Liberté, Égalité, Hétérosexualité: Race and Reproduction in the French Gay Marriage Debates

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The Protests

On November 7, 2012, Christiane Taubira, the Minister of Justice of the recently elected government of François Hollande, presented the first version of a bill that would eventually be known as the mariage pour tous or “Marriage for All.” The law was designed to comply with one of Hollande’s campaign promises to open marriage and adoption to same-sex couples — a seemingly uncontroversial proposition that, according to 2012 surveys, was backed by two-thirds of the French population. The bill proposed to keep the current marriage and adoption law intact and to simply include same-sex couples, thus replacing the terms husband and wife with spouse and father and mother with parent. A few days after Taubira’s announcement a group calling itself the Manif pour Tous (“Demonstration for All”), led by an eccentric and charismatic leader, Frigide Barjot (a wordplay on Brigitte Bardot), gathered in Paris to challenge the bill. After 6 months of heated debates in the Senate, the Assembly, the courts, and the media, the law was eventually passed on May 17, 2013. Throughout the spring of 2013, the Manif pour Tous organized massive street protests throughout France, some of which reached 300,000 to 500,000 participants, depending on which source one consulted.

As the movement against gay marriage grew, its leaders fought over the message and the strategies that the protests should embrace. In November 2012, Civitas, a self-described traditionalist Catholic lobby advocating the rechristianization of France and Europe, judged the Manif pour Tous too soft and the figure of Barjot too wild, and subsequently called for its own protest against homophobie (homonamess). Led by Alain Escada, the former leader of the Belgian National Front, the protests staged by Civitas attracted other extreme-right organizations, from royalist groups such as the Action Francaise and the Alliance Royaliste, Christian fundamentalist organizations such as la Renaissance Catholique, and neo-fascist associations preaching revolutionary nationalism and the “third way”, such as the Jeunesses Identitaires, the Renouveau Français, and the Groupe Union Défense. Eventually, many of these groups gathered under one umbrella organization that called itself the Printemps Français, or French Spring. Claiming Gandhi, Solidarnosc, Martin Luther King, and Antigone as their symbols, the Printemps Français issued a manifesto in which same-sex marriage was never mentioned.

Instead, it claimed to be an avant-garde movement, a pacifist insurrection “from the bottom, against the neoliberalism (pensée unique) of a political, financial, and media oligarchy,” a “democratization of the critical spirit,” a fight for the defense of “humanism.”

In the weeks leading up to vote of the law, the protests became increasingly violent. Claude Bartolone, the speaker of the House, received an envelope filled with gunpowder with a message threatening war unless he suspended voting. Politicians were harassed in their homes, scholars and journalists were heckled, and gays and lesbians physically attacked in public spaces. Wilfred de Bruijn, who was thrown to the ground, punched, and kicked in the head in the streets of Paris as he was walking home with his boyfriend, blamed the leaders of the protests for his five fractures, abrasions, and lost tooth. The night of the attack, he displayed pictures of his wounds on Facebook with a note that claimed: “This is the true face of homophobia.” A few days later, Clément Méric, a 19-year-old student from the prestigious university Science Po who had been involved in left-wing politics — including in the fight for gay marriage — was beaten to death by four skinheads close to the Jeunesses Nationalistes Révolutionnaires, one of the groups that regularly marched with the Printemps Français. Although political leaders hurried to denounce these acts as marginal and extremist, Frigide Barjot also proclaimed around the same time: “If Hollande wants blood, he’ll get some,” and Christine Boutin, a right-wing deputy who had publicly supported and accompanied the protestors, called for civil war.

For many people inside and outside France, the scope and the intensity of the protests came as a surprise given the relative acceptance of homosexuality in French society and the apparent widespread disinterest in the institution of marriage. Numerous experts were solicited by the media to account for these rallies and elucidate the motivations of their actors. Several explanatory frameworks — political, historical, and psychological — were offered. For some, the protestors merely reflected the increasing radicalization of the right in France, a process that had begun with Nicolas Sarkozy’s calculated attempt to attract National Front voters by bringing security and immigration to the forefront of his political agenda. In the words of Jean-François Copé, the leader of the right-wing party Union for a Popular Movement (UMP) who regularly participated in the
protests, the new right was to be an “uninhibited right” (droite décomplexée). Others chose to emphasize the anti-liberal dimension of the protests and to compare them to other movements in French history that had opposed parliamentarianism and human rights. In this category, the examples ranged from the Dreyfus Affair at the end of the nineteenth century, to the emergence of a French-grown fascism in the 1930s, to Vichy. As the historian Grégoire Kauffman put it, the anti-gay-marriage protestors were heirs to a “combative Catholicism born at the end of the 19th century in reaction to the French Republic’s anticlericalism.” Finally, others opted for structural or psychological explanations, from Manuel Valls, the Minister of the Interior, who decried “the banalization of hatred,” to Jean-François Copé, who designated the death of Méric a “barbaric aggression.” Along those lines, politicians deplored the “fascist horror” that had infiltrated French society, the “forces of obscurantism,” and the homophobia lurking behind these attacks. In all these cases, violence was explained — and in some ways, dismissed — as a political pathology, as an isolated phenomenon with no relation to mainstream society and politics.

Many critics and journalists highlighted the crucial role of the Catholic Church in the protest. And indeed, much of the financial support and the associational infrastructure behind the marches came directly from the French Catholic Church, if not the Vatican. The Church helped to orchestrate the actual bodies for the protests (by organizing bus transportation from the provinces and setting up day care centers for the children of the protestors, for example,) but it also provided a language and a series of arguments to resist gay marriage. French bishops were the first to react against the Taubira Law, linking gay marriage to polygamy and incest and encouraging the faithful to protest. The Church, in particular, mobilized the threat of a “theory of gender” constructed as both the origin and the outcome of gay marriage; a theory that would promote reproductive technologies, surrogacy, transsexuality, and masturbation, and that would ultimately lead to the destruction of man and society.

Yet, the protestors — even the explicitly religious groups — rarely recurred to religious arguments or images in their fight against gay marriage. In fact, most of the leaders refused to align themselves with any religion or with any official party. Béatrice Bourges, for example, the spokesperson of the Printemps Français, claimed that her struggle transcended the left and right division and that she was fighting for a “universalist humanism,” for “human ecology” and against the “anthropological rupture” of society:

The French Spring is unwilling to accept the populist cliché that pits left and right against each other. Rather, it clings to the moral requirements of a universalist humanism that no dignified political trend can spare. It does not claim to be beyond parties, but rather, it lies at their bedrock: it defends the basis of democratic life, the foundations of life-in-common, the freedoms without which society becomes unlivable.

The Printemps Français, she continued, spoke to those left behind by the “Socialist” Party when it “replaced the ideal of redistributive justice with an ideology of social experimentation and a pseudo-egalitarian rhetoric.” It was, Bourges continued, like the Third Estate, the “silent majority who in 1789, realized that in the face of . . . tyrannies that wished to reduce it to nothing, it was and will remain something.”

And indeed, the images, the costumes, and the posters visible throughout the marches were hardly symbols of the right. A group of young women dressed as revolutionary Mariannes with Phrygian caps, white peasant dresses, and red, white and blue streamers with the names of the regions of France and holding the Civil Code paraded through the streets of Paris (fig. 1). The Civil Code, in fact, featured in many of the posters and the banners, with the protestors claiming to be acting in its defense (fig. 2). Along with the Mariannes, the protests also included children dressed up as Gavroche, the fictional character in Victor Hugo’s Les Misérables, who in the novel, personifies the revolutionary enthusiasm of 1830 but also the hope for the future (fig. 3). In continuity with this theme, one of the groups marching against gay marriage took on the name Cosette et Gavroche to “evoke the fragility of childhood in a violent society.” As their manifesto explained, “a child needs not only love and attention, but also a stable and natural familial framework . . . Republican marriage exists to socially unite a man and a women in the goal of sustaining their stability, their fertility, and to offer future children the best possible familial equilibrium.”

As many critics pointed out, the font, the iconography, and even the content of the posters of the Manif pour Tous were reminiscent of May 1968. Many depicted workers, factories, unemployment, and the omnipresent threat of liberalism, all of which were opposed to gay marriage as “real issues”. Similarly, many of the slogans heard during the marches evoked May 1968, for example the famous “CRS = SS,” which became “Taubira, on t’aura,” and “Élection piège à con” turning into a call for a “Referendum for All.” As Guillaume Peltier, the vice-president of the UMP exclaimed, “45 years afterwards, we are witnessing a May 1968 of the right.” The anti-gay-marriage movement adopted many other symbols of the left. Their official motto “On ne lâche rien!” (“We won’t let anything get away!”) was previously seen on the posters of the Front de Gauche, the leftist party led
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Figure 1. Mariannes holding the Civil Code (© Reproduced with the permission of Jérôme Wysocki)

Figure 2. “All Protectors of the Civil Code” (© Reproduced with the permission of cbecker-tours on Flickr)

by Jean-Luc Mélenchon. One of its posters featuring a hand with the inscription “Touche pas à la filiation” (Don’t Touch Filiation) was explicitly modeled on the 1980s SOS Racisme campaign, strongly endorsed by the Socialist Party: “Touche pas à mon pote” (“Don’t touch my pal”). Another slogan, “La Manif pour Tous est une force tranquille” (“The Demonstration for All is a Calm Force”), copied François Mitterrand’s 1981 campaign for the Socialist Party, “La Force Tranquille.”

Aside from the symbols of the left, the protestors also drew on the imagery of the Resistance. The billboards displaying the manifesto of the Manif pour Tous copied the font and format of General de Gaulle’s call against the German Occupation on June 22, 1940, declaring in its last line, “Vive la France!” but replacing the French flags at the top with a picture of a heterosexual family. The “Hommen,” a group of shirtless men “against gay marriage and everything that hurts children” adopted the symbol of Jean Moulin, the famous Resistance leader who was captured, tortured, and killed by the Gestapo in 1943. Like many of the other protestors, the Hommen endorsed several of the organizational tactics of the extreme left such as sit-ins, zaps, rhyming chants, street clashes with the police, and public performances, many of which had in fact been developed by queer groups such as Act Up and Queer Nation throughout the 1980s and 1990s.

On June 9, 2013, for example, in an incident that
brought international attention to the anti–gay-marriage movement in France, one of the masked Hommen interrupted the finale of the French Open at Roland-Garros by jumping into the court with a flare. The protestors also set up tents and sleeping bags in public spaces, re-appropriating the language and the methods of the Occupy movement while embracing the logic of French universalism and calling for a “Camping pour Tous” or an “Apéro pour Tous.” Other performances included a staging of a (heterosexual) marriage between the Hommen and the Republic, another of François Hollande walking hand-in-hand with Hitler and Stalin and a parody of the Delacroix poster “Liberty Leading the People”, depicting the 1830 July Revolution.

While the first two images equated the Hommen — and thus the anti–gay-marriage movement — with the French Republic, the last one assimilated gay marriage (in the figure of its official promoter, François Hollande) with totalitarianism.

“Totalitarianism” and “terrorism” were terms that also recurred regularly in the parliamentary speeches of the deputies opposed to the law. Both were associated with gay marriage and contrasted with the Republic. Nicolas Dhuicq, a representative of the UMP trained as a psychiatrist, compared same-sex parenting to a form of terrorism. Both, he argued, “had failed to encounter paternal authority,” failed to wrestle with “limits and the parental framework,” and “never had the possibility of knowing what is doable and not doable, what is right and what is wrong.” Gay parenting, he continued, would lead to the “confusion of genders, the denial of sexual difference, and psychosis.” Similarly, Christine Boutin contended that if France legalized gay marriage, “it would no longer be the nation of human rights” and that the defenders of gay marriage were seeking to overturn “the foundational principles that found the French Republic”:

Once technology takes over, what political regime will we live in? A democratic one? Do you think so? I don’t! Totalitarian? Most likely . . . The question that is posed today is whether France, the last bastion of respect for human dignity as a foundational principle, is ready to deny this.

Many commentators inside and outside France have simply been baffled by the profusion of symbols, often dismissing them as nonsense, empty signifiers, symptoms of a postmodern confusion in texts and images, or examples of the “demise of symbolic efficiency” that marks our epoch. These interpretations, however, give rise to the historical question of why the protestors turned to these particular symbols in this specific time, place, and context. Indeed, if we take the example of the Civil Code, the 2013 gay marriage bill was not the first time that French family law was modified to reflect the evolution of mores and social reality. Throughout the 1960s and 1970s several of the articles pertaining to family law (especially those on divorce, legitimacy, and adoption) were substantially revised under the leadership of Jean Carbonnier. Although many elected representatives objected to these legal changes, nobody marched in the streets of Paris carrying Civil Codes.
My goal in this essay is to take seriously these references to French history and, more specifically, to republicanism in order to provide an alternative account of these protests against gay marriage. Rather than reinscribing this movement within a right-wing tradition, or treating it as a political exception (in labeling it “fascist”, for example), I wish to emphasize its commitment to French republicanism. Indeed, the references to 1789, 1830, the Resistance, and the Civil Code did not evoke a leftist tradition only. These have also all functioned as symbols of French republicanism, and more generally, of France. The Civil Code, for instance, has, according to Jean Carbonnier, served as France’s “most authentic constitution” in the sense that it has “encompassed the ideas around which French society was constituted in the wake of the Revolution and around which it continues to constitute itself today.”

Similarly, as the historian Maurice Agulhon has demonstrated, the Marianne was consciously endorsed by the Third Republic as an emblem for the nation rather than the revolutionary left, in its attempt to stabilize the Republic and assuage revolutionary fervor.

Thus, the anti–gay-marriage movement recuperated many of the symbols of the Republic and of the left not simply because they were familiar in French political culture or because they appeared more moderate and could thus dissimulate the true violence underlying its claims. Rather, the gay marriage debates brought to light a real battle about republicanism, history, and the nation. Whereas the pro-marriage camp constructed the Republic as the paradigm for greater social inclusion, equal rights, and individual freedom, the anti–gay-marriage camp anchored the Republic in the heterosexual family, thus presenting gay marriage as an attack on this very Republic. My argument in what follows is that the recent debates around gay marriage served as a forum to discuss and to test the limits of republican universalism and, finally, of France. The re-appropriation of republican imagery on the part of the anti–gay-marriage movement was thus not a coincidence, a parody, a misunderstanding of French history, an act of political cynicism, or a simple displacement of economic anxieties. Rather, it was an attempt to heterosexualize the Republic, a strategy that operated, as I will show, through two interconnected axes: reproduction and race.

Part of the difficulty of locating the anti–gay-marriage movement on the political spectrum is due to the populist tropes and rhetoric mobilized by many of its leaders. Béatrice Bourges, for example, regularly referred to the “spontaneous” birth of the Printemps Français. Moreover, she consistently refused to account for who actually participated in the movement, claiming instead that it was everyone and no-one, the silent majority, the true voice of the people fighting against the political, cultural, and financial elites. Similarly, the protestors regularly called for a referendum on gay marriage as a way to bypass political representation (judged corrupt) and express the will of the people. As Pierre Rosanvallon has argued, one of the classic claims of populism is that it can solve the problem of political representation by resuscitating the unity and the homogeneity of the people. Given the centrality of this “crisis of representation” for populism, it seems especially important to pay attention to the immense work of symbolization and representation adopted by the anti–gay-marriage movement. This was not simply, as Manuel Valls suggested, “an attack on the symbols of the Republic, a Republic that these extreme-right groups hate.”

And it was not, as the historian Danièle Tartakowsky has suggested, a case of “historical amnesia,” a desperate attempt to capture “references from all domains” (références tout-terrain) to avoid re-inscribing itself in a “logic of filiation” with other right-wing movements that, according to Tartakowsky, “could have been useful to them.” Instead, this was a battle over the definition of the Republic. The point of the protests was thus not — like in the 1930s — to refuse the Republic but rather to fight for it and to heterosexualize it. In line with more “classical” forms of populism, the anti–gay-marriage movement presented itself as a disenfranchised group (everyday normal middle-class heterosexual families) rebelling against the privileged few (the gay and socialist intellectual and political elites) in the name of the people. However, because of this identification with the Republic, it was able to speak in the language of humanism and universalism, not in the name of a particular people but of a universal one. Without understanding these stakes, it is difficult to explain the intensity, the violence, or the longevity of the protests against gay marriage that continued months after the law had been passed with a comfortable majority.

Republican Universalism and Gay Marriage

The embrace of the republican universalism on the part of the anti–gay-marriage movement — both in adopting the symbols mentioned above but also in choosing the name “Demonstration for All” — was a direct response to the embrace of republican universalism on the part of the promoters of the law. This was evident in the wording of the bill: a “marriage for all,” as opposed to a “gay marriage.” The official posters of the campaign as well as the arguments put forth by the architects of the law reflected this commitment to universalism (fig. 4). In her various parliamentary speeches, Christiane Taubira re-inscribed the mariage pour tous in the long history of civil marriage in France, from the Revolution, to divorce, to women’s rights, “a resolutely republican history.”
could now be “truly universal.” If the “marriage for all” was presented as republican and universal, it was also defined against its opposite: communitarianism. As the manifesto of the group Homosexualité et Socialisme — one of the main sponsors of the bill — put it, this law was not a “communitarian demand” (revendication): “On the contrary, it is the opposite because it allows everyone to benefit from a common law.” Moreover, as many of the law’s supporters emphasized, what was communitarian was the very idea of gay civil unions, favored by Nicolas Sarkozy and by much of the right. As the legal scholar Daniel Borrillo argued in an editorial in Libération, the true communitarian movement was the anti–gay-marriage protest that refused to extend marriage to everyone.

The struggle over republicanism and communitarianism has a long history in French political culture; one that we can trace to the early 1980s and that was not specific to sexuality. Joan Scott, for instance, has examined in particularly insightful ways the interplay of these two discourses in the context of gender by studying the debates that preceded the 1999 Parité law, and in the context of religion and race though the controversy around the 2004 “veil law.” As Scott reminds us, French universalism has rested on a “mythologized restatement of the principles of 1789,” and more specifically on “two related abstractions: that of the individual and that of the nation.” Unlike the American system, in which government serves as a mediator among various conflicting private interests, French universalism imagines that government representatives will be able to abstract their particularities (such as religious, economic and professional ones) in order to speak for the collectivity as a whole. Consequently:

[A]bstract individuals were commensurable and interchangeable units, possessing in common only that independent rationality upon which political life was thought to depend. The nation they constituted was equally abstract: not a reflection of the disparate and divisive realities of society, but a fictional entity — a unified totality, the embodiment of a disembodied “people.”

Throughout the 1980s and 1990s, French universalism was tested as certain particularities — most notably gender, Islam, and homosexuality — were not deemed abstractable enough to be absorbed by the universalist paradigm. For the defenders of this strict republicanism, the hijab, for instance, represented a fundamental attachment to a particular interest (Islam), a form of communitarianism fundamentally incompatible with France. On the opposite camp, many suggested that it was possible to wear the hijab while adhering to the values of the Republic. Thus, in response to the 2004 law banning conspicuous signs of religious affiliation in public schools, many high school students walked in the streets of Paris wearing red, white and blue veils and carrying signs saying “yes to the veil, yes to tolerance, yes to laïcité.”

The rhetoric of republicanism also permeated the debates around gay rights throughout the 1990s. In his 1996 history of homosexuality, Le Rose et le noir, the sociologist Frédéric Martel famously warned against a “dubious communitarianism” that was invading France. Martel’s argument rested on the distinction between two kinds of homosexual politics: one that transcended identity questions and that functioned within a republican logic, and another that focused on the (excessive) politicization of identity and the fight against the Republic. As an example of the first kind of good homosexual politics, Martel focused on Aides, an organization that stressed the moral character of its mission and the importance of alliances and solidarity and that refused to be considered a “gay organization”, despite the fact that it was fighting AIDS. In Martel’s words, many were “homosexual activists but not homosexuals engaged in identity struggles.” Similarly, according to Martel, the decriminalization of homosexuality in 1981 under the auspices of the Socialist party was accomplished under a “republican logic.” As examples of the second kind of gay politics, Martel singled out the organization Act Up because of its constant critique of the state, as well as the phenomena of gay pride and gay and lesbian studies, both examples of “offensive communitarianism,” and of the “gradual move towards the Americanization of French society.” Although Martel recognized that the gay pride “reflects a legitimate concern about

Figure 4. The embrace of republicanism on the pro-marriage camp (Reproduced with the permission of Dugudus, aka Régis Léger)
the place of homosexuals in tomorrow’s society,” he contended that

these communitarian demands also reveal modes of
disarticulation, the dissolution of the bonds of society
in contemporary France. And every society must be
able to rely on all its members, who must be able to
communicate among themselves.41

This dichotomy between republicanism and communi-
tarianism resurfaced around the Pacte Civil de Solidarité
(PACS), the 1999 law that offered a series of rights and
benefits — such as tax breaks, health insurance, hous-
ing, and inheritance rights — to cohabiting couples,
independent of their sexual orientation. Deeply aware of
this political logic, the promoters of the PACS were
careful to cast their bill as universal: this was not a
proposal for gay civil unions, but rather a form of le-
gal recognition for all couples. As the organizers of the
1996 Gay Pride put it, the PACS did not fall

within an Anglo-Saxon logic, communitarian, and of
‘ghettos.’ It is exactly the opposite. This contract has
a universal impact: it seeks to recognize the link be-
tween two persons who have a project of common life,
whatever their sex may be.42

Similarly, Elisabeth Guigou, the former Minister of Just-
tice, maintained that the PACS was “in conformity with
the responsibilities of a republican and secular state.”
In an interview with the sociologist Evelyne Sullerot,
one of the staunchest opponents of PACS, Guigou con-
tended that in the French context, it was “logical to not restrict [the PACS] to a community because communi-
tarianism is not the tradition of our law.” In response to
Sullerot’s accusation that Guigou was merely backing
down under the “pressure of the homosexual lobby,”
Guigou reasserted the universal character of the law.43

With both sides claiming to be acting according to
republican principles and accusing their opponents of
communitarianism, new arguments came to the forefront, in particular “the Symbolic,” a term loosely
derived from structuralist anthropology and psychoanaly-
sis. Irène Théry, one of the most vocal (and most often
heard) critics of the law called the PACS a “republican
mirage” as she deplored its “desymbolizing passion”:

This “contract for all,” which reveals itself to be per-
fectedly compatible with the harshest forms of separatism
of culture and mores, has nothing particularly “repub-
lican” about it. It is unclear by what mystery such a
watchword [mot d’ordre] has been able to become the
emblem for the fight against the slippery slope of com-
mutarianism, the Americanization of mores, and the
politically correct.44

In a complex argument anchored on a rereading of
the history of French civil marriage, Théry assimilated
the symbolic, heterosexuality, republicanism, and the
public so that homosexuality could only be understood
as private and hence not worthy of state recognition.45
By borrowing a set of symbols associated with repub-
licanism — the Marianne, the Civil Code, the French
flag, the Resistance call — and by equating them with
the heterosexual family, the protestors continued this
battle around republicanism. Within their paradigm,
homosexuality was, by extension, non-republican, and
ultimately, non-French.

The Focus on Reproduction

After being debated for almost 10 years and after nu-
erous names, modifications, and back-and-forths from
the Assembly, the Senate, and the courts, the PACS was
eventually passed in November 1999. By 2010, it was
almost as popular as marriage, with 250,000 couples
marrying versus 200,000 signing PACS agreements —
and a large majority of heterosexuals among PACSes.46
Yet, many activists, intellectuals, and political figures
continued to push for same-sex marriage. Some were
motivated primarily by symbolic reasons. Although the
PACS conferred most of the rights associated with mar-
riage, it remained a contract signed in a court of law
by a clerk (tribunal d’instance), and was relatively
easy to dissolve. Marriages, by contrast, were celebrated by
mayors in city halls with great republican pomp and
ceremony.47 If marriage was to become open to same-
sex couples, the proponents argued, homosexuals could
choose between signing a PACS or getting married,
just like heterosexuals. In June 2004, Noël Mamère, the
mayor of Bègles, in the southwest of France, decided
to marry two men, Bertrand Charpentier and Stéphane
Chapin, arguing that the 1804 Civil Code did not spec-
ify the sex of marriage contractants. Mamère, one of the
leading figures in the Green Party, worked with activists,
intellectuals, and lawyers (many of whom had circu-
lated a “Manifesto for Equal Rights” in March 2004)
to publicize the marriage and try to establish it as a
precedent for gay marriage.48 Mamère was immediately
suspended and after navigating through various courts
of appeal, the “mariage de Bègle” was declared void in
March 2007. That same year, Ségolène Royal, the so-
cialist candidate for the presidency publically endorsed
the “equality of rights” along with other important po-
litical figures on the left, without, however, mentioning
the term marriage.

But aside from these symbolic demands for equal
recognition, the main argument in favor of gay marriage
was a legal one. Indeed, the PACS failed to encompass
two crucial rights of marriage: filiation and nationality.
Unlike married couples, PACS contractors could neither
acquire French citizenship nor have access to adoption
and medically assisted procreation. Thus, for same-sex
couples seeking to start a family or for those wishing to
adopt existing children, the PACS was in no way helpful. Assisted reproductive technologies were regulated by a 1994 series of laws called the bioethics laws. After almost 10 years of equally controversial debates, these laws had banned surrogacy and restricted reproductive technologies to heterosexual couples of procreative age, who were married or had been living together for at least 2 years. As the legal scholar Marcela Iacub has argued, the 1994 bioethics laws were designed as a “perfect crime” in the sense that they carefully covered all traces of medically assisted procreation so that children could believe that they were the product of their parents’ “natural” sexual act, as if technology had never intervened.\(^{49}\)

For this reason, legislators specified that couples needed to be heterosexual, thus very consciously forbidding homosexual couples, even those joined by a PACS, from having access to reproductive technologies.

The other mechanism for same-sex couples to become parents jointly was through adoption. Until the Taubira Law, adoption was regulated by a 1966 statute that allowed married couples or single individuals over the age of 28 to adopt, without any reference to the adoption candidate’s sexual orientation. In practical terms, however, adoption licenses were routinely denied to single gay men and to single lesbians who refused to keep their sexual orientation secret. The much-publicized case of Philippe Fretté was particularly revelatory of the discrimination faced by gays and lesbians in the adoption process. Fretté, a 37-year-old gay single teacher in Paris, was refused an adoption license because of his “lifestyle” (choix de vie) and the “absence of maternal references” in his daily existence. The decision was affirmed in 1995 by France’s highest court of appeals in administrative matters, the Conseil d’Etat, and in 2001 by the European Court of Human Rights, which established it as a precedent.\(^{50}\)

Throughout the first decade of this century, many legal battles exposed the hypocrisy of this system and brought the light the important legal inconsistencies left unsolved by the PACS. The impossibility for same-sex couples to have children through legal means and the absence of all legal recognition for children already growing up in gay families (famille homoparentales) proved particularly complicated in light of the policies adopted by neighboring countries in the EU. Same-sex marriage and adoption were legalized in The Netherlands in 2000, in Belgium in 2003, in Spain and Canada in 2005, in South Africa in 2006, in Norway in 2008, in Sweden in 2009, in Portugal, Iceland and Argentina in 2010, and in Denmark in 2012, as well as in many US states including Massachusetts, Connecticut, Vermont, Iowa, New Hampshire, New York, Maine, and Maryland. French gay couples turned to surrogacy agencies in other countries to conceive children. Lesbians and single mothers travelled abroad to purchase sperm and to undergo artificial insemination.\(^{51}\) Others chose to adopt abroad in the hope that the French government would eventually recognize their adoption and grant them parenting rights and French citizenship for their children.\(^{52}\)

Finally, in 2011, the Conseil Constitutionnel, the highest constitutional authority in France, declared that gay marriage was neither imposed nor forbidden by the Constitution, thus leaving the question in the hands of the legislature. In 2012, the presidential candidate for the Socialist Party, François Hollande, publicly endorsed same-sex marriage and adoption during his campaign while remaining vague on the question of reproductive technologies. In the months that followed his election in May of that year, Christiane Taubira and her team put together the bill that was eventually voted on in May 2013 and that led to these protests. The bill did not mention assisted reproductive technologies (PMA — procréation médicalement assistée) despite the fact that the Socialist Party had, in 2010, officially declared itself in favor of opening PMA to same-sex couples. Given the powerful opposition that was instantly mobilized by the law and given the obvious ambivalence of the President on this question, the government decided to focus on marriage and adoption, leaving aside the question of PMA until the Comité Consultatif National d’Éthique (an advisory body set up by the government to think through bioethical questions) published a report on this question later that year. As Daniel Borrillo, Éric Fassin, and Caroline Mécary stated in an editorial published a few days after the bill was presented to the legislature, to not include the PMA in the new law was to “maintain discrimination at the heart of filiation. We will have two categories of married couples — of the same sex and of opposite sex, excluded or not excluded from PMA.”\(^{53}\) In other words, the 2013 law on gay marriage did not correct the inconsistencies of the PACS as its proponents had hoped.

Given that the government was adamant about the fact that the mariage pour tous law would not affect reproduction, it is striking to notice how much of the anti–gay-marriage protests focused on PMA and surrogacy (GPA gestation pour autrui) (figs 5, 6, 7, 8). Surrogacy, in fact, was never even mentioned by the Socialist Party or anyone in the Hollande cabinet. One way to interpret the proliferation of references to PMA and GPA in the posters and in the rhetoric of the protestors is to view it as part of a “slippery slope” argument: if we allow adoption, it will lead to procreative technologies, polygamy, incest and thence to the eradication of all norms and limits. This is certainly the logic that has informed many other opponents of gay marriage throughout the world. In his dissent to the Lawrence v. Texas ruling, Antonin Scalia, for instance, deplored the “massive disruption of the current social order” that
would come about with overruling Bowers v. Hardwick. If anti-sodomy laws were ruled unconstitutional, Scalia lamented, state laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity would also be called into question.54

I want to suggest, however, that if we read the references to reproduction in conjunction with the references to republicanism, we can draw out a more interesting connection. Both discourses addressed the nation and highlighted the question of who would be allowed to reproduce. Both tested the limits of what Lee Edelman has called “reproductive futurism,” the child as the “telos of the social order . . . the one for whom that order is held in perpetual trust.”55 If homosexuals are allowed to reproduce, who will be produced through this process?56 What will the family look like and, more importantly, what will the future, the nation and society look like? What new norms will govern life in common? The posters condemning surrogacy are especially revealing of this link between familial, social, and economic organization. The two images (fig. 7 “Battery-farmed Surrogates” and fig. 8; “Neither for Rent nor for Sale”) associate surrogacy with a “wild capitalism,” with a market-driven society in which anything can be bought or sold. We can contrast these posters with fig. 9, depicting a heterosexual family, defined as the “place of solidarity, the future of the Republic.”

This anxiety over transmission was also evident in the obsessive biologization of parenting (with posters claiming “We Want Sex, not Gender” and “There are no Eggs in Testicles”), and in the fascination with a supposed theory of gender driving pro-gay-marriage activists. The French Civil Code, of course, was famous for defining legitimate filiation solely in relation to marriage.57 Filiation, in other words, was a fiction until the 1972 reform that put an end to all legal distinctions between legitimate and natural children. The poster proclaiming “No to Fiction-Filiation” (fig. 10) thus suggests that gay parenting inevitably exposes the fiction of filiation while heterosexual parenting can be still be subsumed under the category of biological reproduction. It is not surprising in this context that so much of the anti–gay-marriage movement has turned its attention to the theory of gender, especially after the law was passed. The theory of gender appeared to provide the justification for homosexual reproduction that was perceived as necessarily cultural. Homosexuality could thus only breed more homosexuality and its complement, gender deviance.58 In this sense, “On ne lâche rien” (fig. 11) literally means what it says: the fight takes on a particular urgent tone if there is a direct line from gay parenting to the “confiscation of democracy.” Familial structure and social organization are, in this vision, intimately connected and only the heterosexual family can secure the future reproduction of the values of the Republic.
Race and the Nation

The campaign against gay marriage was not only premised on the heterosexualization of the nation and the family, but also on its racialization. The fact that citizenship and filiation were the two “rights” excluded from the PACS is, in this sense, significant. Family and immigration policies share a long history and remain conceptually inseparable in the context of modern France.59 Many of the architects of family policy during the 1930s and in the aftermath of World War II were also experts on immigration. In the early 20th century, family policy was conceived as a mechanism to raise the birth rate and solve France’s so-called depopulation problem. The two most obvious ways to augment population numbers was by encouraging people to have more babies but also by promoting immigration. The theorizers of family policy, however, were never simply interested in the indiscriminate production of babies. Only specific families were to be rewarded with family benefits. The 1939 Family Code, for example, instituted a monetary compensation (prime à la première naissance) for the first child of French nationality born within the 2 years following a legitimate marriage, as well as an allocation de la mère de foyer for stay-at-home mothers, thus encouraging a particular organization of gender and sexuality. The tax burden for unmarried individuals was proportionally much higher than that of families with more than three children (familles nombreuses). Similarly, the Code was clear about its desire to protect maternity, children and bonnes mœurs, as well as the French “race” — a clause that ranged from the fight against drugs and alcohol to the criminalization of abortion.

The Haut Comité de la Population, the administrative body that devised the Family Code in the 1930s, was also responsible for setting up a comprehensive immigration policy. To do so, population experts relied on demographic works that compared the degree of potential “assimilability” of different immigrant groups and they proposed quotas accordingly. Predictably enough, in the 1930s, northern Europeans were described as particularly assimilable, whereas Jews and Algerians were much less so.60 Race and immigration remained fundamentally entangled with one another throughout Vichy, the postwar period, and decolonization. In 1974, for
example, the French government decided to close the nation borders and suspend all immigration in response to the economic crisis and the rise of unemployment. Two years later, however, in 1976, it chose to make an exception for family-based immigration through the law of regroupement familial — the argument being that having a family was a fundamental right.61

Since the 1980s, filiation has emerged as a particularly salient political problem, not only because of homosexuality, but also because of immigration, especially during the Sarkozy years.62 Although France has chosen to preserve the jus soli (right of soil) as a conduit to citizenship, various immigration reforms have significantly complicated this process, leaving jus sanguinis (filiation) as the most obvious vector of transmission of Frenchness. But in this context, will filiation remain grounded in law in accordance with the system of legitimacy that still — despite the 1972 reform — underlies the Civil Code? Or will filiation be grounded exclusively in biology? And if biology constitutes the primary criterion for belonging to the nation, how will immigrants be forced to integrate into the French nation, and to abandon their cultural particularities in favor of the abstraction of Frenchness? These questions haunted the Sarkozy administration as it campaigned for a “chosen immigration” (immigration choisie) as opposed to an “imposed immigration” (immigration subie), as it mobilized the specter of polygamy and of fraudulent marriages (mariages gris), and as it even allowed, in complete contradiction with French law, the administration of DNA tests to children of immigrants who sought to enter France under the rubric of regroupement familial.63

In the context of these recent gay marriage debates, the intersections of race and reproduction were particularly visible in two domains: in the anti-Semitic rhetoric that surfaced during the protests and in the racist attacks against Christiane Taubira. On January 26, 2014, various anti–gay-marriage groups including the Printemps Français joined the “Jour de Colère,” (the Day of Anger) sanctioned, among others, by Dieudonné M’bala M’bala, the controversial comedian who had been repeatedly convicted on charges of anti-Semitism.64 While the protests included familiar slogans such as “We are all children of heterosexuals,” they also featured new ones such as “No to the Islamization of France,” “Death to Zionists,” “Freemasons = pedophiles,” “Journalists = collabos” and “Jew, Leave, France is Not Yours.”65

Most importantly perhaps, anti-Semitism recurred in the discussions around the “theory of gender” which were, as I have suggested, intimately tied to the problem of reproduction. The best example of how these two discourses often became entangled with one another is a conference delivered in October 2011 by Claude Timmerman, a self-described agronomist, journalist, and contributor to the journal La France Courtoise. Timmerman described his talk as a response to Judith Butler who, that same month, had been awarded an honoris causa doctorate at the University of Bordeaux. Throughout the gay marriage debates, this video circulated widely on Catholic and right-wing websites, with Judith Butler’s name regularly coming up at the incarnation of this theory of gender that the Socialist government was trying to impose, especially in schools. In his talk, Timmerman contended that the theory of gender was “an ethnic theory that sought to legitimate homosexuality” and that “it was the fruit of Jewish American lesbians” such as Judith Butler and Anne Fausto-Sterling.66 Although these are classic tropes of anti-Semitism, what is interesting here is that for these critics, gender, like Jewishness, reproduces itself through culture, through insidious and covert mechanisms.

Finally, the racialization of the gay marriage debates was brought to light with particular force in the racist campaign against Christiane Taubira. Taubira, who began her political career as a representative from French Guiana, was best known prior to the mariage pour tous law for promoting an extremely controversial law in 2001 that recognized the slave trade and slavery as crimes against humanity, a law known as the “Loi Taubira.” In her repeated defenses of same-sex marriage, Taubira inscribed the mariage pour tous in a republican tradition. She insisted on the Frenchness of children of same-sex couples while her opponents linked them to terrorism, totalitarianism, communitarianism, and hence, non-France. As she declared in an Assembly speech that received a standing ovation, these were “the children of France” who needed the same “juridical security” as all the other children of France. This law was, she continued, a “law of great progress, great generosity, of fraternity and equality which will bring legal security to all the children of France.”67 As Taubira frenchified same-sex families, her opponents racialized — and foreignized — her.

This was evident in the poster of the Manif pour Tous which portrayed her spanking a child with the Civil Code, modeled on the famous May 1968 image of a policeman with the sign SS (standing for the Nazi paramilitary organization) on his shield. Taubira was also represented cutting the branches of family trees with a chain saw, and menacing the Mariannes as a gigantic monster or gorilla.68 The connection between the two Taubira laws, between slavery and gay marriage, was highlighted in the campaign of the Bloc Identitaire, which once again, raised the specter of surrogacy and reproductive technologies, calling for a referendum for all and reminding Taubira of her status as a colonial subject (fig. 12). Finally, when she was on a trip to Angers on October 25, 2013, a crowd of Manif pour Tous protestors screamed: “Taubira leave, you stink,
it is interesting, in this respect, that the right in France has been particularly eager to reclaim this new republicanism as the scaffolding of French sovereignty. Indeed, as Cécile Alduy and Stéphane Wahnich have traced in a recent study, the National Front under the leadership of Marine Le Pen has increasingly mobilized the discourse of republicanism and of laïcité to attract younger voters and most importantly, to oppose Islam. Even more recently, in May 2015, the UMP, under the direction of Nicolas Sarkozy, sparked off a new controversy by changing its name to “les Républicains.” As Sarkozy put it in his founding manifesto:

“Republicans” is the name of those who will always “choose the universal against communitarian confinement . . . “Republicans” is the name of those who fight against fanaticism and fundamentalism, against obscurantism and unreason, against the barbarism and savagery . . . beyond left and right.

It is this form of republicanism — transcendental, self-evident, and exclusionary — that the protestors against gay marriage appealed to in the hope of stifling the diversity that exists in France today.

**NOTES**

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3. This is, for example, the analysis of Jean-Yves Camus in “Le ‘printemps français,’ une voie entre FN et UMP,” Le Monde, 18 April 2013, accessed June 29, 2015, http://www.lemonde.fr/idees/visuel/2013/04/18/la-radicalisation-s-enracine-t-elle-a-droite_3161859_3232.html. On the “droite décomplexée,” see Jean-François Copé, Manifeste pour une droite décomplexée (Fayard, 2012).

le-printemps-francais-lointain-descendant-d-un-catholicisme-de-combat_3161523_3232.html.


21. Slavoj Žižek, The Ticklish Subject: the Absent Centre: the Absent Centre


25. Heterosexuality and the family have of course been foundational to the nation-state form in many other contexts. See, for example, Jacqueline Stevens, Reproducing the State (Princeton University Press, 1999) and Carole Pateman, The Sexual Contract (Stanford University Press, 1988). My focus here, however, is more historical than philosophical as I try to elucidate why these groups struggled to heterosexualize the Republic in this particular time and this specific political and social context.

26. Many books that have come out in France in recent years have indeed included the Manif pour Tous in this category of “new populisms.” See for example Raphaël Liogier, Ce populisme qui vient; conversation avec Régis Meyran (Paris: Textuel, 2013). It is important to note also that several social scientists — sociologists, political scientists, and media theorists — have begun to interview the protestors and to examine the street marches as social movements engaged in contentious politics; studies that will surely be foundational for understanding this idiosyncratic response to gay marriage.


30. The 1960s might provide a better frame of compari- son if we consider the commitment of the Organization Armée Secrète to the “laws of the Republic,” as Todd Shepard has provocatively shown in, The Invention of Decolonization: The


38. For an excellent analysis of these tensions around secularism in contemporary France, see Mayanthi L. Fernando, The Republic Unsettled: Muslim France and the Contradictions of Secularism (Durham: Duke University Press: 2014).


40. Ibid., 355.

41. Ibid., 354.


47. This formalization of marriage with the mayor and the city hall was a crucial part of the process of secularization and republicanism of marriage in France and has a long and specific history. See Irène Théry, Le Démariage: justice et vie privée (Paris: Odile Jacob, 1993); Suzanne Desan, The Family on Trial in Revolutionary France (Berkeley: University of California Press, 2004).


51. During these years, the expression “bebê Thalys” came to designate children conceived in Belgium where reproductive technologies are legal for lesbians and single women, returning to France on the high-speed Thalys train.

52. For more on these cases, see Mécary, L’amour et la loi.


60. Archives Nationales, AN F 60 494 (Haut Comité de la Population: 1939–1940).

62. For an analysis of how immigration was constructed as a problem by political leaders during these years, see Abdel-lali Hajjat and Marwan Mohammed, Islamophobic: Comment les élites françaises fabriquent le problème musulman (Paris: La Découverte, 2013), and Cette France-là, Xénophobie d’en haut: le choix d’une droite éhontée (Paris: La Découverte, 2012).


70. Christiane Taubira, Paroles de liberté (Flammarion, 2014), 13.


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