MEDIEVAL MULTILINGUALISM
THE FRANCOPHONE WORLD
AND ITS NEIGHBOURS

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Aspects of Legal Multilingualism in the States of Savoy

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Introduction

Significant traces of multilingualism are still to be found in the territories of north-west Italy that today correspond to the Regions of Piedmont and the Aosta Valley. As is to be expected, Italian is now the common official language, but the Aosta Valley is officially a bilingual region, and French is in widespread use there. In Piedmont, French is still fairly common in the valleys of Pinerolo, in a close-knit evangelical community that for centuries past has found the valleys to be the place where it could survive in a historically Catholic region, according to special legislation partly dating back to the early modern era;¹

The bibliographical items contained in the notes are basic to the study of the legal history in the specific geographical area treated in this essay. For additional references the reader should consult the bibliographies found in all the cited works.

historically, French was diffused in other minor communities of the alpine valleys close to the border with France. Also in Piedmont, the Occitan language is found in certain south-western areas, and in the north-eastern portion, German persists in certain communities in Monte Rosa, known as the Walser.

This enduring multilingualism is deeply rooted in the history of the territories, which are all linked by a common legal and institutional history: the legacy of having been — long ago or in times closer to our own — part of a geopolitical ‘State’ entity, commonly known as the ‘States of Savoy’. This term identifies the group of territorial communities that came under the domination of the counts — later the dukes — of Savoy over a process of expansion stretching out over some eight centuries from the late High Middle Ages. That feudal dynasty, as is well known, gradually extended its domain from its origins in the valleys on the French side of the Alps until, in 1861, it helped bring about the unification of the Italian peninsula and, under its auspices, the foundation of the Kingdom of Italy, which was the immediate predecessor of today’s Italian Republic.

2 See Piero Fiorelli, ‘I diritti linguistici delle minoranze’, Archivio per l’Alto Adige, 42 (1948), 293–432 (pp. 383–84). A great number of these French-speaking communities were located in the valleys of Pinerolo and Susa. For legal topics about these areas, see M. Viora, Il Senato di Pinerolo: Contributo alla Storia della Magistratura Subalpina (Casale Monferrato: Miglietta, 1927); Maria Ada Benedetto, Ricerche sugli ordinamenti dei domini del Definasto nell’alta Valle di Susa (Turin: Giappichelli, 1953); Benedetto, Il regime della proprietà fondiaria nel diritto consuetudinario dell’alta valle di Susa (Florence: Coppini, 1953); Pene Vidari, Aspetti, pp. 20–22; Federico Goria, ‘Una controversia fra Stato e Chiesa nel Piemonte del XVIII secolo: la Prevostura di Oulx’, Rivista di Storia del diritto italiano, 76 (2003), 291–338.


The coexistence of several languages, traces of which can still be encountered, is a situation typical of the States of Savoy and dates back to their medieval origins. Multilingualism has affected every aspect of the history of the States, but from the specifically legal viewpoint it has peculiar features of its own. It highlights the trans-frontier nature of this institutional system, which in recent years has been the subject of a growing number of research ventures at the international level. Among these the following merit special mention: *Programme de Recherche sur les Institutions et le Droit des Anciens États de Savoie* (P.R.I.D.A.E.S.), launched by the University of Nice in June 2006, whose first conference, 'Pouvoirs et territoires dans les États de Savoie', was held in Nice in November–December of 2007; the Turin 2001 *Journées Internationales* of the French Société d'Histoire du Droit; and the Centro di Studi sull'Arco Alpino Occidentale. On the teaching side, there is the Italo-French 'double degree', which links two Italian Universities — Turin and Eastern Piedmont (Piemonte Orientale) — with the University of Nice.

Among the States into which Italy was divided before the late nineteenth century, the States of Savoy were the only ones to adhere to the use of a plurality of languages for legal purposes from their origins (in about the middle of the eleventh century) without a break until they ceased to exist as an autonomous political entity, by joining the unified Kingdom of Italy in 1861.

They were also the only State in Italy where multilingualism was a phenomenon from the very start, in that it was linked with the very origins of the State, which was born as the union of both French-speaking territories and Italian-speaking


territories, rather than being due — as was the case in other Italian States — to the temporary incursion of foreign conquerors who introduced some measure of use of their own languages into local legal life. The legal multilingualism of the States of Savoy, therefore, dates back to their origins and is unbroken and autochthonous: for these reasons, it represents a complete departure from the legal multilingualism which can occasionally be found in some of the other ancient Italian States.

The differing ways in which the various languages gained recognition in the legal sphere, as we shall see, also mirror fundamental aspects of the origins, organization, and evolution of the law and institutions of the State, so that it could be said that in the States of Savoy legal multilingualism is a significant indicator of the status of the legal system as a whole.

A final point to be borne in mind is the presence of Latin, which, as was the norm in medieval and modern Europe, was continuously superimposed on the use of the vernacular in the life of the law. In the States of Savoy, its presence accentuates the legal multilingualism brought about by the coexistence of different local languages. The ways in which Latin and vernacular languages interact in legal life can also be a significant indicator of more general legal and institutional dynamics.

Despite its specificity and relevance, the legal multilingualism of the States of Savoy does not seem until now to have aroused any special research interest, with the exception of the pages devoted to the subject in some important works by Fiorelli and by Couzin (who, however, concentrates on the nineteenth century).

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9 About this topic with special regard to Italy, see mainly the following essays by Piero Fiorelli in his *Intorno alle parole del diritto*: 'La lingua del diritto e dell'amministrazione', pp. 1–70, 'L'italiano giuridico dal latinismo al tecnicismo', pp. 71–126, and 'La lingua giuridica dal De Luca al Buonaparte'. Specifically about the States of Savoy, see Fiorelli, 'I diritti linguistici delle minoranze', pp. 365–72.

The conference on multilingualism in Madison, then, would seem to be propitious for the launching of a discourse that may merit further investigation.

While the phenomenon may be studied from many viewpoints, I have identified three:

1) Multilingualism and politico-territorial organization;
2) Multilingualism and sovereign legislation; and
3) Multilingualism and the legal classes.

In this essay I intend to develop point 1 and part of point 2, that related to the use of the vernacular and/or Latin in sovereign legislation as a sign of the insertion of the power of the counts — and then dukes — of Savoy in the universalistic legal order of the Roman Catholic Church and of the Holy Roman Empire. The other part of point 2 — that more specifically related to the ‘language policy’ of Duke Emanuel Philibert, who is regarded as the founder of modern absolutism in the States of Savoy — and point 3 will be developed elsewhere.\(^{11}\)

Multilingualism and Politico-Territorial Organization

The expansion of the Savoy dynasty into the territories on the two sides of the Alps surrounding its original settlement in Savoie evolved throughout the Middle Ages according to dynamics typical of a ‘feudal monarchy’. Having at first become consolidated on the French slope, including part of Switzerland (Geneva in particular),\(^{12}\)


\(^{11}\) These other topics are the subject of my paper presented at the 42nd International Congress on Medieval Studies at Western Michigan University in Kalamazoo, 10–13 May 2007.

the dynasty expanded towards the Italian side of the Alps,\textsuperscript{13} where weaker communities had settled and were gradually brought under submission. This could be done by military force, but more often it occurred through marriages, the establishment of links of vassalage, or what we would today define as ‘political-diplomatic’ agreements, which customarily took the name of ‘patti di dedizione’ — acts of submission.\textsuperscript{14} Faced with the dominant power of the House of Savoy, the weaker communities that were unable to retain their independence negotiated the terms of submission to new overlords without bloodshed, and in exchange managed to preserve a certain amount of self-government.

The States of Savoy thus came to be structured in the typically medieval pattern of a ‘State of States’, in other words a union of different territorial communities, linked to the same dynasty on the basis of separate legal titles, each community having a different legal and institutional organization with a varying degree of autonomy.\textsuperscript{15} It is significant that historians today tend frequently to speak of the ‘Stati sabaudi’ — ‘the States of Savoy’ — in the plural, rather than the State of Savoy.\textsuperscript{16}

In the great majority of cases the dependent relationship between the sovereign and the territorial communities was an agreement, sealed by a typically feudal oath of fealty. This bilateral agreement — essentially a contract — presupposed the sovereign’s recognition and respect of the original legal identity of the subjected community. The native language was one of the fundamental aspects of this identity, and normally it was retained not only in daily life but also in the ‘official’ life of local law and institutions.


\textsuperscript{15} For a general overview, see \textit{Partecipazione e autonomia nelle territorialità dell’area alpina occidentale: Profili storici e giuridici}, ed. by G. Lombardi (Milan: Angeli, 1988).

The preservation of the language of origin of local communities, then, is primarily a reflection of a specific manner of forming the State: gradual expansion through pacts, based on the recognition and conservation of the original legal identity of the subjected communities. It also reflects a specific method of structuring the legal system, a typically medieval method known as ‘legal particularism’: each community retained a measure of self-government, its own legislation, its own language; each of them was unique and different in its relations with the sovereign and with the other territorial communities. There was no question of bringing about absolute uniformity, nor was there a nationalistic ideal of the State as being identified with a single people speaking the same language.

The Cismontane Patria and the Ultramontane Patria

The link between multilingualism and the structuring of the legal order is particularly evident in the first fundamental distinction within the States of Savoy in two main linguistic macro-areas, which correspond to the main legal and administrative division of the State. The dynasty’s original dominions on the western side of the Alps were French-speaking, while those on the eastern side were Italian-speaking. In the language of the time, the two groups of territories were technically defined as ‘cismontani’ (citra montes, ‘on this side of the mountains’), and ‘ultramontani’ (ultra montes, ‘beyond the mountains’), according to the side of the Alps from which one was speaking.

The linguistic distinction almost entirely coincided with the principal legal and institutional structure of the monarchy. The two language areas did genuinely correspond to two different States (a State, in the language of the time, being a patria). Even though the two States had come under the same sovereign, with the passing of time two legal and institutional organizations emerged and were, to a great extent, parallel and distinctive. They had different parliaments and financial


18 The following should be added to the above references, as a minimum: Lino Marini, *Libertà e privilegio: Dalla Savoia al Monferrato, da Amedeo VIII a Carlo Emanuele I* (Bologna: Patron, 1972); Alessandro Barbero and Guido Castelnuevo, ‘Govermare un ducato: L’amministrazione sabauda nel tardo medioevo’, *Società e Storia*, 57 (1992), 465–511; Alessandro Barbero, *Il ducato
systems, their own specific legislation (see Figure 7) and autonomous judicial apparatus, as well as a rather different regulation of relations between the State


20 See Gaspard Bally, Recueil des édits et règlement de Savoie [...] (Chambéry: Estienne Riondet, 1679).

and the Church. Gradually they came to determine their capital cities as being Chambéry and Turin. There were also features differentiating the legal culture in each of the two areas, and even the judiciary and bureaucracy displayed different characteristics.

When the legislation that the sovereigns directed towards both areas without distinction was — as we shall see — issued in the vernacular language, it was


Recueil des édits et règlement de Savoye.

Depuis Emmanuel Philibert, jusques à présent, fait enfin des Ordres de Madame Royale, heureusement Regente.

Par Spteable Gaspard Bally, Avocat au Senat de Savoye.

A CHAMBERY,
Chez Estienne Riondet, Imprimeur & Libraire de S.A.R.

M. D.C. LXXIX.

Figure 7. Gaspard Bally, Recueil des édits et règlement de Savoye [...] (Chambéry: Estienne Riondet, 1679).
normally promulgated in two official versions: one in French and the other in Italian. This was to continue without a break until the mid-nineteenth century. Certain very important pieces of legislation, such as the eighteenth-century Regie Costituzioni (see Figure 8), which are considered the legislative masterpiece of Savoy absolutism,\textsuperscript{25} were published, in the official version, as parallel bilingual texts,\textsuperscript{26} and even the most important manifestations of contemporary legislation, such as the 1837–59 codes of Napoleonic inspiration\textsuperscript{27} or the constitution granted in 1848 by King Charles Albert,\textsuperscript{28} were published in two versions — Italian and French.\textsuperscript{29}

Because of the territorially composite nature of the State, most of the country’s ruling class, which was consistently made up of leading figures from the two \textit{patriae}


\textsuperscript{26} Sec, for example, \textit{Leggi, e costituzioni di Sua Maestà – Loix et constitutions de Sa Majesté} (Turin: Stamperia Reale, 1770). On this topic, see Piero Fiorelli, ‘Leggi bilingui nella Toscana della reggenza’, in his \textit{Intorno alle parole del diritto}, pp. 361–78 (p. 364, n. 14).


\textsuperscript{29} On this topic, see Fiorelli, ‘I diritti linguistici delle minoranze’, p. 375.
LEGGI, E COSTITUZIONI DI SUA MAESTÀ
TOMO PRIMO.

LOIX, ET CONSTITUTIONS DE SA MAJESTÉ
TOME PREMIER.

IN TORINO, NELLA STAMPERIA REALE. MDCCLXX.

Figure 8. The eighteenth-century Regie Costituzioni.
(almost all of them being jurists at least by training), was also bilingual. Italian and French coexisted at court and in the government, and often the preparation of the sovereign laws was conducted indiscriminately in the two languages. This important phenomenon of medieval origin was to be taken into account even well into the nineteenth century, with the 1848 Constitution, which allowed a choice between French and Italian in the parliamentary debates, an option that was in fact widely taken up. The preparatory works for the constitution itself were mainly in French, even though the work was done in Piedmont.

Moreover, French seems to be the principal language used by certain very important organisms of central administration in the late Middle Ages and at the beginning of modern era, such as the Chambre des Comptes (a sort of ‘Audit office’ and one of the main Courts of Justice of the State) (see Figure 9) and, sometimes, the Consilium cum domino residens — the ‘Council resident with the prince’ — which assisted the sovereign in all of the most important acts of justice and administration.

Official bilingualism was, then, a feature of the States of Savoy throughout their whole history and is evidence of their being deeply rooted in their medieval origins and evolving gradually over the centuries without sudden shifts or radical disruptions. Bilingualism thus seemed to be inherent in the very nature of the State,

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34 See Alexandre Jolly, Compilation des anciens édits des princes de la royale maison de Savoie [...] touchant la juridiction de la Chambre des Comptes (Chambéry: Estienne Riondet, 1679).


COMPILATION DES ANCIENS EDITS DES PRINCES DE LA ROYALE MAISON DE SAVOYE:

Ensemble les Edits de MADAME ROYALE, Marie Jeanne Baptiste de Savoys, TOUCHANT

La Jurisdiction de la Chambre des Comptes.
La Gabelle Generale
La Taille & Tresorerie Generale.
Le Domaine.

À MADAME ROYALE:

Par Noble ALEXANDRE JOLLY, Docteur és Droits, Conseiller de S. A. R.
Maitre Ordinaire, & Auditeur en la Chambre des Comptes de Savoys.

A CHÂMBERY,
Chez ESTIENNE RIONDET, Imprimeur & Libraire de S. A. R.

M. D. C. L. X. X. I. X.

Figure 9. Alexandre Jolly, Compilation des anciens edits des princes de la royale maison de Savoie [...] (Chambéry: Estienne Riondet, 1679).
coming to an end only on the eve of the disappearance of the State itself, that is to say, on the eve of its merging with the Kingdom of Italy. This took place in 1860, when, as an international act of appeasement for the process of national unification, the French-speaking territories of Savoie were ceded to the France of Napoleon III. Thus, the disappearance of legal bilingualism coincided not only with the disappearance of the States of Savoy, but also with the succession of two different models of a State: the former monarchy of medieval origin based on the coexistence of different peoples speaking different languages under the rule of a single dynasty gave way, both in the Italian territories and in Savoie, to the nation states of France and Italy, each of which was identified as a single people, having the fundamental characteristic of linguistic unity.

The major legal/linguistic, Franco-Italian partition of the States of Savoy also included a set of what could be defined as 'minor' internal features, these too being characterized by the close correspondence between the language factor and the overall legal and institutional factor. I shall now briefly discuss those I see as the most significant: the cases of Nice, the Aosta Valley, and Sardinia.

Nice

The County of Nice has been for many centuries the main maritime port of the States. It was also, from 1388, the year in which it came under the sujection of the Counts of Savoy following a patto di dedizione, the third basic geopolitical component of the State.

37 Paul Guichonnet, Histoire de l'annexion de la Savoie à la France (Le Coteau Roanne: Horvat, 1982).


Nice, too, had a virtually complete administrative and judicial apparatus\(^{40}\) and enjoyed significant prerogatives of autonomy,\(^{41}\) which included the — economically highly important — *status* of a free port.

By contrast with today’s image of Nice and its territory (the *côte d’azur*) as typically French, we should remember that the area of Nice was, throughout the whole of its membership of the States of Savoy, a land where Italian was the language of both daily life and law. The linguistic transformation — in this instance into an exclusively French-speaking land — coincided here again with a substantial change in the law and institutions, and with a sharp break from the medieval roots of the legal order. This took place in 1860, when Nice, together with Savoie and for the same reasons, was ceded to the France of Napoleon III.\(^{42}\) That date was the start of intensive ‘Frenchification’, including the imposition of French as the official language.

Here again, linguistic uniformity coincided with the launching of two different models of a State: the traditional territorially composite Savoy model, which was the result of gradual evolution from the medieval system and allowed the preservation of a certain margin of local self-government; and the typically modern model of the French Second Empire, pursuing the goal of absolute uniformity on a national/popular basis, and denying local communities any of their identity of origin, including the use of their own languages, as well as denying them any form of autonomy on a local basis.\(^{43}\)


\(^{42}\) *Nice au xixe siècle: Mutations institutionnelles et changements de souveraineté. Actes du Colloque* [...] (Nice: Centre d’Histoire du Droit, 1985).

The Aosta Valley

Another special case, partly because its consequences are still felt today, is the Aosta Valley, a series of open valleys on the Italian side of the Alps, which have had their own deep-rooted Francophone identity from the early centuries of the Middle Ages. The Valley was one of the first of the territories on the Italian side of the Alps to fall under the domination of the counts of Savoy in the twelfth century. Considering its geographical location, the Valley might have been expected to be part of the group of the dynasty’s Italian-speaking territories. In fact, the ‘official’ language used there, also on the basis of explicit acts of recognition, was French almost without interruption until the second half of the nineteenth century.

The linguistic differentiation was matched by a legal and institutional system with the distinctive feature of far-reaching autonomy, an autonomy extending, for example, to its financial and representative institutions and the organization of local government. For a general overview, see La Valle d’Aosta: Relazioni e comunicazioni presentate al XXXI Congresso Storico Subalpino di Aosta; Liberté et libertés; Alessandro Barbero, Valle d’Aosta medievale (Naples: Liguori, 2000).


On the complex developments of the situation from the granting of the constitution (1848) till the fall of Fascism (1943), see Fiorelli, ‘Il diritto linguistico valdostano’, and his ‘I diritti linguistici delle minoranze’, pp. 372–80.


of the courts, a special sovereign legislation, and ecclesiastical law. This autonomy was recognized by the princes of Savoy both in consideration of the economic and strategic importance of the valley and as a reward for its repeated demonstrations of loyalty. It could in fact be said that the Aosta Valley, of all the dynasty’s ancient territories, was the one that was continuously allowed to enjoy the highest degree of autonomy.

The legal recognition of a language other than those being spoken in the more immediate neighbouring territories is more generally a reflection of a particularly extensive degree of general autonomy with exceptional features (for example, the Valley was the only one of the dynasty’s ancient territories to retain its medieval parliamentary institutions even after the mid-sixteenth century). According to some jurists and historians, the Valle d’Aosta would have been another ‘State’ of the States of Savoy, the ‘intramontane’ State (the State intramontes).

The link between legal and institutional autonomy and the use of the local language had in this case become so deeply rooted in the history of the territory that even today the Constitution of the Italian Republic has granted the Valle d’Aosta special autonomous status of a very extensive nature, a vital role being


54 Pecorella, ‘Lo Stato moderno’.

55 Pecorella, ‘Lo Stato moderno’.


57 *Costituzione della Repubblica italiana* (1947), art. 116.
performed by the official recognition of Italian/French bilingualism, which is very common among the inhabitants.

Sardinia

In the eighteenth century the two poles between which the States of Savoy evolved were absolutism internally and international organization externally. The old local autonomies — including the linguistic autonomies — could survive there as the residues of past centuries, as far as their abolition was seen as either impossible or inadvisable, but it seemed that the dynamics that had brought about such situations could no longer be reproduced. This did not prevent the new legal movements of the time, associated with the consolidation of the international legal order, from resulting in a new increase in the legal multilingualism of the State.

This happened as a consequence of the definitive acquisition of the dignity of kingship by the House of Savoy in 1713 following the Treaty of Utrecht.


62 On Savoy’s earlier claims to the dignity of kingship, see Elisa Mongiano, ‘L’acquisizione del titolo regio: I Savoia e la Corona di Cipro’, in Anna di Cipro e Ludovico di Savoia e i rapporti con
Originally the royal crown obtained by the dynasty was that of the Kingdom of Sicily, but after a few years it was exchanged for Sardinia and was accompanied by the acquisition of actual dominion over the island. Duke Victor Amadeus II thus became King of Sardinia, taking over from the rule of the King of Spain.\footnote{Among the conditions of this acquisition, imposed by international treaties, was that Savoy should respect the law and the institutions already in force in the island. The ancient statutes of that law were written partly in the language of the island’s previous overlords, Spanish, and in part they consisted of old medieval texts in the Sardinian language, including the fundamental *Carta de Logu*, a ‘code’ produced by the *Giudicessa* Eleonora of Arborea towards the end of the fourteenth century.}

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\footnote{Among the conditions of this acquisition, imposed by international treaties, was that Savoy should respect the law and the institutions already in force in the island. The ancient statutes of that law were written partly in the language of the island’s previous overlords, Spanish, and in part they consisted of old medieval texts in the Sardinian language, including the fundamental *Carta de Logu*, a ‘code’ produced by the *Giudicessa* Eleonora of Arborea towards the end of the fourteenth century.}The term is used in the generic sense. For further information, either general or specifically on the language used in the *Carta de Logu*, see Mario Da Passano, *Delitto e delinquenza nella Sardegna sabauda (1823–1844)* (Milan: Giuffrè, 1984), p. 11 and the bibliography cited in n. 8; Antonietta Dettori, “Testualità e lingua nella “Carta de Logu” di Arborea”, in *La ‘Carta de Logu’ d’Arborea nella storia del diritto medievale e moderno*, ed. by Italo Birocchi and Antonello Mattone (Rome: GLF Editori Laterza, 2004) pp. 139–64; Fiorelli, ‘La lingua giuridica dal De Luca al Buonaparte’, pp. 336–38.

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The Savoy sovereigns were not allowed to abrogate this body of law. As a result, in Sardinia the component in vernacular of the law in force was a singular mixture of texts in Italian, Spanish, and Sardinian. And so, right in the heart of the eighteenth century, two new vernacular languages — Spanish and Sardinian — made their entrance into the law of the States of Savoy, which already featured, as we have noted, the coexistence of Italian and French. In some cases too, laws that were promulgated *ex novo* for the island by the House of Savoy were published both in Spanish and Italian, as parallel texts (see Figures 10–11).

This situation, guaranteed by international treaties, was to continue until the early decades of the nineteenth century. That was not all: given the link between the royal title and the crown of Sardinia, in certain respects Sardinian seemed to acquire something of the nature of an ‘official language’ of the monarchy. In particular, the laws of Sardinia, whether in Spanish or Sardinian, came to be regarded as the basis of the legal system for the territories of the Kingdom of Sardinia.

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EDICTO DE S. M.
POR EL ESTABLECIMIENTO
DE LA INSINUACION
En el Reyno
DE CERDEÑA.
De los 15. de Mayo Año de 1738.

EDITTO DI S. M.
PER LO STABILIMENTO
DELL' INSINUAZIONE
Nel Regno
DI SARDEGNA.
In data delli 15. Maggio 1738.

INTORINO. MDCCXXXVIII.

Per Gio. Battista Valetta Stampatore di S. S. R. MAESTA',
 e de' Regj Magiftrati.

Figure 10. Edicto de S. M. por el establecimiento de la insinuacion en el Reyno de Cerdeña de los 15 de Mayo Año de 1738 – Editto di S. M. (Turin: Gio. Battista Valetta, 1738).
NOS DON CARLOS MANUEL
Por la gracia de Dios Rey de Cerdeña, de Cipro, y de Hierusalem; Duque de Saboya, de Monferrato, de Aoña, de Chiablese, y de Geneve; Principe de Piamonte, y de Ovella; Marques de Italia, de Saluzzo, de Sufa, de Ivrea, de Ceva, del Maro, de Orifian, y de Sezana; Conde de Moriana, de Ginebra, de Nizza, de Tenda, de Afiti, de Alexandría, de Gocesto, de Romonte, de Novara, y de Tortona; Baron de Vó, y de Pofía; Señor de Verolio, de Pineroli, de Tarantasia, de Lumelina, y del Valle de Sufa; Principe, y Vicario perpetuo del Sacro Romano Imperio en Italia.

CARLO EMANUELE
Per grazia di Dio Re di Sardegna, di Cipro, e di Gerusalemme; Duca di Savoja, di Monferrato, d'Aoña, di Chiablese, e di Geneve; Principe di Piemonte, e di Oneglia; Marchese d'Italia, di Saluzzo, di Sufa, d'Ivrea, di Ceva, del Maro, d'Oriòflano, e di Sezana; Conte di Moriana, di Ginebra, di Nizza, di Tenda, d'Aiti, d'Alesandria, di Gocesto, di Romonte, di Novara, e di Tortona; Barone di Vaud, e di Faustigni; Signore di Verco, di Pinerolo, di Tarantasia, di Lumelina, e di Valle Sufa; Principe, e Vicario perpetuo del Sacro Romano Impero in Italia.

Allandonos informados de los gravísimos daños, y perjuicios fæ han introducido, y fæ van continuando en este nuestro Reyno de Cerdeña por falta de Archivos publicos, que en todos los Reynos bien governa.

Figure 11. Edicto de S. M. por el establecimiento de la insinuacion en el Reyno de Cerdeña de los 15 de Mayo Año de 1738 – Editto di S. M. (Turin: Gio. Battista Valetta, 1738).
particular, in the nineteenth century a ‘national anthem’ for the Kingdom of Sardinia was composed in the Sardinian language, ‘Conservet Deus su Re ...’, an anthem widely used on official occasions by the royal family till very recent times (see Figures 12–13).

To recapitulate: the events of legal multilingualism within the territories of the States of Savoy were an effective and immediate reflection of the origins, consolidation, and transformation of the organization of the State and the position assumed within the State by local autonomies at different moments in history. The persistence of multilingualism at the local level is also a demonstration of the close link between the Savoy systems and their original medieval structure, a link that was never completely broken at any time throughout their eight centuries of history.

**Multilingualism and Sovereign Legislation**

Another sector in which the vicissitudes of language can be seen as a significant indicator of the general methods of evolution of law and institutions is that of sovereign legislation.

In common generally with all legal systems in continental Europe in the Middle Ages and the modern era, the States of Savoy were governed by a set of different

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75 *Hymnu sardu nationali* (1843), music by Giovanni Gonella, words by Vittorio Angius. This anthem sounds like the British ‘God save the King’ and, actually, is the literal translation of the liturgical hymn *Dominus salvum fac regem*. For more on this topic, see Marie-Thérèse Bouquet-Boyer, *Domine salvum fac ... Regem? ... Imperatorem? La musique à Turin à la fin du XVIIIe siècle*, in *Dal trono all’albero della libertà*, 1, 515–24.

and interacting sources of law: the laws and customs of the local communities; the laws of the sovereign; *ius commune*, or the complex of both Justinian Roman law, known as *ius civile*, and canon law.\(^{77}\)

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Figure 13. Music of the *Hymnu sardu nationale* (the 'National Anthem' for the Kingdom of Sardinia).

*Ius commune* is applied, as in many other parts of Europe, because it is regarded as the normative expression of the Church and the Holy Empire, that is to say of the two supreme universal orders in which the great community of the *Respublica christiana* is divided and which covers, in the medieval concept, all other political
orders. The opinions formulated by jurists on legislative texts also have the value of positive law, as do, from the closing years of the Middle Ages, the reasoned and irrevocable judgements of the supreme courts.  

The complexity of the system of sources was a reflection of the complexity of the legal system: the sovereign enacted his law, but left it to the local communities to produce their own law within the limits of their autonomy. The monarchy of Savoy also recognized its own membership in the Church and the Empire, and the superiority of these two institutions, from which it derived the application of *ius commune* in its dominions. Since they were the emanation of universal powers, the texts of canon law and Roman civil law were in Latin, the universal language of the *Respublica christiana*. The other sources were also originally in Latin, but gradually vernacular languages started to be used as well. Of particular interest in this general picture is the shift from Latin to the vernacular in the legislation of the princes. This shift seems to be a significant indication of a major change in the methods whereby the Savoy monarchy related to the universal authority of the Holy Roman Empire.

As we have said, the States of Savoy came into being as a feudal monarchy; they were part of a wider legal order, represented by the Holy Roman Empire, whose hierarchical superiority and legitimizing function were recognized by the House of Savoy. Throughout the Middle Ages, the sovereigns of Savoy looked to the Empire as the first and most important source of legitimization of their authority, which mostly came from the feudal investiture obtained from the Emperor, whose vassals and then, by the mid-fourteenth century, whose vicars they were. Theirs


was therefore a derived power, limited by the presence of a higher authority. Subjection to the Emperor, *fons honorum in temporalibus*, conferred on the dynasty a legitimate title to govern, in relations both with its own subjects and with competing powers constituting the ‘international community’ of the time. In the legislative sphere in particular, the result was that, initially and for quite some time, the House of Savoy could not issue its own laws to modify Roman law, because Roman law was regarded as imperial law, sacred in nature — like canon law — and therefore, at least in theory, inviolable.\(^{82}\)

Later on, in the second half of the fifteenth century, as the monarchy consolidated its own power, legislative measures (known as *leges correctoriae*, ‘corrective laws’) began to amend Roman law, albeit only slightly. Nevertheless, the sovereigns still needed to provide adequate justification for such measures, given the universal legislative authority of the Empire.\(^{83}\)

So long as the princes of Savoy persisted in this concept of their power as a derived power, they legislated in Latin, the language of imperial law, demonstrating, by this linguistic ‘signal’ too, that their legislation was harmoniously part of the broader universal legal order of the Holy Roman Empire. This was evidenced even in the most important medieval compilation of laws of the Savoy monarchy, the 1430 *Decreta seu Statuta* of Duke Amadeus VIII (see Figure 14).\(^{84}\) The compilation, all written in Latin, included, in its printed edition which came into common use, both solemn references to the legitimizing function of the supreme universal ecclesiastical-imperial authority and an explicit declaration of the subordination of Savoy law to Roman-imperial law.\(^{85}\)


DECRETA SEV STATUTAE VETERAE
Serenissimorum ac præpotentum Sabaudiae Ducum, & Pedemontij Principum,
Multis in locis emendata.

SVMMARIVM SIVE COMPENDIUM IPSORVM
decretorum per D. Io. Neurizanum olim compilatum,
Ferinantium duplex Tabula;

CVM PRIVILEGIO SERENISSIMI DVCIS SABAUDIAE.

Augustae Taurinorum, Apud haeredem Nicolai Bevilaquae,
M. D. LXXXVI.

Figure 14. Decreta seu Statuta vetera serenissimorum ac præpotentum Sabaudiae Ducum [...]
(Augustae taurinorum: apud haeredem Nicolai Bevilaquae, 1586).
In the following century, the move from Latin to the vernacular in legislation coincided with a radical change in this concept of sovereignty. The first sign of this was in the early modern era, when Duke Emanuel Philibert, between 1561 and 1568, issued two important compilations of legislation, the *Ordini Nuovi*, which for the first time were written in the vernacular language. Emanuel Philibert is regarded as the first instigator of a modern type of absolutism in the States of Savoy, partly replacing the previous structure of a feudal monarchy. A cornerstone of the Duke’s political vision was the original and self-sufficient nature of the sovereign’s power, whose legitimacy was to be found in its own force and not in a higher outside authority, the sovereign being defined technically as a *superiorem non recognoscens*. This vision implied the emancipation of the Savoy monarchy from the Holy Roman Empire, which lost much of its ancient legitimizing power, even though it was never explicitly disputed. The choice of the vernacular in legislation in place of Latin was a tangible expression of this detachment.

In terms of content, it was no coincidence that the *Ordini Nuovi* constituted the first compilation of laws of the House of Savoy that included an explicit declaration of the general prevalence of the sovereign’s legislation over any conflicting propositions in Roman-imperial law. The abandonment of Latin, therefore, appeared to coincide with the introduction of a new form of government, modern absolutism, based on a departure from the medieval universalist order: henceforth, in the States of Savoy, too, *Rex (rectius: Dux) in regno suo est Imperator*.

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