns and constructs identities in synchrony** but also, as the question of the name in diachrony shows here, **over generations and according to iterative processes of use which end up having the value of law in the minds of individuals - this which joins the question of representations.**

# Conclusion 2.4

- → What comes to overturn marriage for all is both related to the state of affairs of the transmission of the name and the evolution of the law on this subject; the evolution of society being done only in a second time with regard to uses.
- → **The first interviews (2013/2014) show that the marriage bias for everyone concerning the name can be the same for women, identical to that experienced by all married women: loss of identity; confusion of roles and social recognition; automatic assignment of genres with respect to the name.**
- → **Homosexual marriage in a way points to ordinary sexism - so ordinary that it has become invisible - and makes visible, observable this ordinary sexism passively accepted by habit and invisibility.**

# Conclusion 3.4

The real issues of the transmission of the name...

**Underlying the question of name, address and affiliation is the presumption of paternity on which the transmission of the name depended.** As only maternity is considered safe, based on observable visibility.

→ It may be thought that one of the original reasons for the purely **declarative transmission of the father's name** (known until recently as "patronyme") is to be able **to symbolically compensate for this initial biological inequality.**

→ **Christendom is based on the this question of procreative invisibility of the father** - restored by the biblical story of Mary, Joseph and the Holy Spirit.

Nevertheless, this declarative transmission of the father's name has gradually become (in France) unequal with regard to mothers via marriage.

→ **To symbolically prove to be the wives of the father of their children - and thus retain their status as mothers - they have customarily taken the name of their husbands, thus historically losing that of their own family.**



# Conclusion 4.4

- **Consequence** → **systematic disappearance of the family branch of the mother over several generations**, in the **absorption** - via the name - of the mother and children **in the father's only family**.
- **2003 law** (choice of mother / father name or both): reinjected a **possibility of transmissive equality** (possible rebalancing of the patriarchal and unilateral patriarchal gender ratio).
- NB: Nevertheless, the **use of the name of the husband as family name is perpetuated mainly in heterosexual couples** and, in fact, in the **representations** that individuals have made of the family.
- In **2013, marriage for all**, through the adoption of their spouse's children, **enabled the institutionalization of matrilineality** in France and, as such, a legal recognition of one of the elements that founded the patriarchal schema - patrilineality, to women - the **transmission of "Matrimony" becomes possible**
- → By giving them the opportunity to **procreate and establish a lineage in their own name**, women are given the power to retain their name in marriage and to no longer fit into the usual heterosexual pattern that, by removing all trace of the maternal line, thus erases the existence of women.

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