

The Semantic and Lexical Evolution of “Divorce” Throughout the History of French Legislation

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Abstract

The dissolution of marriage has not always existed in the French legal field since marriages were under the control and influence of the Catholic Church for a long time. It was only in 1792 that the term *divorce* first appeared in French law in order to designate the concept of the *dissolution of civil marriages abstracted from the prerogative of death of one of the spouses and religious issues*. After the introduction of this concept into the French legal context, there were legislative changes regarding different divorce situations over the following years. In the light of these facts, this paper examines the semantic and lexical evolution of the term *divorce* in the domain of French law, relating this evolution to socio-cultural and historical aspects of France between 1792 (when the divorce was instituted in the country) and 2017 (when the most recent legislative change on the subject occurred). The present study is based on the theoretical and methodological assumptions of Terminology (Cabr , 1999; Barros, 2004; Krieger & Finatto, 2004), particularly on the perspective of Diachronic Terminology (Dury, 1999; Tartier, 2006). Based on the results of this investigation, it is possible to affirm that the evolution of French society has led to the transformation of the legal domain that, in turn, has created new concepts that caused the semantic and lexical evolution of the terminology designating types of divorce in France since the eighteenth century.

Keywords

divorce, semantic-lexical evolution, legislative changes, France, diachronic terminology

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1. Introduction

The dissolution of marriage¹ has not always existed in the French legal field. Since, until 1787, the Monarchy only accepted Catholic marriages, the official marriage was considered a sacrament to which the principle of indissolubility was intrinsic. At that time, conjugal union was only dissolved after the death of one of the spouses.² Thus, divorce, in the form it is known today, was unthinkable during this period, which reflected the strong influence of the Catholic religion on the organization of marriages in France.

The French Revolution (1789–99) resulted in the separation of State and Church, and France became a secular nation. In 1791, the revolutionaries changed “the established order by desacralising and laicising marriages” (France, 2009, own translation). Consequently, the concept of indissolubility was criticised by revolutionary ideals because, under French law, marriage was no longer considered a sacrament, but, rather, a civil contract.

Thus, on 20 September 1792, divorce was established since there was no longer any legal (or religious) impediment forbidding the dissolution of marriage (France, 1989). The term *divorce* first appeared in French law in order to name the *dissolution of civil marriages unrelated to death of one of the spouses and to religious issues*.

Since the introduction of that concept into the French legal context, there have been many subsequent changes in this area. Considering these facts and in the light of a diachronic perspective, this paper examines the semantic and lexical evolution of the term *divorce* in the field of French law between 1792 and 2017. In addition, the present study relates this evolution to sociocultural and historical aspects of French society during this period.

The study is based on theoretical and methodological assumptions of Terminology (Cabr , 1999; Barros, 2004; Krieger & Finatto, 2004), as well as the perspective of Diachronic Terminology (Dury, 1999; Tartier, 2006; Bortolato, 2013). The present research demonstrates how language (particularly the terminology studied) has affected the legislative changes regarding French divorces.

¹ In ancient French law, marriage was dissolved based on repudiation. The French kings used this type of “divorce” granted them by the Catholic authorities (Coulon, 1890).

² The Supreme Pontiff could also pronounce the dissolution of marriage in cases where the marriage had not been consummated, or where one of the spouses refused to live with a newly baptised Christian, or if one of them endangered the new faith of the other (this could happen when one of two non-Christian spouses decided to be baptised after his/her marriage) (Coulon, 1890: 137). Thus, the concept of dissolution of Catholic marriages existed at that time, but it was not designated by the term *divorce*. This concept was related to Catholic dogmas and made no reference to civil marriages since this type of union did not exist yet in France.

2. Theoretical and Methodological Assumptions

The term *terminology* has a double signification: “it can either mean technical-scientific terms, representing the set of lexical units typical of a scientific, technical or technological area, or the field of studies” (Krieger & Finatto, 2004: 13, own translation). In the present study, *terminology* is considered in both these senses. In order to differentiate between them, the concept of *the field of study of terminology* is written with a capital T, and the sense of *a set of terms by means of which the texts of the specialty areas express their concepts* is expressed in lower case (Barros, 2004).

The field of study of Terminology is the *special languages*, defined as “oral or written communication systems used by a community of experts from a particular area of knowledge” (Pavel & Nolet, 2003: 124, own translation). Special languages³ have a specialised lexicon, i.e., the terms that convey the knowledge of a specific area. Thus, *term* (or terminological unit) is a linguistic unit whose expression and content are inseparable (linguistic sign/linguistic unit).

Terminology, as a scientific area, has different approaches, among which is *Communicative Theory of Terminology* (CTT), systematised by Cabré (1999). This theory takes into account the linguistic-communicational aspects that involve the terms. Thus, CTT considers

The existence of conceptual and denominative variation in the specialty domains and takes into account the textual and discursive dimension of the terms. These are linguistic units that must be considered [...] in their linguistic, cognitive and social aspects (Cabré, 1999: 121, own translation).

According to CTT, the pragmatic conditions involving certain kinds of communication give a lexical unit the status of *term* (Cabré, 1999: 123). In this sense, based on this theory, “what grants the status of term to a terminological unit is the fact that it expresses a specific concept when used in a specialized communication context” (Curti & Barros, 2018: 83, own translation).

In addition, CTT considers the “term as a specialised lexical unit of a language and, like this language, the term is subject to several interferences and influences” (Curti-Contessoto, 2018: 15). This theory thus makes it possible for the present study to adopt a diachronic perspective. In this sense, based on Alves (2006), language is not homogeneous and is not static due to different factors. It may be deduced that the same is true of the lexicon of a specialty area since it belongs to the general language. Consequently, dynamicity is also intrinsic to it.

From this perspective, it is also possible to take into account the fact that the terminologies of the technical and scientific areas reflect the great changes of societies. In this sense, the Industrial Revolution, for example, provided

³ It is important to highlight that special languages, as well as terminologies, exist in the context of specialized discourses. In this sense, they are part of a semantic-pragmatic framework of a specialty area (cf. Gautier, 2019).

socioeconomic and political changes [that] had repercussions at the vocabulary level: for every new invention, situation, activity, product, service, claim, law, etc., new corresponding terms were created (Barros, 2004: 26, own translation).

In addition to the appearance of new terminologies, existing terms may change according to the evolution of the language, which is influenced by the social and cultural changes of the speaking community. In this sense, terms are transformed and renewed from the lexical and semantic points of view due to factors related to different periods and different historical conceptions (Bortolato, 2013). Concerning conceptual changes, terminological units “can undergo semantic evolution either by extension of their field of application, evolution or appearance of new concepts, as well as changing the domain of science to which they belong” (Bortolato, 2013: 47–48).

Diachronic Terminology studies all these aspects from a diachronic perspective (Bortolato, 2013). According to Dury (1999), this sub-area of Terminology provides a historical point of view of concepts. The present study has therefore adopted the assumptions of Diachronic Terminology concerning the semantic and lexical evolution of the terms designating types of *divorce* from 1792 (when divorce was established in France) until the present.

The terminological set examined here was delimited from three corpora:

- 1) The *FMCCorpus*, which has 102 French civil marriage certificates issued between 1791 (when civil marriages were instituted in France) and 2015 (when the process of collecting these documents was terminated), which were gathered with the assistance of collaborators and the Internet;
- 2) The *FLCorpus*, which is composed of 13 legal documents, i.e., 13 laws, decrees and amendments on divorces from 1792, when divorce was established in French legislation, until 2017, when the most recent legislative change with respect to the matter occurred;
- 3) The *SupportCorpusFR*, which has 54 files, including legal dictionaries, terminological bases and a bibliography of French History and French Law.

Thus, the terms designating *divorce* and its specific types were researched in the *FMC-Corpus* and *FLCorpus* in order to be verified in their context. In this process, the online version of the *Hyperbase* program⁴ was used. One of its tools, *Concordance*, was fundamental at this stage of the investigation since it generates a list of matches, in which all lexical items of the corpora were placed as the core of a co-text (surrounding text), followed and preceded by words (to the left and to the right) and arranged in alphabetical order. Figure 1 shows some concordance lines illustrating this phase of the study:

⁴ Available at <http://hyperbase.unice.fr/hyperbase/?edition=standard>.

Figure 1: Some concordance lines of *divorce* taken from *FLCorpus*.

partie gauche	pivot	partie droite
tels que changement de nom , jugement rectificatif ,	divorce	, séparation de corps , etc .
titulaires en est dépourvu , notamment en cas de	divorce	ou de séparation des titulaires justifiée par la production
intéressé ainsi qu' éventuellement les mentions de mariage ,	divorce	, séparation de corps , pacte civil de solidarité
mentions relatives au régime matrimonial ainsi que celles de	divorce	ou de séparation de corps .
non seulement pendant le mariage , mais également après	divorce	(art . 287 et 373-2 nouveaux du code
l' article 287 du code civil en matière de	divorce	ne constitue pas une simple modification de forme ,
l' autorité parentale au cours du mariage ou après	divorce	, lorsqu' un parent décède , perd ou est
treize ans la règle de principe en matière de	divorce	.
large part celles liées à la séparation ou au	divorce	dans la mesure où les conditions de vie du

As can be seen in Figure 1, these concordance lines make it possible to observe the contexts of the simple term *divorce* and find all the syntagmatic terms, i.e., the unities that are composed of two or more lexemes and whose basis is *divorce*. These terminology units were checked in the specialised dictionaries and terminological bases of the *SupportCorpusFR*, and other terms were found during this process. At the end of it, eighteen terms were delimited, which are: 1. *divorce*; 2. *divorce par consentement mutuel*; 3. *divorce pour incompatibilité d'humeur ou de caractère*; 4. *divorce-faillite*; 5. *divorce pour cause déterminée*; 6. *divorce-sanction*; 7. *divorce sur demande conjointe des époux*; 8. *divorce pour la rupture de la vie commune*; 9. *divorce-remède*; 10. *divorce pour faute*; 11. *divorce accepté*; 12. *divorce sur demande accepté*; 13. *divorce demandé par l'un des époux et accepté par l'autre*; 14. *divorce pour altération définitive du lien conjugal*; 15. *divorce sans faute*; 16. *divorce par consentement mutuel judiciaire*; 17. *divorce par acte sous signature privée contresigné par avocats, déposé au rang des minutes d'un notaire*; 18. *divorce par consentement mutuel par acte d'avocats*.

In order to verify the evolution from the lexical point of view of the terminology in question, the considerations of Tartier (2006) were adopted. According to that author, “the occurrences or disappearances of certain terms over time constitute the simple manifestation of change. They are measured by information such as presence/absence” (Tartier, 2006: 348, own translation). Thus, the occurrences of these terms in the *FMC-Corpus* and *FLCorpus* were related to the dates of issuance of the certificates and the publication dates of the laws that compose these corpora. According to these dates, and based on sociocultural and political aspects of the history of France, it was sought to explain why some terms disappeared and others were created between the eighteenth and twenty-first centuries.

In addition, the evolution of these terms was observed from the semantic point of view. Since there are no dictionaries or terminological bases that inform the concepts designated by these terms over the years, all the French divorce laws in the *FLCorpus* were analysed in order to understand the changes on the matter that occurred between 1792 and 2017. These changes were then related to the concepts designated by this terminology throughout the history of French Law.

3. Results

In this section, the results relating to the semantic evolution of the term *divorce* from 1792 to 2017 are presented in order to reveal the relation between this evolution and the transformations experienced by French society in that period. The lexical evolution of this terminological unit is also discussed. It is thus possible to see when terms designating types of divorce were created by means of the syntagmatic composition process from the simple term *divorce* throughout the history of French legislation.

3.1. Period 1792–1804

The term *divorce* first appeared in French legislation in 1792, when the law of 20 September instituting the dissolution of civil marriages was proclaimed. It was an “advanced law in relation to all foreign legislations of the eighteenth century, and also more liberal than most modern laws” (Phillips, 1979: 385, own translation). Since the revolutionaries defended individual liberty, they assumed that, “if marriage is only a contract in the eyes of civil law, it must be able to be broken freely by an agreement between the two parties involved” (France, 2009, own translation). In this sense, revolutionary ideals are intrinsic to the term *divorce*, defined as *the only possibility of ending civil marriages by dissolving them through a non-judicial process allowing ex-couples to remarry*.

This law also established three possibilities for the dissolution of civil marriages as follows: 1) divorce by mutual consent, which occurred when two spouses wish to divorce and accept all conditions of their divorce; 2) divorce due to incompatibility of temperament, which occurred when the couple could no longer live together; and 3) divorce based on particular reasons, whose grounds are specifically determined by law (France, 1989).

Thus, the terms *divorce par consentement mutuel*, *divorce pour incompatibilité d’humeur ou de caractère* (also called *divorce-faillite*) and *divorce pour cause déterminée* (or *divorce-sanction*) were created in order to name those specific concepts of *divorce*. In this sense, the first term refers to *the dissolution of civil marriages by mutual consent regarding the conditions of divorce*; the second one designates the concept of *dissolution of civil marriages due to the fact that the spouses are no longer able to live together*; and the third one names the concept of *dissolution of civil marriages by one of the spouses according to the grounds provided by the law of 20 September 1792*.

In addition, *divorce pour cause déterminée* could be specified depending on the reason for the dissolution of the marriage. However, specific terms were not created to designate such cases. Thus, the concept of this term also included the following semantic features: *evidence of dementia, insanity or fury of one of spouses; condemnation of one of the spouses to painful or disgraceful sentences; condemnation for crimes, abuse or serious injury of one against the other; the disrespect for notorious customs; abandonment of the woman by the husband or the*

husband by the woman for a minimum period of two years; absence of one spouse (without news) for at least five years; emigration in the cases provided for by law (France, 1989).

Consequently, the concept of the hyperonym *divorce* also included the semantic features⁵ of its hyponyms, such as *mutual consent of divorce*, *incompatibility of temperament as a reason for divorce* and *guilt of one of the spouses according to the grounds determined by law*.

Since divorce was a non-judicial process, it was very easy to divorce at that time. In addition, husbands and wives had an equal role regarding the divorce request. According to Phillips (1979), “the striking feature of this law is the equality between the sexes that it establishes: it gives both spouses the right to obtain divorce in an identical form” (Phillips, 1979: 385, own translation). This legal configuration allowed a great number of divorces to take place in France, so much so that “one in three marriages ends by divorce since the year VII (1798–1799)” (France, 2018a, own translation). The law was thus heavily criticised for its liberalism (France, 2009).

3.2. Period 1804–1816

In 1804, the first French Civil Code retained the concept of *dissolution of civil marriages*. However, the code restricted it to cases of divorce based on the guilt of one of the spouses, whose conditions were limited and became penalising for them (France, 2009).

The divorce process of 1792 was not judicial. It was sufficient for a spouse to submit his/her request for a divorce by mutual consent or on the grounds of incompatibility of temperament

to a “family assembly”, which was an assembly of relatives, brothers or friends of the spouses. The divorce requests based on one of the grounds determined by law were judged by a family court whose arbitrators were, in principle, relatives or friends of both spouses (Phillips, 1979: 385, own translation).

After the Civil Code of 1804, “whatever the nature of facts and crimes leading the spouses to divorce on the grounds of fault, their request could only be made in the court located in the *arrondissement* where they live” (France, 1804: 57, own translation).

In addition, the Civil Code of 1804 reintroduced legal separation into French legislation. Thus, the term *divorce* referred to *one of the possibilities of ending a civil marriage; in this case, this dissolution could be made through a judicial process, or the spouses could request the conversion of their separation into a divorce after a period of three years of legal separation*.

Furthermore, it may be observed in the corpora of this study that the *divorce pour incompatibilité d’humeur ou de genre*, despite having emerged from the revolutionary spirit, was abolished from French legislation and disappeared from the field of Law. The terms *divorce par consentement mutuel* and *divorce pour cause déterminée* were kept, but their concepts changed since, at that time, these types of divorce could only be granted after a

⁵ In this work, the particular legal conditions for each type of French divorce are considered, from a linguistic point of view, as semantic features.

very complex process (France, 2018a). The concept of the generic term *divorce* lost the semantic feature *dissolution of civil marriages due to incompatibility of temperament*, and gained the feature related to *judicial process*.

Among the grounds of divorce provided by law, it is important to highlight adultery. The Civil Code of 1804 established that “a husband may file for divorce based on his wife’s adultery. A woman may file for divorce on the grounds of her husband’s adultery, when this has taken place inside the common house” (Articles 229 and 230 – France, 1804, own translation). According to these articles, a married woman could only file for divorce if her husband had committed adultery in their home. However, a husband could file for divorce if his wife had committed adultery, wherever it had occurred. There was thus a differential treatment according to the gender of the spouses.

In addition, it is interesting to highlight some effects of divorce established by the Civil Code of 1804:

(...) 296. In the case of a divorce on grounds, the divorced woman may only remarry ten months after the sentence of her divorce. (...) 298. In the case of divorce granted in court on the ground of adultery, the guilty husband will never be able to marry his accomplice. The adulterous woman shall be sentenced to this same trial and, upon request of the Public Prosecutor’s Office, to confinement in a correctional institution for a fixed period, which may not be less than three months and not exceed two years (France, 1804, own translation).

According to these articles, a woman guilty of adultery would be punished more severely than a man who had committed a similar fault. It can be seen that machismo and patriarchy were two aspects intrinsic to French legislation of that time and, by extension, to the terms *divorce*, *divorce par consentement mutuel* and *divorce pour cause déterminée*, and to the concepts designated by them in this legal context.

3.3. Period 1816–1884

In the Restoration (1814–1830), the monarchy returned to power in France. Among the consequences of this historical moment, Catholicism was reinstated as the official religion of the French kingdom, and the Restoration sought to “restore the dignity of marriage within the interests of religion, customs, monarchy, and family” (France, 2009, own translation). Consequently, divorce was abolished by the law of 8 May 1816.

As a result, the term *divorce* and its specifications *divorce par consentement mutuel* and *divorce pour cause déterminée* ceased to be used in the field of French law. However, the concept of *dissolution of civil marriages* continued to exist because such unions could be dissolved by the death of one of the spouses.

At this time, married couples could “resort to annulments of marriage and separation, reestablished in 1804 and accessible in the case of ‘serious injury’. The ongoing divorce process was *ipso jure* transformed into a legal separation process” (Boysson, 2016, own translation).

3.4. Period 1884–1908

Almost seventy years later, the divorce was reinstated by the law of 27 July 1884, which stated that “the provisions of the Civil Code repealed by this law are reestablished, except those that refer to divorce by mutual consent” (France, 1884, own translation). Thus, the term *divorce* was reintroduced into the legal domain.

However, there was only one type of divorce at the time: *divorce pour cause déterminée*, which had to be requested based on precise grounds, such as the condemnation of one of the spouses to painful or disgraceful sentences, adultery, dementia, excess, abuse or serious injury. These causes constituted a breakdown in marital obligations and made the continuity of civil marriage intolerable (France, 2009).

The term *divorce* (or *divorce pour cause déterminée*, *divorce-sanction*) designated *the dissolution of civil marriages without the death of one of the spouses, the guilt of one of them, the prerogative of the grounds provided by law and the possibility of converting the separation into divorce after a period of three years*. However, the semantic features related to *mutual consent of the spouses with regard to the divorce and its conditions* and *incompatibility of temperament as a reason to request the divorce* were still not included in the semantic configuration of this terminological unit.

In addition, this law altered some issues about adultery in Article 230 of the Civil Code. From that moment, a married woman could “request divorce on the grounds of her husband’s adultery” (France, 1884, own translation) and there were no specifications relating to the manner nor the place of occurrence of his adultery. The effects of divorce on the guilty spouse were the same irrespective of gender (this law revoked the article of the Civil Code that had ordered the confinement of the adulterous woman in a correctional institution). There were therefore some legislative advances regarding the rights of women. These aspects are intrinsic to the term *divorce* and its terminological variants.

At this time some legislative changes were made regarding the divorce process, which was still judicial, and the permission regarding to the marriage between the adulterous spouse and his/her accomplice (cf. France, 2009), which had previously been prohibited (cf. France, 1804 and 1884). In this sense, these laws supplemented the law of 27 July 1884, but none altered the conditions and effects of divorce. It may therefore be concluded that the term *divorce* and its variants did not change from the lexical and conceptual point of view regarding their conditions and effects.

3.5. Period 1908–1941

The law of 6 June 1908 ruled that, “if a separation lasts for three years, the judgment shall be converted into a divorce judgment upon the request of one of the spouses” (France, 1908, own translation). Thus, the concept of *divorce* (or *divorce pour cause déterminée*, *divorce-sanction*) changed because it came to include (in addition to the semantic features

referring to the period from 1884 to 1908), the *requirement of dissolution of civil marriages by conversion of separation after a period of three years*. However, French legislation did not create a specific term for this new type of divorce.

3.6. Period 1941–1945

In 1941, the law of 2 April prohibited “divorce for couples who have been married for less than three years” (France, 2009). This law was also more rigorous regarding the acceptance of excesses, insults or abuses of the spouses (Crouzatier, 1942). The Vichy government (1941–1944) also determined as punishments “the imprisonment and fine of any person who has offered or will offer his/her services with the intention of starting or continuing a process of divorce or separation” (Le Crom, 2006: 464, own translation).

The dissolution of marriage thus became more restricted. The term *divorce* (or *divorce pour cause déterminée, divorce-sanction*) designated the concept of *dissolution of civil marriage by means of legal process as long as the spouses have been married for three years or more, and one of them is guilty according to the grounds provided by law, or obligatorily by means of converting legal separation into divorce after a period of three years*.

Since there were no changes concerning the effects of divorce, there were still differences between men and women in this regard. This is one of the aspects intrinsic to the term *divorce* and its concept in the legal context at that time.

It should be remembered that this law was published during the Vichy government (1941–1944), whose social principle was family stability. In this sense,

The Vichy government makes adultery a “scourge” that “ruins” the fundamental structures of society; fidelity to the chief, to the homeland, to God, to the laws and ... to the spouse. On the basis of a reinforcement of “family law” at the expense of “individual rights”, following the reformist logic committed to childbirth, the French State strives to re-entrust women to their biological and natural attributions: the home and its guest, the family (Olivier, 2005: 1, own translation).

Therefore, this government discouraged married women from working and complicated the divorce process in order to dissuade spouses from requesting it (Olivier, 2005). During this period, “adultery thus becomes a ‘crime’ that corrupts the family and tends to pervert nature, the state and the social body; it is the representation of a wild sexuality bordering on the animal” (Olivier, 2005: 1, own translation). Consequently, these political and social aspects underlie the term *divorce*.

3.7. Period 1945–1975

The ordinance No. 45-651 of 12 April 1945 suppressed “the indissolubility of marriage during the first three years” of civil marriages (Le Crom, 2006: 466, own translation). However, “the rules on the severity of excesses, abuses and injuries that render marital

life intolerable, as well as criminal sanctions against the publicity of specialized business agencies” were maintained (Le Crom, 2006: 466, own translation). According to Le Crom (2006), French legislation maintained some texts that “are particularly representative of the Vichy perspective” (Le Crom, 2006: 466, own translation), which shows the political, ideological and social influences inherited from that government, which are intrinsic to the term *divorce*.

Regarding the term *divorce* (or *divorce pour cause déterminée, divorce-sanction*), it designated the concept of *dissolution of civil marriages by means of a judicial process that occurred when one of the spouses is guilty according to the grounds provided by the law, or by the possibility of converting legal separation into divorce after a period of three years*.

3.8. Period 1975–2005

The French Republic reformed the types of divorce by means of the law of 11 July 1975.⁶ This law created three possibilities of divorce according to its article no. 229: “by mutual consent, by rupture of common life or due to the guilt of one of the spouses” (France, 1975, own translation). Thus, *divorce* was still a judicial process, but this term won a new semantic configuration because its concept acquired, from that moment, the semantic features of *dissolution of civil marriage by mutual consent regarding the process and conditions of divorce, dissolution of civil marriage by the rupture of marital life after six years of marriage, dissolution of the marriage by the guilt of one of the spouses and dissolution of the conjugal bond by converting legal separation into divorce after a period of separation of three years*.

In order to differentiate the specific concepts of divorce, other terms were created. These concepts were respectively designated by the terms *divorce par consentement mutuel* (or *divorce sur demande conjointe des époux*), *divorce pour rupture de la vie commune* and *divorce pour faute*.

The *divorce par consentement mutuel* (or *divorce sur demande conjointe des époux*) named the concept of *dissolution of civil marriages based on mutual consent of spouses regarding their divorce*. In addition, its concept comprised the following semantic features: *prerogative of six months after the celebration of the civil marriage to request this type of divorce; this request could be made by both spouses (consensual process) or by one of them and accepted by the other (non-consensual process); prerogative of facts proving the impossibility of continuation of marital life; possibility given to the spouses to try a reconciliation during the process of their divorce; and divorce conditions are regulated by spouses as long as the interest of their children is preserved* (Articles 230, 233, 251 and 253 – France, 1975). Since there were no occurrences of types of *divorce*

⁶ In 1999, French legislation introduced the *Pacte Civil de Solidarité* (PACS) and *concubinage* as two other possibilities of official union between two persons of the same sex or different sex (France, 1999). Once a PACS was established by contract, this union could be dissolved upon the request of one or both parties, by the death of one of them or converting it into civil marriage (France, 2017). Thus, it may be concluded that the most generic concept of *dissolution of a union between two persons* can be extended to the context of the PACS. However, the present study is limited to discussing only the specific concept of *dissolution of civil marriages*.

par consentement mutuel (or *divorce sur demande conjointe des époux*, *divorce sur demande conjointe des époux*) according to the process adopted (consensual or not), these two semantic features are therefore encompassed by the concept of that term.

In addition, it is important to highlight that the *divorce par consentement mutuel* was reintroduced into the field of French law in order to identify the case of divorce in which both spouses want the dissolution of their marriage. Based on the law of 11 July,

when the spouses jointly request their divorce, they do not have to make known its cause; they must only submit, for the approval of a judge, a draft agreement that regulates the consequences of their divorce (France, 1975: 7172, own translation). Thus, it may be deduced that the legislation facilitated the divorce process by removing the only requirement that existed before to request it: the accusation on grounds committed by one of the spouses. This shows that French legislation followed “the historical evolution towards the freedom to divorce” (France, 2010, own translation).

The term *divorce pour rupture de la vie commune*, for its part, made reference to the concept of *dissolution of civil marriages by the fact that the spouses no longer live together*. Besides that, this concept had the following semantic features: *minimum duration of six years of rupture of marital life to request it; this rupture could occur as a consequence of the aggravation, after six years, of the mental faculties of one of the spouses that cannot be reconstituted in the future; the obligation of an attempt of reconciliation before the judge; the prescription by the judge of the measures necessary to ensure the subsistence of the spouses and their children until the trial of the divorce process; and the condemnation of the spouse against whom the divorce was pronounced and who would lose the rights granted by law and the agreements made with third parties* (Articles 237, 238, 251, 254 and 265 – France, 1975). It is important to say that some occurrences of the term *divorce-remède* were found in *SupportCorpusFR*. In these cases, this terminological unit designates *a specific type of divorce pour rupture de la vie commune based on the aggravation of the mental illness of one of the spouses*.

In the law of 11 July 1975, there were also occurrences of the term *divorce pour faute* that replaced the term *divorce pour faute déterminée*, which had existed in French legislation until then. This new term was different from the previous one because it identified *one of the possibilities of divorce and not the only case of divorce provided by law*, as had previously been the case. Besides that, its concept encompassed the following semantic features: *the request for divorce could be made by one of the spouses alone with no minimum period specified for it; the divorce could be based on facts that constitute a serious violation or a renewal of the rights and obligations of marriage, making marital life impossible, or on the condemnation of one of the spouses to one of the penalties provided by the penal code; the attempt of reconciliation before the judge; the requirement of a prescription made by the judge in order to ensure the interests of the spouses and their children until the trial of the divorce process; and the spouse against whom the divorce was pronounced lost the rights granted by law and the agreements established with third parties* (Articles 242, 243, 251 and 256 – France, 1975).

In addition to identifying the semantic features of the presented terms, the terminological unit *divorce* designated the generic concept of *dissolution of civil marriages by means*

of three possibilities of judicial process, or by converting legal separation into divorce after three years of separation.

It may be postulated that the law of 11 July 1975 profoundly altered French divorce legislation. According to Le Gac (2018),

it forms part of the liberalisation of society encouraged by the reforms initiated by the new President of the Republic, Valéry Giscard d’Estaing. This movement responds to the aspirations expressed by the protests of May 1968 (Le Gac, 2018, own translation).

These protests took place in Paris and formed a cultural, social and political movement that was, at first, a great student revolt:

On the one hand, this protest contests the consumer society and the productivist ideology that inspires it, more concerned with financial profitability than with the happiness of men; it denounces alienation by objects and the permanent creation of new needs. On the other hand, it exalts the development of the individual, his/her right to happiness, against the rigidity of hierarchies and inherited disciplines. Thus, there are questions about the authoritarian model, the style of hierarchical and bureaucratic command, which prevails in the family, in the school, in the company, in the State, in the Churches, in all the organizations and social structures (Larousse, 2018, own translation).

Following this ideological bias, May 1968 transformed French society and brought consequences on all levels. In this sense, “the feminist and ecological movements are the inheritors of the May protests. The crisis of 1968, which gave rise to new behaviours, contributed, therefore, to the modernization of French society due to the lack of a revolution” (IPRéunion, 2017, own translation). This makes it possible to understand the context in which the law of 11 July 1975 was published and some French social, political and historical issues underlying the terms designating the concept of *dissolution of civil marriages* in that period.

In addition, it may be observed that, among the articles of that law, there was a specific one that deals with the restrictions regarding remarriages. Article 261 stated that, “in order to contract a new marriage, a woman must observe a period of three hundred days according to Article 228. (...) The woman may remarry without having to observe a specific period when the divorce has been pronounced in the cases provided for in Articles 237 and 238” (France, 1975, p. 7173, own translation). Thus, despite the evolution that this reform brought to the legal field, especially in the matter of divorce, some patriarchal aspects were still there. These aspects are intrinsic to the terms designating types of divorce at that time.

3.9. Period 2005–2017

However, “thirty years later, the law of 1975 no longer fully corresponded to the expectations of French society” (France, 2010, own translation). The legislative therefore changed the rules on divorce once again.

In 2005, the law of 26 May 2004 came into force. This law translated “the concern of the legislative to simplify the processes maintaining its judicial character and to appease the relations between the spouses seeking divorce” (France, 2010, own translation). In this sense, Article 229 determined that “divorce may be granted in the case of: - mutual consent; - acceptance of the principle of marriage rupture; - due to definitive change in marital life; - based on other grounds” (France 2004a, own translation). In addition to creating new types of divorce, the legislative changed the process of those that already existed in French legislation.

Thus, the term *divorce* designated the concept of *dissolution of civil marriages by the conversion of legal separation into divorce without respecting a specific period, or by means of a judicial process that could be based on the mutual consent of the spouses, on the acceptance of rupture of marriage, on the definitive change in marital life or on other grounds provided by law*. Its concept also included the semantic feature *without a time limit for requesting divorce* because spouses were no longer obliged to respect a minimum deadline after the celebration of their marriage before filing for divorce.

In addition, other specific terms were created in order to designate new specifications relating to divorce as follows: *divorce accepté* and *divorce pour altération définitive du lien conjugal*. The term *divorce accepté* (or *divorce sur demande acceptée, divorce demandé par un époux et accepté par l'autre*) denominated the concept of *dissolution of civil marriages by means of a non-consensual judicial process only requested by one of the spouses and accepted by the other during that process*. In this case, one spouse made this request and the other accepted it. Thus, the concept of this terminological unit also comprised the following semantic features: *acceptance of the divorce requested by the spouse who did not make it; agreement between the spouses regarding the divorce and its conditions and consequences; the spouses did not need to prove the facts that caused the impossibility of marital life; the judge should invite the spouses to try to reconcile with each other, but this attempt was no longer compulsory; the spouse against whom the divorce was pronounced did not lose neither his/her rights provided by law, nor his/her agreements made with third parties, and the judge encouraged the spouses to regulate the consequences of the divorce in an amicable way* (Articles 3, 7, 8, 9, 11 and 16 – France, 2004a; France, 2004b).

The term *divorce pour altération définitive du lien conjugal* (or *divorce sans faute*) was created to identify the concept of *dissolution of civil marriages by the rupture of marital life because of the will of one of the spouses or both*. Added to this concept are the following semantic features: *the rupture of marital life could be physical or psychological; this rupture had to be proven and there was no specific way for it; the definitive change was determined without the judge's assessment in the case of the spouses living separately for two years before their divorce was signed; an invitation should be made by the judge so that the spouses try a reconciliation with each other (not obligatory); the spouse against whom the divorce was pronounced did not lose neither his/her rights provided by law, nor his/her agreements made with third parties; and the judge encouraged the spouses to regulate the consequences of their divorce in an amicable way* (Articles 4, 7, 8, 9, 11 and

16 – France, 2004a; France, 2004b). This type of divorce replaced the *divorce pour rupture de la vie commune* created by the law of 1975, changing its consequences and conditions.

In French law, the terms *divorce par consentement mutuel* (or *divorce sur demande conjointe des époux*) and *divorce pour faute* (which were already provided by law) were maintained, but their semantic configuration was transformed according to the new provisions of the law of 26 May 2004. Thus, the terminological unit *divorce par consentement mutuel* (or *divorce sur demande conjointe des époux*) only designated the *dissolution of civil marriages by a consensual process, i.e., a process based on the agreement between the spouses regarding their divorce*. Previously, French law had provided that this specific divorce could be sought through two types of process: consensual or non-consensual. The law of 26 May changed this configuration by separating these two situations, creating a new term (*divorce accepté*) to lexicalise the difference between these two divorce processes that were based on the mutual consent of the spouses.

The term *divorce pour faute*, on the other hand, refers to the case of divorce “requested by one of the spouses when the facts constituting a serious violation or renewal of the rights and obligations of marriage are imputable to him/her and make marital life intolerable” (France, 2004a, own translation). The concept of this term comprised the semantic features related to: *the dissolution of civil marriages by a non-consensual process; the divorce request should be made by one of the spouses and it would be based on the condemnation of the other to one of the penalties provided by the penal code; the judge should invite the spouses to try a reconciliation with each other (not compulsory); the spouse against whom the divorce was pronounced did not lose neither his/her rights provided by law, nor his/her agreements established with third parties, and the judge encouraged the spouses to regulate the consequences of their divorce in an amicable way* (Articles 5, 7, 8, 9, 11 and 16 – France, 2004a; France, 2004b).

Consequently, the term *divorce* designated the concept of *dissolution of marriage by consensual or non-consensual process based on the joint will or on the desire of one of the spouses, or on violations that make marital life impossible*. Its concept also included the semantic features of specific terms related to the types of divorce.

According to these data, it may be deduced that, since 2005, the legislative tried to make the divorce process easier and friendlier. In addition, the law of 26 May 2004 revoked all the differences established based on the respective gender of the spouses. Thus, the woman was no longer prohibited from remarrying less than three hundred days after the divorce of the previous marriage; from that moment, she could remarry whenever she wanted to (France, 2004b). This change reflects developments regarding to women’s rights and gender equality. It may therefore be postulated that these sociocultural aspects underlie the terms designating types of divorce that existed in French law at that time.

3.10. Period since 2017

In 2017, the amendment of 30 April 2016 came into force in order to facilitate divorces by mutual consent. The legislative has created two specific terms of *divorce par consentement mutuel* as follows: *divorce par consentement mutuel judiciaire* and *divorce par acte sous signature privée contresigné par avocats, déposé au rang des minutes d'un notaire* (or *divorce par consentement mutuel par acte d'avocats*). These terms were created to name two new possibilities for divorce based on mutual consent of spouses.

The first term designates *one of the possibilities of dissolution of marriage by mutual consent of the spouses*. In addition, its concept comprises a new semantic feature, *divorce requested by means of judicial process*, since, in this case, the spouses must submit to the judge an agreement that regulates the consequences of their divorce (Article 230 – France, 2016). Except for these modifications, the concept of the term *divorce par consentement mutuel judiciaire* continues to have the semantic features regarding the request and judgment conditions of that divorce provided for in articles 2, 7, 8, 9 and 11 of the law of 26 May 2004 (France, 2004a).

The second type of *divorce par consentement mutuel* refers to the situation in which the spouses are in agreement with the end of the marriage and its effects. In that case, they record their agreement in the presence of their lawyers. It is up to a *notaire* to control the formal requirements provided by law (France, 2016).

Thus, since the figure of the judge is no longer mandatory, the process of this type of divorce has become easier for spouses. Previously, “the spouses, assisted by one or two lawyers, sometimes had to wait several months before being seen by a judge. The agreements of divorce by mutual consent were approved, in almost all cases, without modification” (France, 2018b, own translation). Thus, non-judicial divorce by mutual consent is one of the most striking measures of this law, considered the modernization of French justice of twenty-first century (France, 2018b), which characterises an achievement of freedom of spouses.

In this way, the concept of divorce changed because this term designates the *dissolution of civil marriages through a judicial or non-judicial process*. Besides that, it comprises all the semantic features of the following terms: *divorce accepté*; *divorce pour altération définitive du lien conjugal*; *divorce pour faute*; *divorce par consentement mutuel judiciaire* and *divorce par acte sous signature privée contresigné par avocats, déposé au rang des minutes d'un notaire*.

In addition, the specific terms relating to the types of divorce that were already provided by the law 26 May 2004 continue to exist in French legislation and refer to the same concepts as in the past.

4. Final Considerations

The present paper has identified that, in the French legal domain regarding divorces, there are terminological variants (such as *divorce-faillite* and *divorce-sanction*, for example) that are synthetic. In these cases, their expression is less clear than their meaning, whereas their syntagmatic variants (*divorce pour incompatibilité d’humeur ou de caractère* and *divorce pour cause déterminée*, respectively) are quite explicit.

This study also evidenced that most of the terms studied assumed a different semantic-conceptual configuration throughout the history of French legislation. In addition, analysis of the corpora revealed that terms have been created over the years in order to name new specific types of divorce.

Based on its results, it can be concluded that this terminology has shaped, from the linguistic point of view, the content of the legal domain concerning divorces in France. Thus, through these terms and their concepts, the language has acted as a mechanism capable of giving shape to the laws that were created to handle the question of divorce throughout the eighteenth, nineteenth, twentieth and twenty-first centuries in France.

However, this does not mean that the *form* (expression) determines the *content* (concept). In fact, new concepts appear to account for social developments and, consequently, new terms emerge, through creation (neology) or semantic modification of existing terms, for example. This is what has happened with the terminology designating French divorces throughout the centuries, as it was presented in the previous section of this paper.

In this sense, the semantic and lexical evolution of the terminology studied did not happen by chance. On the contrary, this process of evolution has occurred mainly because of the social, ideological and cultural changes that France has undergone over the years. It may therefore be assumed that, in addition to the phenomena of semantic and lexical expansion and reduction starting from an already existing term or terminology, these terms, as well as their concepts, are influenced by the sociocultural changes of the French people. Thus, new terminologies and new concepts are created as they accompany the “evolution” of society whether at the vocabulary level, or at the conceptual level.

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