

Lech Jamróz

University of Białystok

Poland

e-mail: l.jamroz@uwb.edu.pl

ORCID: 0000-0001-7409-6525

THE CONSTITUTIONAL AND PROCEDURAL ASPECTS OF THE ASSIGNMENT OF PATRON SAINTS IN THE PUBLIC SPACE IN FRANCE

Abstract. A secular republic is a model of a state that recognizes the separation of public authority from church authority. This constitutional solution characterizes France. In the essence of the relations between the state and churches that are prevalent in France, the separation of these entities is justified by the rejection of what can divide the national community or reduce the cohesion of the nation. Case of France is very interesting and even paradoxal. The principle of secularism of the state functioning for more than a century, and has been supplemented over time by the principle of neutrality of the public service. However, France respects the hundreds of years of its historical legacy and tradition in which religion (Catholicism) has a prominent place. It is manifested in the very numerous public places referring to patron saints. The paper provides an explanation of this complicated issue. In addition to constitutional issues, the article discusses the procedural aspects of assignment public places the names of patron saints. The dominant method of analysis is the dogmatic-legal method.

Keywords: France, secularism, patron saints, assignments of patron saints, state tradition, neutrality of the public service.

Introduction

Reading the text of the Constitution should be the first step in an exploration of the legal nature of the state, but this document is only a sketch of the state's model and defines the outline of systemic solutions. On the other hand, a full characterization of the state's model requires an analysis of

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many conditions, not only legal, but also, most importantly, social, cultural, and historical. In view of the subject matter of this paper, France is an ideal country for research because – on the one hand – it has respected the principle of secularism of the state for more than a century, which has been supplemented over time by the principle of neutrality of the public service, but also – on the other hand – it utilizes the hundreds of years of its historical legacy and tradition in which religion (Catholicism) has a prominent place, as manifested in the very numerous public places referring to patron saints. France can be *prima facie* seen as an example of the paradoxical combination of the idea of a secular state and respect for historical tradition. In this tradition, links to religion played an important role during the so-called *ancien régime*, which continued until the French Revolution of 1789. Despite the passage of more than two hundred years, the situation still resonates today. This is because the decisive factor is the awareness of the continuity of the state, even despite the radically changing political models of the state, including the approach to the relations between the state and the church. Legal conditions coexist with the public's awareness, and attachment to certain solutions takes on a cultural dimension, recognizing the importance of the identity of a particular community of people.

In this paper, attention is focused on certain aspects of the existence of religion in public space in France, more specifically, on the very numerous references to patron saints in names of communes and specific public places in communes, such as streets and squares. At its outset, the paper discusses the legal conditions of the naming of public places.

1. Fundamentals of the system of government

The Constitution of the French Republic proclaims in its very first article that “France is an indivisible, secular, democratic, and social republic.” Further sections of that article state that “it ensures equality before the law for all citizens regardless of origin, race, or religion,” and that “it respects all beliefs” and “its organization is decentralized.” (integral text: <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000571356/>). In the context of the subject matter of this paper, each of the cited passages is highly relevant. Secularism, follows directly from the principle of equality before the law, which implies that the state and its administration refuse to make any differentiation based on a person's origin, race, or religion. Public authorities guarantee freedom of thought, conscience, and religion, as well as equal treatment of every person.

A secular republic is a model of a state that recognizes the separation of public authority from church authority. This type of relationship is even referred to as “hostile separation.” (see Stępień, 2020, pp. 13ff). This principle is synthetically explained as not granting special status to churches and not providing them with financial assistance. It also rules out placing religious symbols in public buildings, conducting religion classes in public schools (with permissible exceptions – L.J.), and public authorities referring to religious values in their actions (Wojtyczek, 2004, p. 35). However, it should be specified that in the essence of the relations between the state and churches that are prevalent in France, the separation of these entities is justified by the rejection of what can divide the national community or reduce the cohesion of the nation. The premise, therefore, is freedom to profess or not profess faith, practice or not practice, or change faith, and the state cannot interfere in such basic areas of the functioning of churches (religious associations) as defining the religious doctrine, organizing and carrying out worship, or in carrying out pastoral ministry. Thus, the principle of secularism is based on the idea of freedom and rights, and this is how the state remains neutral.

It is worth mentioning at this point – because this is not the main topic of this study – that in the literature on the subject, much attention is paid to classifications of the state model in the context of its relations with churches and religious associations. A dispute has emerged in science about the essence of the system of separating the state from churches and religious associations. It is based on an ambiguous definition of a secular (lay) state and a state neutral in terms of worldview. As a result, it is possible to demonstrate the existence of different concepts of a secular state (see Brzozowski, 2011, pp. 66–74). In the context of differences between the concepts of “secularity” and “separation”, mention is made of “terminological chaos, which results primarily from different understandings of the relations between both concepts, which leads to blurring the differences between them” (Brzozowski, 2011, p. 75). In the context of France, it is pointed out that “constitutional secularism is characterized as state neutrality, while the secularism introduced by the Act of 1905 (which is discussed in more detail in the following fragments of the text) is characterized by separation” (Orzeszyna, 2007, pp. 100–101).

The current system of separation in France is based on a statutory regulation introduced at the beginning of the 20th century, which introduced the secular nature of the state, expressed in the religious and ideological neutrality of public authorities, a ban on financing religious worship by public authorities, equal rights for denominations and the possibility of operating

religious associations, which are the sole representatives of denominations before the state. The state – as a rule – does not finance religious activity, but there are exceptions to this. It is permissible to finance pastoral services performed by clergy in public institutions (e.g. schools, hospitals, prisons) from public funds, it is permissible, among other things, for the state to financially support the renovation and maintenance of church buildings, and Catholic clergy are covered by state pension insurance (Mezglewski, 2011, pp. 18–19).

The separation of church and state and the secular state mean the adoption of a certain model of relations between the state and the church (churches and religious associations), but – as emphasized in the literature – they do not have a specific definition; their scope of meaning is not satisfactorily specified. Therefore, we speak rather of a certain open clause of the secular state, “whose normative meaning is given only by practice, including primarily the case law of courts, especially constitutional courts” (Orzeszyna, 2007, pp. 47–48). As a result, one should rather notice the numerous approaches to the model of the secular (lay) state, than a single model. Moreover, the model, as such, never functions in reality, but takes on different faces.

Referring to the case of France, it should also be added that the concept of “secularism” evolved in the 20th century. In the initial period, after the adoption of the Act of 1905, the secularism of the state took on an aggressive form (*laïcisme agressif*), based on a political doctrine aimed at eliminating religious influences from the area of public affairs, in particular the Catholic Church. Today, however, we are dealing with the so-called positive secularism (*laïcisme positif*), which serves as the basis for legal principles aimed at ensuring the neutrality of state authorities in matters of religion and securing equal treatment of various manifestations of religious life (Borecki, 2016, p. 12).

In principle, all religions are allowed in France, as long as they do not violate public order or the laws of the Republic. Moreover, as I mentioned, in special cases, including in public institutions such as, for example, prisons, hospitals, military barracks, and boarding schools, the state allows and sometimes even funds the presence of chaplains who guarantee the free practice of a particular religion. Similarly, funding is provided for the renovation of religious buildings, but this is due to their historical value. In the public space, religious freedom is guaranteed, although it is also subject to restrictions if it would pose the risk of violation of public order or would encroaching on the neutrality (impartiality) of government officials in the performance of their duties.

According to the 1958 Constitution of the Fifth Republic, the documents defining the constitutional foundations, also in terms of state-church relations, include the 1789 Declaration of the Right of Man and of the Citizen, which, along with the preamble to the 1946 Constitution and the 2004 Charter for the Environment, form the so-called “constitutional bloc” in France. In the area of state-church relations and religious association, which is of interest to us, Article X of the Declaration states that “[n]o one should be disturbed because of his beliefs, including religious beliefs, provided that their expression does not interfere with the public order established by law.”

However, of fundamental importance to the definition of the relationship between the state and churches and religious associations is the Act of December 9, 1905 on the separation of churches from the state. This Act took effect on January 1, 1906. The Act was passed during the historical period known as the Third French Republic, which was characterized by the absence of a constitution in the formal and legal sense, and the state system was based on acts (including constitutional acts and organic acts). Despite political transformations in subsequent decades and the enactment of a constitution (first in 1946 and then in 1958), the Act of 1905 still continues to be in force. This is confirmed by the Constitutional Council’s ruling of February 21, 2013 (Decision no. 2012–297 QPC). In this ruling on the concordat regime in Alsace and Moselle, issued as part of the QPC (*Question Prioritaire de Constitutionnalité*) procedure, the Constitutional Council, invoking the argument of the republican constitutional tradition, effectively incorporated the 1905 Act into the foundations of that regime by confirming the constitutionality of the exception granted to the concordat regime of these two territorial areas of mainland France.

The 1905 Act proclaims freedom of conscience, guarantees the free exercise of worship, and regulates religious practices in public spaces. The essence of its provisions is based on the assumption that the secular legal order and the state’s *raison d’état* are the utmost priority in the French state, and the autonomy of churches is limited exclusively to matters of faith (Łakomy, 1999, pp. 60–61). According to Article 28 of the Act, with regard to the issue at hand, “it shall be prohibited in the future to erect or place any religious signs or emblems on public monuments or in any public place, with the exception of buildings used for worship, cemetery burial sites, gravestones, and museums or exhibitions.”

As mentioned above, with the strict territorial exceptions of the Alsace region and the Moselle department, France does not have a concordat. This is because it was repealed by the aforementioned 1905 Act.

In contrast, in those areas where the concordat is in force, it is essentially a local law. The concordat regime (*régime concordataire*) is also in force in several French overseas territories: the departments of Guyane and Mayotte, the overseas communities of Wallis et Futuna and Saint-Pierre-et-Miquelon, as well as in New Caledonia and French Polynesia. In France, the Concordat is considered part of the Napoleonic legacy, as it was signed by Napoleon Bonaparte and Pope Pius VII in 1801. Interestingly, over the years the concordat has been extended to include two Protestant denominations (Lutheran and Calvinist) and Judaism. From the Polish perspective, this is an interesting fact, because according to Polish tradition and the current Article 25 (4) of the Polish Constitution of 1997, the concordat can only define the relationship between the Republic of Poland and the Holy See, i.e., the Catholic Church (integral text: <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>).

In general, therefore, according to the assumptions consolidated in the provisions of the 1958 Constitution of the French Republic and the aforementioned Act of 1905, one of the cornerstones of the functioning of the French state is the separation of public life from religious life, which is required to only have a private dimension related to the profession of a faith. Also, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms (known as the “European Convention”; https://www.echr.coe.int/documents/d/echr/convention_ENG), ratified by France, provides in its Article 9 that freedom of thought, conscience, and religion are guaranteed and subject to legal protection. The state does not grant religions or a particular religion a special status, and emphasis is placed on allowing freedom of religion and religious practice, including the externalization of one’s religious beliefs and faith, including in public. Freedom of religion is the foundation of the relations between the state and churches. On the other hand, it is possible to legally limit the freedom to externalize religion or beliefs if three criteria are met together: the limitation must be formal (imposed only in a law) and proportional (due to a need to impose it in a democratic society), and must comply with at least one of the material criteria (it must be imposed in the interests of public safety, for the protection of public order, health and morals, or for the protection of the rights and freedoms of others). To summarize this part of the discussion, it must be stated that the French state does not favor any religion, including the Christian religion, despite the fact that at least half of the French citizens still declare a commitment to the Christian religion (Catholicism, Eastern Orthodoxy, or Protestantism). These are almost 38 million adherents of Christian religions in France according to the official statis-

tics. At the same time, most French people maintain an ambivalent attitude toward religion, recognizing that secularism is part of France's identity (<https://fr.statista.com>).

2. Patron saints of communes and those present in communes' names

A commune's name is one of the four elements that characterize it, along with its territory, population, and administrative center. A specific name is necessary to distinguish a commune, and its origins are often centuries old and based on the name of the original community existing in the *ancien régime* period, on historical events, or on individuals associated with the local community (Krzemiński, 2005, p. 153). The names of French communes are very diverse. Because of France's historical heritage, there are many French communes (approximately one in ten) with names that refer to the names of saints.

Available sources specify different numbers of communes with a reference to a female or male patron saint in their name, but all point to more than 4,000 such cases. On the other hand, the names of only four departments start with the word "Saint": Saint-Brieuc, Saint-Étienne, Saint-Lô, and Saint-Denis (the only overseas prefecture on this list, located on the island of Réunion). Another department that could be included in this list is department of Seine-Saint-Denis Bobigny in Île-de-France, whose name includes a reference to a saint. Information on the number of patron saints in communes is contained in the official database of French postal codes, which mentions 4,581 such communes (<https://www.data.gouv.fr>). According to primary online sources, there are 3,927 communes with names beginning with "Saint" (or "Le Saint"), representing about 11% of all French communes. Among these communes, the most common "saint" is Saint-Martin (255 communes), followed by Saint-Jean (170 communes), and Saint-Pierre (155 communes). In addition, 334 other communes have a reference to a female patron saint or the Holy Cross in their names (<https://fr.wikipedia.org>). According to yet another source, the numbers are: 4,105 male patron saints and 368 female patron saints, for a total of 4,473 patron saints ("Toponymies: a number of male patrons saint, but few female patron saints", <https://www.journaldesmaires.com>).

In the French tradition, the patron saint of a commune or locality is quite often the patron saint of the main church located there. This, in turn, is a remnant of the tradition of localities taking the name of the patron saint

of the parish located in that locality, which was in effect during the first wave of Christianization that started in the late 6th century in the Carolingian era. Throughout history, the recognition by a given locality's community of a patron saint has also been linked to difficult challenges, such as defense against a wartime invasion or an epidemic or famine (such as in the case of Saint Genevieve, the patron saint of Paris).

An analysis of online sources does not provide any information on the assignment of patrons for communes or localities in recent years. One can therefore conclude that the communes that already have a patron saint made such an assignment much earlier, as dictated by the tradition described earlier. There is another reason for caution in drawing definitive conclusions about the existing distance in the assignment of new patron saints in communes and localities. The point is that a significant portion of communes (localities) have references to patron saints in their official names. Thus, there is no need for separate resolutions to designate a patron saint, except in the case of large cities, which often have more than one patron saint.

The constitutional principle of decentralization is accompanied by the principle of subsidiarity, the essence of which is the performance of basic public tasks at the lowest possible level of local government and, as is often phrased, "as close to the citizens as possible." A commune is a basic territorial community, and Article 71 of the Constitution of the French Republic also specifies other territorial communities: departments, regions, communities with special status, and overseas communities. The French territorial division is unique, and the French Constitution establishes the following territorial communities: communes (34,816), departments (96), and regions (13). The statistics include only metropolitan (continental) France, excluding overseas territories, as of January 1, 2023 (see: Report of the Directorate General of Territorial Communities, 2023, p. 18). The French Constitution devotes a whole separate chapter (XII) to the organization of territorial communities, but the starting point in this regard is the principle of free administration of territorial communities set forth in Article 72: "Territorial communities are established to make decisions in the full scope of powers that can be better exercised at their level. Under the conditions stipulated by the law, communities freely exercise their administration through elected councils and have the right to issue legislative acts to implement their powers." It shows, first of all, that in the performance of certain statutorily assigned tasks, territorial units have a certain sphere of freedom. This is the case, for example, with regard to territorial areas and the naming of public sites.

Of course, the law makes it possible to change the name of a commune, but this must be done according to a specific procedure. As a side note, it should be added that any corrections in the name, including its spelling, are also considered a change in the name of a commune. This remark is important because in France the notation of commune names is not uniform, which is also relevant in the case of names derived from patron saints. According to the guidelines, all elements that make up the name should be spelled with hyphens (“-” hyphens) and proper accents, but this rule is not widely complied with. Also, changes or modifications of names based solely on the commune’s tourist advertising or economic considerations are not allowed. Compliance with these principles is the subject of constant monitoring by relevant state administration bodies (see: circular (*circulaire*) issued on February 8, 2021 by the Director General of Territorial Communities; <https://cnig.gouv.fr>).

Based on Art. L.2111-1 of the General Code of Territorial Communities (*Code Général des Collectivités Territoriales, CGCT*), a decision to change of the name of a commune is made by way of a decree issued at the request of the commune council after consultation with the departmental council. The initiative to change the name of a commune may be taken by the authorized subjects, i.e. the commune’s councilors, residents, or mayor. The necessary condition for implementing the change is a resolution of the commune council, which should be issued within 6 months and which must be justified. The resolution is then forwarded to the representative of the French central government in the department, i.e. the prefect. The prefect applies locally the policies set by the Government of the French Republic. As part of his or her basic duties, the prefect is responsible for public order, public security, and immigration policy. The prefect is required to verify the proposed name for compliance with the spelling rules pertaining to the names of communes. The prefect may ask the requesting council to adopt the correct spelling, as well as to provide documentation to support its request. This may prove important in clarifying the meaning of the requested name, especially with regard to its historical nature. On the other hand, if the proposed name raises no objections, the prefect forwards it to the departmental council for review, which issues its opinion after due deliberation. The prefect then transmits the entire documentation, i.e. the request of the commune council, any clarifications and additional documents, the opinion of the departmental council, and the prefect’s own opinion to the Ministry of Interior.

Until recently, the Ministry also consulted with the Commission for the Review of Communes’ Names (*La Commission de Révision du Nom des Communes, CRNC*), twch was operating as part of the Ministry of

Interior but it was abolished in 2019 by the decree of October 4, 2019. The Commission issued opinions or could suspend requests and ask the commune councils for additional information or make counter-proposal. However, the National Commission on Toponymy (*La Commission Nationale de Toponymie, CNT*), from which the Government may also request an opinion, continues to exist. Since the issue on July 30, 2018 of Decree no. 2018-674, which simplified certain administrative procedures, requests are no longer reviewed by the Council of State. Previously, such review was mandatory, and the Council of State issued an opinion (approving the requested change). This is because a formal acceptance was required, which could not be given in cases where the new name created an unfortunate precedent or actually resulted in any complications. However, requests to change commune names continue to be analyzed using the criteria set forth in the jurisprudence of the Council of State: attention is paid to two basic criteria, i.e. avoidance of a serious risk of homonymy with one or more other local authorities and restoration a historical name that has fallen out of use. The final step in the procedure for changing a commune's name is a decree of the Minister of Interior. The decree is published in the French official journal, *Journal Officiel de la République Française (JORF)*.

The problem with commune names becomes evident not only when the name of a commune is changed, but also when new communes are established. In the latter case, a new commune's name is specified in the prefecture's decree announcing the establishment of the new commune. However, it is possible that the councilors of the new commune may have already proposed a name. The idea is that this should be done "through consensual deliberation," with the final choice, however, resting with the representative of the French state (the prefect). Similarly, when commune councilors cannot agree on a name, a proposed name is announced by the prefect. The commune council then has one month to issue an opinion, and if the deadline passes, the opinion is considered positive. It should be mentioned that the prefect also does not have complete freedom in determining the name of a commune, as the name must not be unrelated to the toponymy of the area and should be justified by information from the department's archives. The details of the procedure described herein are set forth in another circular, which also includes recommendations for the prefect to contact the commune concerned before deciding on the name of the commune, even in the case of doubts about the spelling, accent, or hyphen (see: information on the circular of the Director General of Territorial Communities dated April 18, 2017 addressed to prefects, <https://amf.asso.fr>).

3. Saints as patrons of streets and squares

The naming of streets and squares is important primarily in connection with the geographic identification and topography of the commune. However, it is possible to look at street names more broadly, recognizing their utilitarian, practical, touristic, or educational aspects. Streets also affects functionality and security, which are some of the goals of naming. Names of streets or squares can also refer to other symbols, e.g., political ones, which can often be a source of controversy.

At the outset, it should be pointed out that laws, including the General Code of Territorial Communities (CGCT) and the Traffic Code, do not establish an obligation to give name to streets and other public places (squares, plazas, as well as schools, kindergartens, nurseries, etc.). As a result, there is no legislation that regulates the naming of roads and public sites. However, since 1994 (Decree no. 94-1112 of December 19, 1994), every commune with a population of more than 2,000 has been required to submit an alphabetical list of public roads and building numbers to the relevant tax office or land office. In 2022, the CGCT was modified, by passing the so-called “3DS Act,” (Act no. 2022-217 of February 21, 2022) and henceforth communes with less than 2,000 residents are also required to provide the said reference data, and naming requirements also apply to private roads open to traffic. This change was dictated by security considerations and the convenience of various services (emergency services, law enforcement agencies, postal services, residents and generally everyone, also those using applications that utilize GPS coordinates). In practice, however, many rural localities have no street names at all; at the end of 2021, this was about 15% of all French roads in communes (<https://www.lemonde.fr>). Communes also do not interfere with the names of private streets, although a list of such streets should be compiled and submitted to the land office. The rules for naming streets and other public sites are therefore not derived from code regulations, but from case law.

Within the framework of the principles of decentralization and subsidiarity, from which stems the division of powers between the state and territorial communities as defined by relevant acts, a commune’s affairs are regulated through resolutions of the commune council. Since 1982, i.e., the enactment of the act on the rights and freedoms of communes, departments, and regions (Act of March 2, 1982), the naming of streets, squares, plazas, etc., in France has been the responsibility of local authorities (communes). Commune councils make their decisions in this regard at their own discretion and their resolutions on this matter are binding.

However, freedom of choice, which is the starting point of the naming procedure, is limited by well-established customs. In general, the name of a street or other public site in a commune should correlate with the identity of the commune, and the specific choice should be supported by convincing arguments. Communes are free to conduct a consultation procedure with their residents, whether in the form of a local referendum (based on Article L. 1112-15 of the CGCT) or by using the mechanism for ordinary consultation (according to Article LO. 1112-1 of the CGCT), which is a form of participatory democracy within the district (housing estate) council. Communication with residents is also important because they are often very attached to the name of their street, especially since it is their address, which they must use in various administrative activities.

The name given to streets, squares, and other such spaces (including buildings) must be consistent with the local public interest. Preferably, the choice should be made after reaching a consensus, but it is not always possible. The assignment of patron saints, clergymen, or preachers is typical in France for the vicinity of churches and places of worship, just as doctors are often the patrons of various sites located near hospitals. For natural reasons, i.e. the long time since the death of the saint, the requirement to obtain the consent of the patron's family members, which has to be met occasionally, is generally not applicable in this case. Generally, before making an official decision on the name of a street commemorating a particular person, it is necessary, for example, to obtain the consent of the person's family, if this is possible, of course, although according to the position of the Ministry of Interior dated August 11, 2016: "No provisions of a statute or secondary legislation shall require consultation or a request for permission from a possible heir or descendant of a person whose name will be used to name a public site." Nevertheless, this does not rule out the possibility of requesting such approval (<https://www.maire-info.com>).

Residents (each and every one of them) can influence the choice of a street's name: all they have to do is submit a written or verbal request to the mayor, who then decides whether or not to put the issue on the agenda. In order to debate certain issues, including the proposal to choose a name, the issue must be placed on the agenda in advance. This is decided by the mayor and is part of his or her discretionary powers. It should be mentioned that city councilors can challenge these powers with an administrative court. Decisions made under the discretionary powers are not exempt from the law and may also be subject to judicial review. The basic legal remedy is a complaint regarding abuse of power, the purpose of which is to protect

the right and duties of citizens by ensuring that decisions made by the administration do not go beyond the legal framework, i.e. are made on the basis and within the limits of the law. Another possibility is that a clear error of judgment is found, which refers to an excessive disproportion between the facts and the decision issued by the administration (see: vie-publique.fr). A special city committee, composed in particular of clerks from technical and traffic services, will then be able to make a preliminary selection and submit several names for consideration, justifying them with biographic information.

Deliberations on the name of a public site should involve reflection, and the final choice of a name should be duly justified. This is because the idea is to respect certain customs, especially when paying tribute to individuals or historical events in this way. The choice must be limited “to persons who have distinguished themselves by their service to the state or by outstanding contributions to the development of science, art, or literature,” and whose achievements (work) are undeniable, free of controversy and undisputed, and have thus gained public recognition. It is for this reason that many streets in France are named after historical figures.

In order to avoid controversy, many local authorities opt for consultations with the population or a referendum before making the decision. However, there is no legal obligation incumbent upon public authorities to do so. On the other hand, consultations or referendum can safeguard the authorities in cases involving heated discussions or even emotions. Mayors often opt for consultations, because choosing a name can prove quite sensitive.

Participation in consultations (in addition to the aforementioned right of initiative regarding the naming or changing the name of a street or square) is not the only right of residents. Like a subprefect or prefect, they can challenge the consultations before an administrative court within two months after the resolution is published. The grounds for such a challenge is administrative difficulties, consequences such as the cost of changing the name of a street, but also other considerations that come into play that are associated with the local public interest. As stated in 2011 by the Ministry of Territorial Communities, “[t]he naming of a public space must not disturb public order, offend people’s feelings, or harm reputation. In addition to considerations associated with the local public interest, there is the principle of neutrality to which the public service is committed.” The Ministry also advised against naming a public space after a person earlier than 5 years after his or her death, although this standard does not generally apply to patron saints (see: <https://www.senat.fr>).

The name of a public site must “adhere to the principle of neutrality of public service,” as stated by the Ministry of Interior in 2016, and there is no absolute obligation to adhere to the principle of secularism. It is therefore permissible to adopt a name inspired by religion or members of the clergy. A good example is the courtyard (square) in front of the Notre-Dame Cathedral in Paris, which was renamed in 2006 after Pope John Paul II. One should bear in mind, however, that at that time John Paul II had not yet been declared a saint (which occurred in 2014), and therefore this example is not analyzed from the perspective of the topic of this study. The decision of the Paris city council was controversial due to the allegations made by some people that it violated the principle of secularism of the state and to some of the allegations referring directly to the Pope himself, but the council’s resolution was not overturned by courts, despite the opposition of a large number of elected Paris officials. After 2014, i.e. already after the canonization, the name of John Paul II was given, for example, to other squares: in Toulouse in front of the Saint-Sernin Cathedral (2019; in this case, there were disputes; see: <https://www.leparisien.fr>) and in the town of Boulogne Billancourt (2015).

Thus, the mayor cannot influence the choice made by the commune council, and if he or she were to abuse his or her powers, such action would be considered incompetence by an administrative court. However, the mayor may intervene under his or her general police powers to prohibit the names of roads, squares, or public buildings that would be detrimental to public order and good morals (see: Rulings of the Council of State of June 19, 1974, no. 88410, and of December 2, 1991, no. 84929).

Pursuant to the provisions of the Decentralization Act of July 22, 1982, giving names to streets, squares, and plazas does not require the prefect’s approval. Thus, the acts of a commune become enforceable by law as soon as they are promulgated and submitted to the prefect. The commune council makes the appropriate choice by deliberation, and the resolution is a consequence of the support of a majority of those eligible to vote. The commune council then forwards the resolution to the department prefect and publishes it; it is therefore automatically enforceable. The prefect is only authorized to control the legality of the deliberation (meeting) during which the relevant name of a square or street is approved. However, he or she cannot interfere with the validity (desirability) of the choice of a particular name (patron). In choosing a name (patron), a commune council not bound either by the entries made in cadastral records or by the names appearing on maps drawn up by the state geographic institute.

A commune council’s resolution, on the other hand, may be subject to review by an administrative judge, but only if there is a clear error of judg-

ment or abuse of power, for example, if the commune council changed the name of a private street. An administrative judge also has the power to control names. As a general rule, the chosen name must not “harm the reputation of the commune” or “offend the sensibilities of people,” and must not disturb public order.

As for giving names to streets or squares, there is a formal issue that should be mentioned: a commune council does not have to consult its choice with the postal service, even if the street name is part of a postal address. The only limitation, which is technical in nature, is related to the requirement to keep the length of the name below the maximum number of 38 characters per line of the address. This refers to the Anfor NF Z10-011 standard of January 2013, which also stipulates a maximum of 6 address lines on mail; a seventh line may be used to specify the country (see: <https://www.rnvp-internationale.com>).

Conclusion

Despite the generally restrictive approach to the relationship between the state and churches and religious associations, tradition and customs play a very important role in the subject matter discussed in this paper. Only a juxtaposition of the principles of the system of government, the provisions of laws, and customs (including local ones) allows for drawing conclusions about the nature of the French state.

It is not difficult to see that French people are attached to their religious heritage, and this statement applies not only to believers. Also those French citizens who are not members of the Catholic religious community recognize France’s historical religious heritage as part of the country’s historical heritage. This primarily concerns the importance of religious buildings, which are a permanent part of the memory of the local community (see: sec. I.2 of the Report of the Commission on Culture, Education, and Communication of the Senate of the Republic, <http://www.senat.fr>). This the background for an analysis of the essential rules that govern the naming of public sites, especially streets and squares, which, often referring to the names of saints, are also an example of reference to the religious heritage of that country. On the other hand, in the past, reference to a saint increased the prestige of a city and, together with its origin, history, and privileges, influenced its identity.

In France, religions do not enjoy any preference in the assignment of patrons of public sites. Authorities of local government units (commune council, mayor), and consequently those units themselves, may not promote

content that favors a particular religion. On the other hand, however, even the principle of secularity of the state, which involves secularity of the public and religious spheres, and the principle of neutrality of public authorities, which is a component of the former principle, cannot lead to the elimination of patron saints from public spaces such as streets, squares, plazas, etc. Nothing is done automatically in this regard. The only case of state interference may be dictated by the need to protect the public interest and may concern a situation in which, for example, a proposed or existing patron saint would lead to social unrest within a community.

The procedure for assigning a patron saint to a commune, incorporating a patron saint into the name of a locality, or assigning a patron saint to a public site in a commune is not separately regulated by state law. Moreover, state law establishes general principles and defines the general powers of authorities regarding the decisions made on the names of communes or public sites in communes. The details are defined in the jurisprudence of administrative courts and the rulings of the Council of State, but also specified in the instructions (circulars) issued by the competent minister.

An administrative court may interfere only if assigning a patron to a commune, street, square, or other public entity or site would violate the principles or values underlying the stability of the Republic (the affected community). The state's control activities are based on the following needs: to ensure that the public service remains neutral with respect to political, religious, or philosophical views; to ensure the equality of citizens and prevent discrimination; to ensure public safety and the continuity of the public service; to comply with the local public interest or protect the local community (residents) from internal conflicts; and to protect human sensibilities and the reputation of a particular community.

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