

Marriage for All—Theory of Gender for All

A Response to Éric Fassin’s “Same-Sex Marriage,
Nation, and Race: French Political Logics and Rhetorics”

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On April 22, 2013, an article on the front page of the French progressive newspaper *Libération* entitled “L’Homophobie Ordinaire” addressed all the ways in which opponents of gay marriage refused to acknowledge their homophobia. As Éric Fassin argues so lucidly in this essay, the French public did not conceive the question about gay marriage and families in terms of discrimination. “Everyone has their own life to live and the freedom to make their own choices,” says a “*mère de famille*” interviewed for the article, “and we know some homos!” (“Chacun a sa vie et sa liberté, nous, on en connaît des homos!”). But she insisted that children should only be raised by a mother and father because “*c’est la nature*.” As the journalist noted, “an obsession with biological ties informs a majority of the interviews” (“L’obsession du lien biologique nourrit la plupart des témoignages”).

Nature is just what it is—this accounts for why so many LGBT people since the beginning of the gay rights movement have invested in the idea of being born that way, as if appeals to nature would diminish homophobia. But if the “nature” argument has worked on behalf of gay rights in the United States, in France the appeal to “nature” is now more frequently an argument against gay marriage and parenting. Indeed, Fassin argues, the difference between the 1990s debates over the *PaCS* (*Pacte Civil de Solidarité*)—domestic partnership between two same-sex or opposite sex partners—and those taking place currently over gay marriage and parenting represents an important shift: opponents of the *PaCS* embedded their opinions in anthropological and psychoanalytic interpretations of culture in defense of the normative family; now adversaries of gay marriage and filiation appeal to the “natural” or biological family as the rationale for their opposition. “Culture” has given way to “cultures” (conceived in terms of ethnoses); the learned if often cynically deployed secular references to the work of Claude Lévi-Strauss and Jacques Lacan have been replaced once again by references to biology and religion.

Thus the French arguments against gay marriage focus less on gay marriage *per se* than on gay parenting or *filiation* (more literally, as Fassin points out, “kinship” or the biological ties between parents and children). In his view, it is the French focus on filiation that underlines the racialization of Frenchness, especially in the context of large waves of immigrants coming from outside of and within the newly enlarged European Union. Homophobia, understood more specifically as the refusal to allow gay men and women access to reproductive technologies and thus to become “natural” parents, is part of a changing portrait of French belonging painted now exclusively in white.

The relationship between race and homophobia is hardly self-evident and has multiple and surprising iterations constituted through intersecting “political logics and rhetorics.” The debate about gay marriage is a political language about race to the extent that gay marriage “is a primary way of signifying relations of power”—as Joan Scott wrote famously about the signifying power of gender.[1] In Fassin’s essay, new political configurations create metaphorical associations between race and sexuality that are far from inevitable and operate according to a metaphorical logic of similarity and difference. These associations are mobile and cannot be mapped easily. Stable categories of meaning, including and especially race, are almost always expressed in displaced forms, primarily in the discourse on *filiation*. Fassin’s argument can be difficult to follow not because it lacks clarity but because it traces multiple metaphorical displacements and thus does not proceed in a linear fashion, but a few basic claims underlie its import: sexual and racial democracy are politically and rhetorically configured rather than inevitable; the political and rhetorical operations the argument reconstructs cannot be reduced to a specific set of ideological factors, but constitute new forms of racial definition and belonging often in their very incoherence; and, to repeat, the focus on *filiation*, threatened in its “natural” mode of generation by reproductive technologies made accessible to gay couples or single women, always displaces anxieties about race.

The new politics of immigration provides the historical framework within which the relationship between homophobia and racism comes to make sense. Fears about immigration have not only undermined the dreams of a united Europe but have also given rise to a resurgent nationalism and political parties ready to exploit fear by reference to *banlieues*, or those neighborhoods where, to lift Fassin’s quotation of the National Front leader Marine Le Pen, “it is hard to be a woman, gay, Jewish, or even French or white” (a comment whose embrace of gays and Jews should already alert us to the fact that something strange is going on). The immigration Fassin describes is associated with globalization, including circulation within the European Union. This movement of population is part and parcel of a neo-liberal economy in which immigrants are desirable because they occupy low-skilled and low-paying jobs but become threatening if they aspire to stay, while cosmopolitan elites (whether transient or sedentary) are not dubbed “immigrants.” Increasingly restrictive laws discourage both family reunification (especially of relatives of North and West Africans living in France) and the long-term residence of unskilled labor in favor of “selected” (highly-skilled) immigrants. Though Nicolas Sarkozy’s draconian anti-immigrant rhetoric and 2007 “selective immigration” bill was challenged recently by the Socialist government, immigration law in France since the 1980s is a series of restrictive measures intended to discourage immigration.

In public vernacular, naturalized and French-born citizens are dubbed “immigrants” because of the color of their skin or their origin. When poor neighborhoods erupt in protest against disparate economic treatment and racism, their residents are often referred to as immigrants even though the rioters are born and raised in France. In this context, naturalization is not a symbolic and legal choice to become French in all of its multiple meanings. Opponents of *filiation* for gay couples understand French identity literally as a “natural” birth to “French” parents. Adoption is available to same-sex couples (though not all opponents of *filiation* support it) because it does not cling to the fiction of “natural” childbirth. Since adoptions are increasingly international, the dark child of white parents is a self-evidently “artificial” rather than a natural product of their

union. For Fassin the predominant fantasy about how one becomes and stays French is rooted no longer in abstracting one's particularity into a concept of universal "man," but in biology.

Fassin uses the United States as a comparative focus to enhance his claims about France while acknowledging that each country has varying "racialized definitions of imagined national communities." He argues that in the United States marriage is sacralized, but in France it is *filiation*—the ability to reproduce "naturally"—that is sacred, and this difference plays out in the complicated discourses about marriage and race in the United States, which are far less prevalent in France. In spite of this and other differences, racism and homophobia offer a rich and often overlapping rhetoric of exclusion most often overcome in both nations by the rhetoric, if not the practice, of democratic equality. Justice Minister Christiane Taubira supported marriage equality and rejected black culturalist arguments against assimilation on the grounds that in the end those arguments accept the "stupid and dumb life that they [whites] make for us [blacks]." Instead she touts racial equality. Fassin compares her argument to Obama's second inaugural speech on 21 January 2013, which mobilized the language of human solidarity against the denial of rights to women, minorities, and gays and lesbians by reference to "Seneca Falls, Selma, and Stonewall." Against the logic that assimilation means shedding your skin in exchange for political recognition on terms not your own, Obama and Taubira argue, in the soaring rhetoric of liberal humanism, that the oppressed should support the oppressed. Racial and sexual democracies are two sides of the same coin, part of the march of History that sweeps up everyone in its path toward freedom and equality for all.[2]

In Fassin's view, however, the danger of racialization is not overcome in either nation because the politics of democratic equality practiced by President Obama and Minister Taubira is hard to extricate from the politics of racial exclusion. In both countries there exists a metaphorical equation between being or becoming white, on the one hand, and gay struggles over marriage and *filiation*, on the other, which illuminates—always by way of displacement—how deeply embedded racism remains in liberal democracy. Before I return to the comparative American-French framework in my conclusion, it is important to elaborate Fassin's argument about France in more detail. In France (or even in the Netherlands), sexual democracy can represent "*mariage pour tous*" or it can represent the "clash of civilizations." Fassin invokes Pim Fortuyn's anti-immigrant stance to demonstrate how homosexuality may represent whiteness: the assassinated gay Dutch right-wing politician established a non-homophobic "we" (including Dutch-born gays of Indonesian origins) against a homophobic and racialized Muslim "them." In France, the spokeswoman for the anti-imperialist post-colonial movement *Les indigènes de la République*, Houria Bouteldja, maintains that gay political claims signify "homonationalism," a form of "homoracialism" that expresses privileged whiteness.[3] In so doing, she turned this putative gay whiteness into an argument against gay marriage on the grounds that the claims of "white" gay politics trump the claims of the underprivileged. This is a French version of the oft-heard argument on the Right and the Left that we should not talk about gay rights when there is an economic crisis, as if struggles for social justice could be ranked and as if gays were not poor or black and equally affected by poor economic performance. If gays are poor and black, as Bouteldja acknowledges by citing the homosexuality that exists privately in "outer cities," they know how to rank their suffering properly and not make noise. In arguing as such, Bouteldja placed herself on a political spectrum "elsewhere," since her own articulation of an "anti-imperialist critique of homonationalism" was too close to the National Front politician Paul-

Marie Couteaux's views for comfort. She insisted on her differences with the extreme Right without, however, being able to define where "elsewhere" might actually be located on the political spectrum.

Fassin argues that this "elsewhere" was easily coopted, as was the argument that linked gay rights to whiteness: *Le Manif pour tous* mobilized black culturalist arguments against *filiation*—witness Frigide Barjot's appeal to conservative Muslims. In the end, the goal was to unite the overwhelmingly white, Catholic, and racist movement against gay marriage with the black and Muslim culturalists to whom Barjot appealed. In Barjot's entreaties, sexual politics took precedence. For the Right that eventually excluded her, racial politics were more important. But most significant of all is the idea of an alliance between such politically and ideologically opposed voting blocs for which *filiation* provided a unifying platform. Indeed, Fassin calls Marine Le Pen's apparent tolerance of gays "sexual whiteness." At the same time, the anti-Semitic homophobic black comic Dieudonné and the National Front also manage to find each other, or, as Fassin puts it, their alliance reconciles "the two logics of sexual and racial reaction."

Thus the fear of marginality can be expressed by reference to the violation of nature with no sanction. In arguments about *filiation* everyone can proclaim loudly not their homophobia or racism but their adherence merely to a "natural" order of things. According to Fassin, French homophobia allows us to see clearly the complicated way in which "white" is a proxy for nation and race even when it is not defined as such. That is why anti-racist homophobia is finally coopted by white supremacy. Bouteldja's position exists in an "elsewhere" whose location cannot be identified, and Dieudonné joins forces with the far more powerful and racist National Front. Fassin's analysis of homophobia in the repudiation of *filiation* for gay couples reveals the displacement of all the anxiety about the so-called racial decline of France or even about racism itself onto a clearly defined object—the "denaturalization" of the family—that stands in for fear about racial marginalization. This fear is promiscuous because institutionalized racism generates rhetorical and political "logics" that affect both black and white people even if the effects of institutionalized racism are radically different (this may be one way of grasping the promiscuity of the racialized discourse as Fassin conceives it). Institutionalized racism, after all, describes a structural exclusion that can theoretically include white people (for example, "reverse discrimination"). Since there is no "affirmative action" in France, whose government refuses to keep statistics on race and ethnicity in the name of republican universalism, there is also no reference to "reverse discrimination." But of course the hand-wringing among white French people on the Left and the Right about the loss of a common culture, the suicide of former OAS fighter and extreme-Right historian Dominique Venner at Notre Dame, intended to bring attention to France's so-called racial decline, and the sorry history of prohibitions on the hijab and the burqa, are all symptoms of white fears about becoming victims of immigration.[4] Indeed, white racism resembles descriptions of homophobia—it is almost always a psychological symptom rather than an institutionalized problem. White racism reflects deeper anxieties about race-mixing, contamination, and putative cultural loss rather than an actual structural disadvantage. But in proper arguments about immigration and racism, "nature" can have no place except in whispers or as a variant of something generally "human" like xenophobia. Here the fear of foreigners takes the form of a phobia that, like homophobia, is a domesticated expression of its actual force, linked to human "nature" (or to irrational fears that affect us but not them) and stripped of its pernicious effects in the name of "everyone's" natural tendencies to

be fearful of people who are different. Thus it is only via the displacement represented by homophobia that “nature” can be represented ironically as a rational argument rather than as a phobia. The line between racism and *filiation* is not causal because displacements are always metaphorical—they work by correspondence—and it is on the level of metaphorical associations that Fassin’s argument works, persuades, and displays its virtuosity.

Fassin’s argument that the association between homophobia and racism converges finally on the fantasy of fragile whiteness manifests the acuity that has also typified his work on sexuality and gender, including his work on the United States and France. In concluding, I wish merely to posit a few questions that might supplement, strengthen, or complicate his argument, knowing that he could not possibly have addressed all of my questions below. In some instances, Fassin has already address these queries elsewhere, but I suggest merely that some allusion to his other work in this regard would have been extremely illuminating.

Fassin knows that gender as a category of analysis is crucial to understanding the full force of the power of whiteness and its relationship to heterosexuality. He alludes to the “theory of gender” that became part and parcel of the Right’s mobilization against gay marriage. Since he is also an expert on constructions of gender and sexuality, I wish he had spoken more explicitly about gender and how it is linked to race and sexuality in France.[5] There has been a lot of discussion about how homophobia regulates the sexuality of straight men and women, forcing them to conform to gender-typical behavior to avoid stigma. But did the rhetoric of homophobia in regard to *filiation* flatten the differences between gay men and lesbians in the name of a (displaced) defense of whiteness, or did that rhetoric reveal different patterns in the racialization of gender and the gendering of race in the making of French citizenship? How does his allusion to the new focus on lesbians because of the discussion of *procréation médicalement assistée* (*PMA*) and their easy access to reproductive technologies matter to the nexus of racism and homophobia?

Fassin also mentions the fact that single French women do not have access to reproductive technologies. This is consistent with fears of the “denaturalization” of the heterosexual family. But are bioethical protocols aimed at preventing the exploitation of the poor (surrogacy, for example) and the racialization of childbirth (cloning, choosing specific genetic traits in sperm banks, and so forth) also primarily about protecting the white normative family under the aegis of “ethics”? That the Catholic Church and the secular Left agree on many of these laws (Italy is the best example, though the French Left is also largely opposed to *PMA* on secular but equally conservative grounds) suggests that Fassin’s argument may be relevant here. But only a discussion of how homophobia is also a means of regulating gender norms can fully answer this query, to which he has provided some preliminary responses elsewhere.[6]

By emphasizing the differences between France and the United States (the sacralization of *filiation* as opposed to the sacralization marriage), Fassin makes a broader claim that even if immigration has a different status in the United States, the racialization of the State simply takes on a different form implicit in the tensions between minorities and gays in France and the false analogies the American gay marriage movement makes between its own struggles and those that confront racial minorities. In the United States the free market offers some individuals reproductive freedoms it denies to poorer, stigmatized, and racially defined citizens—hence

Obama's joke about fathering two children "in wedlock," a reference to stereotypes about the low marriage rates among African-Americans (a phenomenon usually discussed in moral terms). Is the moral discourse about marriage a displacement of anxieties about race? And how, moreover, can we account for the difference in attitudes toward reproductive technologies and gay parenting in both nations?[7] Gay parenting is often an uncomfortable issue still fraught with legal contradictions in the United States, but it also tends to go hand in hand with gay marriage. Indeed, the right of the children of gay men and lesbians to live in dignity with their parents led Supreme Court Judge Anthony Kennedy to cast the deciding vote in the 2013 Windsor case that guaranteed federal benefits to married gay couples.

In the United States, the legacy of slavery is at the heart of American race-relations, while immigration, though increasingly assailed, has been an integral part of the American success story as well as part of its darker side. Though slavery is an important reference point in France, immigration is a far more politically salient discourse and almost never discussed positively except in reference nostalgically to a vision of France that no longer exists, if it ever did. What is the logic of displacement that homophobia permits in the case of African-Americans in California who putatively voted against marriage equality in 2008 during the high turnout for Obama? Why was it assumed that black voters were responsible for this outcome before and after the extent of Mormon financing of the opposition was revealed? If we accept the analogy with the kind of appeals across voting blocs in France, are we pointing to the unholy alliance between culturalist views and racist ones (and between politically weaker and stronger groups) or to something else entirely? How do we explain these differences between France and the United States?

Though Fassin focuses on these debates in France, the resurgence of anti-immigration sentiment, the rise and legitimacy of far-Right parties, the restrictions on reproductive technologies in the name of bio-ethics, and the delayed approval for gay adoption in countries that pioneered gay marriage are common to many member states of the European Union. What is different (or similar) about France, which has more in common with other European countries than with the United States? He has argued about Europe elsewhere, but I wish that he had incorporated some of that argument here.[8]

This essay focuses on anxiety about immigration. In the end the right of gay married couples to reproductive technologies is still restricted, and Sarkozy has claimed that if re-elected, he would reconsider the marriage bill. At the same time, gay marriage did pass, and there were demonstrations in its favor. Can we then conclude that most of the French population is for gay marriage but against *filiation* with the exception of some French conservatives? Who was in fact *for* gay marriage and for what reasons—in the name of those civil rights for which Taubira made eloquent speeches? Obviously, this essay is about anxiety and an effort to understand the multiple ways in which social anxiety about status is expressed in displaced forms. But one wonders how gay marriage was passed in the first place. Of course, there was a Left-wing government in power that wanted to make it happen, even if it compromised on the right to *filiation*. It is worth noting that several of those who opposed the PaCS when they were introduced changed their minds by the time gay marriage was debated. How do we explain this? What in short are the forces for change as well as reaction?[9]

Finally, Fassin notes, “anti-Semitism may serve once again, as it did in previous generations, as a bridge between different versions of the extreme-right...” True, this is stated as an interesting aside at the very end of the essay. But anti-Semitism is extremely important to address in any discussion of contemporary France and racism, for anti-Semitism also links the extreme Right and the extreme Left. As Fassin knows well, Dieudonné’s *quenelle* is as much a gesture to the homophobic anti-racist Left as it is to the extreme Right with which he has allied. And though the comic may have some Jewish supporters (Fassin cites Élisabeth Lévy), the vast majority of the organized French Jewish community (like the government) has denounced him, ensuring that his shows sell out. Surely racism in France is directed at Muslims now far more than at Jews (witness again Marine Le Pen’s rhetorical embrace of Jews in an otherwise anti-Semitic party). Moreover, the oft-touted link between the large population of French Muslims and an apparent resurgence of anti-Semitism lets non-Muslims off the hook. But the revived anti-Semitic rhetoric on display in the summer of 2013, the violence against people assumed to be Jewish, the association between European Jews and Israelis indicated by some demonstrators’ attacks on synagogues in recent and mostly peaceful marches against the latest Israeli war on Gaza—this fear of anti-Semitism is as important as the willingness of some Jews to overlook anti-Semitism when Frenchness is at stake. Given the role played by anti-Semitism in uniting the Left and the Right and the recent Jewish embrace of the Right even in the context of manifest fears about anti-Semitism, it would be fascinating to expand on Fassin’s original project to understand the relationship between whiteness, anti-Semitism, and homophobia.

Notes

[1] Joan Wallach Scott, *Gender and the Politics of History* (New York, 1988), 44.

[2] Fassin contrasts “sexual democracy” with the “heterosexual democracy” that he argues has become part of national identity in France and Germany. See Éric Fassin, “National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe,” *Public Culture* 22:3 (2010): 507-29.

[3] On “homonationalism,” see Jasip Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, 2007). The term “homonationalism” was coined in the US queer movement as part of the struggle against gay assimilation, neo-liberalism, and the homophobia that results from the production of a normative gay subject. I am not sure if Bouteldja’s is borrowing from the US or not (I suspect she is, and I think Fassin assumes as much), but her homophobic use of the term distorts the powerful critique implicit in the concept of “homonationalism.”

[4] On the question of the crisis of French republicanism and its manifestations, especially in arguments about Muslim girls’ wearing of the head-scarf to school, see Jean-Phillipe Mathy, *Melancholy Politics: Loss, Mourning, and Memory in Late Modern France* (College Station, Penn., 2011); and Joan Wallach Scott, *The Politics of the Veil* (Princeton, N.J., 2010).

[5] Among others, Éric Fassin, *L’inversion de la question homosexuelle* (Paris, 2005).

[6] Judith Surkis argues with great subtlety that French family law defends the normative French family in the context of perceived threats from “Islam.” But she also demonstrates that

contemporary “threats” and the legal responses have a history that goes back to French colonial law. Surkis, “Hymenal Politics: Marriage, Secularism, and French Sovereignty,” *Public Culture* 22:3 (2010): 531-56. She and Fassin make distinct but similar kinds of arguments. Again, Fassin has addressed these issues in multiple ways, and I would like for him to have brought them out more in this essay.

[7] I discuss this question in Carolyn J. Dean, “Aux Etats-Unis, l’homoparentalité relève de la liberté individuelle,” *Le Monde*, February 1, 2013, but far too briefly. Much could be gleaned from an in-depth comparative analysis.

[8] Fassin, “National Identities,” address this question, as do several of his other recent essays.

[9] This question I owe primarily to my graduate seminar. They wanted to understand more about the forces for as well as against gay marriage in France. One French student felt that Fassin’s essay (which he graciously allowed me to share with them) gave insufficient time to those who fought on behalf of gay marriage. Though Fassin focuses on *filiation* and can thus traverse vastly different political fields, it is nonetheless true that it would interesting to know more about attitudes toward gay marriage itself. In the *Libération* article I cited at the outset, many of those interviewed, including the “mère de famille,” were against gay marriage as well as gay couples having children while pronouncing their lack of prejudice, something to which Fassin alludes.

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