"In ordinary societies, one stipulates for oneself, for obscure and private interests, and as the sovereign master of one’s own fortune. In marriage, one stipulates not only for oneself, but for the other; one pledges to become the providence of the new family to which one will give a being; one stipulates for the State, one stipulates for the general society of humankind. The public is thus always involved in questions of marriage [. . .]. Conjugal society does not resemble any other."

—Jean-Etienne-Marie Portalis, Preliminary Discourse to the French Civil Code

In June 2004, Noël Mamère, the mayor of Bègles, a small town in southwest France, decided to follow the example set by Gavin Newsom in San Francisco a few months earlier, by celebrating the first gay marriage in France. Mamère’s highly mediatized resolution unleashed a polemic which, to observers on the other side of the Atlantic, appeared somewhat strange or at least puzzling.
While George W. Bush was invoking God and morality to promote a constitutional amendment which would limit marriage to a man and a woman, French politicians were turning to a different set of arguments and vocabulary. Patrick Delnatte for instance, a deputy from the center-right, told the newspaper *Libération* that for him, gay marriage represented an “impasse. [. . .] I respect the different ways of living one’s sexuality, there is no question of homophobia, but the Republican marriage answers to our anthropological principles [le mariage républicain répond à nos principes anthropologiques]. Homosexuality is not a social model that allows society to continue [qui permet à la société de perdurer]; it is contrary to the existence of sexual difference [l’altérité de sexes] which founds marriage” (Rotman). In the months following Mameré’s announcement, all major French publications ran almost daily articles on gay marriage which inevitably echoed the same terminology: “Republicanism,” “anthropological principles,” “difference of the sexes,” and (non-) “homophobia.” This essay is an attempt to come to terms with the particular character of the debate over same-sex unions in France. More precisely, it seeks to understand how an elected representative, such as Delnatte, can refer in a widely circulating newspaper—in almost a single breath—to concepts of Republicanism, anthropological principles, and sexual difference, presenting these concepts as self-evident arguments against gay marriage. How is it that these terms, borrowed from the most complex philosophical and political register, have been marshaled in opposition to same-sex marriage, just like God and morality have in the United States?

Although Mamère’s act of “civil disobedience” appeared to take France a bit by surprise, debates over gay unions were hardly new. In fact, France already had its own version of domestic partnership open to same-sex couples, the PACS or *Pacte Civil de Solidarité*, which was passed by the National Assembly, headed by leftist prime minister Lionel Jospin, in October 1999, following at least a decade of widely publicized debates. In its last phase, the PACS was designed to provide a series of legal benefits traditionally associated with marriage—such as tax breaks, housing rights, inheritance, and health insurance—to more loosely defined “couples,” independent of their sexual orientation. As the law defines it, a PACS is “a contract entered into by two physical persons of legal age, of different sexes or of the same sex, to organize their common life” (Bach-Ignasse and Roussel 259). In what follows, I will briefly outline the crucial terms of the PACS debates to better orient the larger context of French political culture in which this article attempts to intervene.
Demands for civil unions in France initially came from heterosexual couples who, by the late seventies, were increasingly shying away from marriage and requesting from their local mayors certificates of “concubinage,” the legal term for domestic partnership. However, it became clear throughout the eighties that same-sex couples also needed some kind of protection at the state level, as the AIDS crisis began to dramatically highlight the legal and practical problems encountered by same-sex couples, such as being deprived of hospital visitation rights or the possibility of transferring apartment leases, among others. Moreover, by the early nineties, several European countries such as Denmark, Norway, and Sweden had already devised forms of legal recognition for same-sex couples, and in 1994, the European Parliament encouraged its members to acknowledge homosexual couples on a juridical level.

Thus began the story of the PACS, which, between the first proposition of domestic partnership in 1990 to the final promulgation of the law in 1999, went through at least seven reformulations, as CUC (Contrat d’union civile), CVS (Contrat de vie sociale), CUS (Contrat d’union sociale), CUCS (Contrat d’union civile et sociale), PIC (Pacte d’intérêt commun), and finally, as the PACS. All of these proposals—successively debated, amended and modified by the National Assembly, the Senate, and the courts—differed in their particular definitions of “the couple,” in the rights they encompassed, and in their practical modalities. One of the major points of contention, for instance, was whether civil unions should be registered in city halls (where civil marriages have been celebrated since the French Revolution), by the courts, or merely by notaries. While some argued that these civil unions should be open to any two people living together, including friends, roommates, or siblings, others suggested limiting them to sexual couples, others to same-sex couples only. Still others maintained that the new law should regulate exclusively the division of material goods without having any impact on civil rights and without affecting the civil code.

From the outset, the PACS encountered violent opposition from the Catholic Church and from most right-wing parties, who condemned it as an attack on the sanctity of marriage and as further evidence of degradation of social mores. However, political alliances on the issue did not fall along neat party lines. Instead of arguing for or against the PACS in terms of their parties’ history and ideology as is usually the case, French deputies structured the debate around the question of “Republicanism.” Thus, a few elected representatives on the right joined others on the left in
welcoming and promoting the new law. For them, the PACS was a vehicle to fight long-standing discriminations against homosexuals and thus a guarantee of their basic Republican civil rights. Furthermore, they argued, the PACS represented a true universalizing move in the spirit of French Republicanism, which would treat homosexuals and heterosexuals as abstract individuals, exactly alike by refusing to differentiate between them. To this day, this commitment to abstraction is exemplified by the fact that the government is not allowed to collect any statistics concerning the percentage of same-sex couples among pacés. Equally surprising was the generalized ambivalence of the left, traditionally at the forefront of social issues, especially in the field of gay rights: it was, after all, François Mitterrand who had decriminalized homosexuality in 1982. But many socialists and communists refused to support the PACS on the basis that it was an affront to the historical universalism of the French Republic’s supposed blindness to all particularities, including of course sexual orientation. For them, the PACS represented another American-inspired attempt to cater to the demands of specific groups (homosexuals) and a move towards “communitarianism,” the French keyword since the 1980s for identity politics, essentialism, “ghettoization,” confusion of public and private, and basically everything contrary to the universalism, abstraction, and values of the French Republic.

Apart from Republicanism, the second main axis of debate concerning the PACS turned on the problem of kinship and gay parenting. This also came as a surprise, even to the original PACS promoters themselves, since the new law was designed precisely in opposition to gay marriage—which had been the original demand of gay activist groups but which was judged too “radical” for French society—and, as such, it had been carefully crafted to avoid any potential confusions with marriage. The PACS, for instance, does not affect one’s civil status, which means that as far as the State is concerned, a pacé is still considered “single.” Similarly, it does not grant French citizenship, which is automatic with marriage. Most important, the new legislation purposefully omitted any mention of filiation rights. However, many PACS opponents feared that if the new law were approved, there would be little legal basis for preventing same-sex couples from adopting children or having access to medically assisted procreation. Given the particularities of French family law, these arguments were in fact well founded. Although adoption in France continues to be regulated by a 1966 law which allows married couples or single individuals over 28 to adopt, without any reference to the adoption candidate’s sexual orientation, in practical terms, adoption licenses have
been almost systematically denied to single gay men or to single lesbians who have refused to hide their sexual orientation. This was the case for Philippe Freté, a 37-year-old single teacher in Paris who was denied an adoption license because of his "lifestyle" ("choix de vie" was the exact term). The decision was affirmed in 1995 by France’s highest administrative court of appeals, the Conseil d’État, and finally, in 2001, by the European Court of Human Rights, which established it as a precedent. Similarly, the 1994 French bioethics laws outlawed the practice of surrogate motherhood and explicitly restricted artificial insemination to heterosexual couples, whether married or cohabiting. If the PACS was meant to provide a legal but also a symbolic recognition of same-sex couples in the eyes of the State, its opponents maintained, how would it be possible to deny same-sex couple filiation rights without appearing overtly discriminatory? The left had won the 1997 elections on the platform of equality for all, so how could it advance a law that essentially considered homosexuals second-class citizens?

By the end of the twentieth century, discrimination, homophobia, or worse, religious arguments, seemed unpopular and ineffective in the context of modern and secular Republican France. That being said, more “classical” or recognizable homophobic arguments (based on “nature,” religion, caricature, etc.) were far from absent throughout the PACS debates. Several deputies at the National Assembly, none of whom were considered particularly politically “extreme,” made some of the most violent remarks heard at the Assembly. Pierre Lellouche, an RPR deputy (from president Jacques Chirac’s party), suggested that homosexuals be sterilized to insure that they would not decide to have children, while his colleague Jacques Myard joked that the proposal should also include zoophiles (qtd. in Borrillo and Lascoumes 127, 132). However, the general consensus, especially on the left, was that these claims were out of line. Michel Pinton, an UDF (center-right) deputy who founded a group to oppose the PACS called the “Collective of Mayors for a Republican Marriage,” stressed in an interview published in Le Figaro: “We Are Not Homophobes!” (Germon). Christine Boutin, another RPR deputy at the forefront of the anti-PACS campaign (and one of the rare publicly anti-abortion militants among elected representatives), was overwhelmingly criticized within her own party after the law had passed, not because she had said things like, “All civilizations that have recognized homosexuality as a mode of normal life have vanished [ont sombré] in decadence” (qtd. in Borrillo and Lascoumes 128) in the midst of parliamentary sessions, but because she brought a Bible into the National Assembly to support her argument against the PACS.
Thus, instead of arguing on the basis of morality or religion, politicians turned to the advice of the “expertise.” Some of France’s most prominent anthropologists, psychoanalysts, lawyers, and sociologists were called before the Assembly and by the Senate to discuss the meaning of such topics as “the couple,” sexual difference, private and public, parenting and kinship. Within these scholarly disputes, two names surfaced with remarkable frequency: Claude Lévi-Strauss and Jacques Lacan. As two of the leading figures in the development of French anthropology and psychoanalysis, respectively, the works of Lévi-Strauss and Lacan, and structuralist anthropology and psychoanalysis more generally, appeared to provide the theoretical framework to evaluate the issues at hand and to assess whether the PACS was in accordance with major Republican secular notions of kinship and the family. Thus, in the midst of parliamentary debates and procedures, one began to hear politicians alluding to some of the most obscure and difficult theoretical concepts in the writings of Lévi-Strauss and Lacan, such as the Symbolic order, the Oedipus complex, the anthropological invariables of society, castration, psychosis, the Name-of-the-Father, and the Incest Prohibition. Renaud Dutreil, from the Droite Libérale party, cited Lévi-Strauss in Parliament to assert that “all human societies have produced a certain number of norms: exogamy, the prohibition of incest, and heterosexuality. […] Society enriches itself in otherness [altérité]. Today, the other is the other sex. Homosexuality is the fear of the other” (Fabre). And Elisabeth Gui-gou, the former Minister of Justice and an important figure of the socialist party, explained that while she strongly supported the PACS, she rejected the idea of gay parenting because, “like many psychoanalysts and psychiatrists” she believed that “a child needs for his psychic, social, and relational structuring, to have in front of him throughout childhood […] a model of sexual difference [altérité sexuelle], a referent man and a referent woman.”

Even the French Catholic Church relied on anthropology and psychoanalysis to oppose the PACS. The Catholic group Paroles wrote in an editorial for Le Monde, “Is the point to demonstrate the equivalence or the absence of difference between a homosexual union and a heterosexual one? We would be in total disagreement on purely anthropological grounds.” Louis-Marie Billé, Lyon’s archbishop, worried that certain particular sexual tendencies could become, through the PACS, “social references through the symbolic weight of the law” (Guenois). And according to the priest and psychoanalyst Tony Anatrella, an advisor to the French bishops, “to say that society is organized around the relation man/woman is in no way discriminatory and even less so, ‘homophobic’.”
Homosexuality stems from [relève de] subjective experience and therefore belongs to the domain of the private. Socially, it does not symbolize anything, except a conjuring away [escamotage] of the sexual real.” While everyone seemed to be referencing “the symbolic” without ever explaining what exactly Lévi-Strauss or Lacan meant by the term, none of the deputies or the senators ever brought up any empirical data, any actual clinical studies from psychoanalysts or field work of anthropologists who had previously worked on the issue of gay families, or any reports from other countries where civil unions were already legal. For that matter, no references were ever made to opinion polls, which consistently indicated that the PACS was supported by a large majority of the French population. The PACS appeared to require a higher, or at least more abstract, level of intellectual reflection.

French intellectuals were not only officially requested to speak in parliament, but they prolonged the debate in the pages of major French newspapers, where social scientists and philosophers were asked to take a stance on the PACS’s Republicanism or anti-Republicanism using Lévi-Straussian or Lacanian arguments. As the authors of the excellent collection _Au delà du Pacs_ have persuasively shown, most French intellectuals who opposed the PACS did so as “scientists,” and not as individuals, as public intellectuals and not as private citizens. In a manifesto published in _Le Monde_, entitled “Let’s Not Leave the Critique of the PACS to the Right!” several renowned intellectuals against the PACS rejected the accusation of homophobia, claiming that they could not “accept that the debates on the PACS be reduced to scheming, to guilt trips or to excommunication threats, when what is at play is the fundamental upheaval of the imaginary and symbolic structures of an entire society” (Eliacheff et al). Among those who signed this petition was one of France’s most acclaimed anthropologists, Françoise Héritier, a student of Claude Lévi-Strauss who had inherited her mentor’s chair at the prestigious Collège de France after he retired in 1982. Héritier was one of the most vocal adversaries of the PACS. In an interview with the Catholic newspaper _La Croix_ entitled, “No Society Admits Homosexual Parenting,” she explained that not only was sexual difference foundational to society, but gay parenting was “unthinkable”:

What I have tried to show is that the anatomical, physiological, and functional difference of the sexes—by functional, I mean the fact that it is the woman who carries the children—is at the basis of the fundamental opposition which allows us to think. Because thinking is first of all classifying, classifying is essentially discriminating, and the fundamental discrimination is based on sexual difference. It is an irreducible fact: we
cannot claim that these differences do not exist; they are the unsurpassable limits of thought [butoirs indépassables de la pensée], like the opposition between day and night. Our modes of thinking and our social organization are hence founded on the principal observation of the sexes. And we cannot reasonably maintain that this difference is displaced [se déplace] at the heart of the homosexual couple (Héritier, “Pacte civil de solidarité”).

More important, Héritier provided a bridge between Lévi-Strauss’s theories on kinship and the political realm.

In 1998, given the inability to arrive at a consensus concerning the PACS even within the left, Jospin’s government hired Irène Théry, a French sociologist whose previous work had centered on family law, to examine and appraise the new legal proposition and to comment more generally on the state of the family in contemporary France. Théry responded with a written report (simultaneously published in the academic journal *Esprit*) in which she relied on the work of Héritier, whom she quoted extensively, to argue that sexual difference was foundational to every society: “the difference between genders, between the masculine and the feminine, exists in all human societies: it is that by which culture gives meaning to the sexed characteristic of the living species that we are, but to which we are not reduced” (Théry 178). Furthermore, Théry argued, “no society can allow itself not to distinguish men from women, children from adults, and without a doubt, the sexual from the non-sexual.” These distinctions, she continued, “delineate a *symbolic order* indispensable both to common life in human societies [l’être ensemble des sociétés humaines], to which it gives signification, and to individuals, whose construction as subjects depends upon their inscription within the universe of the institution” (173, 174).

After a long and complex argument, Théry ended up opposing the PACS (or CUS as it was called at the time), essentially because the proposed legislation refused to distinguish heterosexual from homosexual couples. Ultimately, Théry worried that the PACS would open the door to the legalization of gay parenting, which she found unacceptable: “it is to preserve culture, and not nature, that to this day all Western countries have refused to institute any form of unisexed [unisexuée] filiation” (180). It was crucial for Théry to locate heterosexual kinship at the level of culture and not nature since this shielded her (or at least so she thought) from any potential accusations of homophobia or religious moralizing; only “reactionaries” argued that homosexuality was a deviation from nature. Théry advocated instead of the PACS a “civil contract” for homosexuals alone, called a “*contrat de vie de couple*,”
which would serve two functions. First, it would preserve the integrity or “unicité” of the “mariage laïc” which Théry perceived as the great conquest of the Enlightenment and as one of the pillars of the French Republic: “the unicity [unicité] of civil marriage is a conquest of the Republic: that of a bond [lien] desired and maintained between democratic debate, the values of citizenship, and private life” (Théry 171). Secondly, it would grant a series of much-needed rights to gay couples (excluding those of kinship) without abolishing “difference” and consequently without touching the symbolic order supposedly founded by that difference.

Psychoanalytic attacks on the PACS took a similar form, and were likewise articulated around the problems of “the symbolic,” the term which was variously employed to designate sexual difference, society at large, language, culture, or thought, and at other times, all of these at once. Jean-Pierre Winter, a former student of Lacan’s and the president of the Mouvement du Coût Freudien, a psychoanalytic association which stemmed from Lacan’s 1980 dissolution of the Ecole Freudienne de Paris, published an article against gay parenting entitled “Beware of Symbolically Modified Children” [“Gare aux enfants symboliquement modifiés”] (18). Gay parenting, Winter argued, was not a problem of individual rights but of social organization: “The point is not only to satisfy this or that individual right, but to know whether certain social demands lend themselves to [sont propres à] perpetuating the transmission of life.” The social, Winter continued, is intimately linked to the symbolic:

The symbolic operates [s’exerce] in a privileged manner in two spaces: that of the law and that of language. For a child to humanize himself by accessing the dimension of the Law and of language [en accédant à la dimension de la Loi et du langage], a restricted number of psychic operations must be possible. And notably, that we not block [qu’on ne fasse pas obstacle] the representations that he constructs to elaborate what preceded his conception and his birth. In this case, before even having access to language, he will be faced with an impossibility: that his own life results from a fertile union between two people of the same sex. How will he be able to answer the question “where do children come from?” that is so determinant for his future as a reasonable being [pour son avenir d’être doué de raison], if he is confronted with a socially legitimized situation which excludes the only real allowing him to separate his unconscious fantasies from his conscious faculties: the anatomical difference of the sexes [qui exclut le seul réel lui permettant de séparer ses fantasmes inconscients de ses facultés conscientes: la différence anatomique des sexes]? It is not “naturalistic” to recognize this fact. To deny it amounts to [relève de], what we call in psychoanalysis, the “perverse disavowal.”
Finally, Winter concluded, “a child needs a father and mother—in other words, somebody who is there to represent the law and not to fabricate it.” Winter did not cite Lacan directly in this particular article but he was clearly relying on a structuralist understanding of the symbolic as the realm of the signifier, the Law with a capital L as the regulator of this signifier, and perversion as the disavowal of castration.

Similarly, Caroline Eliacheff, one of the most mediatized contemporary psychoanalysts and a best-selling author (and also, significantly, the daughter of Françoise Giroud, an important political figure in the seventies and eighties) who had already signed the “Let’s Not Leave the Critique of the PACS to the Right!” manifesto in *Le Monde*, came out in *Elle* magazine as a self-declared “psy against the PACS.” In her opinion, “the PACS unites two people, whatever their sex. It is a denial of the masculine and of the feminine. We do not know of any society in the world that de-institutes [désinstitue] sexual difference” (qtd. in Borrillo and Lascoumes 134). Another interesting protagonist within the “psy against the PACS,” to give one last example among many, is Michel Schneider. Schneider, like Eliacheff and Théry, is also an “expert” in close proximity to political power because of his double training as a psychoanalyst and as a public administrator who graduated from the ENA (the École Nationale d’Administration, the educational rite of passage for France’s political elite) and worked for the Ministry of Culture. In his work *Big Mother: Psychopathologie de la vie politique*, he proposes to study politics through the lens of psychoanalysis, suggesting that the latter can underscore questions of affectivity, of power, and of fantasy in the political world. His conclusion is that in France “power has become maternal” (19). It is in this context that he approaches the PACS, as yet another example of attempts to “kill the father.” Schneider reserves his harshest words for gay parenting, which, once again, is cast as the single most harmful ramification of the PACS:

All homo- or autoparenting would topple procreation from the symbolic order and its universal law of incest prohibition [Toute homo- ou autoparentalité ferait basculer l’engendrement hors de l’ordre symbolique et de sa loi universelle de prohibition de l’inceste], which Lévi-Strauss makes “the line of passage from nature to culture.” Because this rule does not so much prohibit one from marrying mother, sister or daughter, as it requires one to “give mother, sister, or daughter to an other.” All procreation liberated from the other opens a breach in the civilized order [Tout engendrement s’affranchissant de l’autre ouvre une brèche dans l’ordre civilisé]. The result would no longer be symbolic kinship, but narcissistic kinship, and would lead to the pathologies caused by the lack of the paternal bond [Il ne releverait plus de la filiation symbolique,
When prompted to answer and account for these kinds of anti-PACS arguments that relied on Lévi-Strauss or Lacan or on their vocabulary, much of the French intellectual world, and especially anthropologists and psychoanalysts, found themselves divided between three main reactions, all of which are interesting in and of themselves but remain dissatisfying. The first option was to dismiss everything about Lévi-Strauss, Lacan, or both, and to cite these anti-PACS objections as further evidence that structuralist anthropology or psychoanalysis were and still are intrinsically politically conservative. The second was to attempt to “rescue” whatever was salvageable from the theories themselves and to allege that Lévi-Strauss and Lacan could still be theoretically useful, despite some sexist, homophobic, or otherwise oppressive undercurrents in their work. The third, and the one I find most compelling to linger over, was to claim that Lévi-Strauss and Lacan had in fact very little to say (personally and theoretically) about political questions. In this context, the politicians and the “experts” who found in Lévi-Strauss or Lacan the theoretical basis to prevent gay people from exercising certain rights in France, were merely “misreading” or “misunderstanding” these authors.

A telling example of these different positions can be found in Didier Eribon’s latest book, *Sur cet instant fragile*, organized in the form of a journal that he kept throughout the 2004 gay marriage controversy. In it, Eribon recounts a lecture he delivered at the École de la Cause Freudienne where he was invited to speak on the relationship between French psychoanalysis and homosexuality, especially in the context of the PACS and the gay marriage debates, a topic which Eribon had addressed in previous works. Eribon accused psychoanalysts of being at the forefront of every socially conservative battle in France in recent years and proposed to reread Lacan with the same “analytical grid” that Bourdieu used for Heidegger: “Bourdieu shows that Heidegger’s philosophical work contains at once a patent system and a hidden system, the former only being the theoretical application [mise en forme théorique] of the second. Heidegger’s political discourse is euphemized and masked by a ‘censure’ effect imposed by the philosophical field, but the hidden system sometimes touches upon [effleure] the patent system, when the author allows himself from time to time to let it rise up to the surface” (42). In this approach, all of Lacan’s work could be reduced to a “defence of traditional society, with the preeminence of men over women, and of the traditional family, with the preeminence of the father over the mother” (42).
In the question and answer session following his presentation, Eribon writes that the psychoanalysts in the room basically ignored his comments on the political “dérivés” (49) of the École de la Cause Freudienne and focused instead on his particular attacks on Lacan. The first main reproach, Eribon tells us, was that he concentrated on “Lacan I” and “Lacan II” without paying sufficient attention to “Lacan III” (which would be Lacan from 1970 to 1981), in response to which Eribon cited passages from “Lacan III” which he described as “hardly more appealing [guére plus engagents] than the others” (50). This is followed by the second reproach: “They tell me that I do not understand anything about Lacan. [...] Every time I cite a sentence, a formula of Lacan’s, I am told that it does not signify what I think. [...] I finally remark to my interlocutors that it is quite difficult to have a dialogue in these conditions, since words don’t have the same meaning for them as they have for me. It is as if I found myself in the middle of a sect with its own language, its own coded words” (50, my emphasis). What interests me in this passage is not so much Eribon’s polemic with the École Freudienne, but rather this idea that “words don’t have the same meaning for [the École Freudienne] as they have for [Eribon].” One may wish to problematize Eribon’s methodology and even refuse the very principle of an “analytical grid” that would reduce texts to a mere symptomatic expression of an author’s hidden intention or political opinion. Moreover, one may want to preserve textual fluidity and, in effect, read the paradoxes of writers such as Heidegger or Lacan rather than trying to smooth them over or to make them conform to a predetermined political mold. But why is it that with Lacan, and evidently with Lévi-Strauss also, “words don’t have the same meaning”?

Moreover, claiming that everyone has “misunderstood” Lacan or Lévi-Strauss hardly accounts for how and why certain key notions of structuralist anthropology and psychoanalysis have come to circulate with such apparent fluidity in the contemporary French political world. For if the PACS debates underscored the affinity between family law and structuralism in France, it was not the first, and certainly not the last time that “the symbolic order” was invoked when questions of gender and reproduction were at stake. In the early nineties, the bioethics laws provided a comparable platform for “experts” to fight over kinship, and we find some of the same protagonists already appealing to Lacan and Lévi-Strauss in those debates. And as evidenced by Patrick Delnatte’s quote against gay marriage cited at the beginning of this article, anthropology and psychoanalysis made a comeback in the columns of French newspapers around the June 2004 gay marriage in
Bègles. I cannot answer here whether Lévi-Strauss and Lacan, and more specifically their concept of the symbolic, lend themselves to these more conservative political readings, since this project would most likely require a book of its own. However, in the remaining space, I propose to look back at some of the anti-PACS arguments put forward by French intellectuals, in order to try to understand how structuralist anthropology and psychoanalysis in France, and more precisely the concept of the symbolic, have provided a model of kinship that somehow “fits” with the Republican and secular configuration of the French state. This essay does not offer a definitive answer to this question but it sketches out two hypotheses—one more socio-historical and the other more theoretical—which, I hope, can begin to elucidate the complex relationship between anthropology, psychoanalysis and the political in modern France.

On a preliminary note, it might be interesting to point out that the explicit politicization of Lévi-Strauss and Lacan, whether by their students or self-declared “followers,” appears particularly odd in light of the notorious absence of direct political engagement on the part of these writers, both of whom lived and wrote at a time when the figure of the intellectuel engagé was central to the French social landscape. Lévi-Strauss was active in the socialist party during his student years (see Pajon and Bertholet), but he claims that his political activity stopped with Gaullism at the Liberation (Eribon and Lévi-Strauss 68), that is, when he was in his thirties. Furthermore, regarding his political views, Lévi-Strauss told Le Monde in 1979: “My status as an intellectual does not grant them any special authority which would give me the right to proclaim them everywhere on the public square for the edification of my contemporaries. Moreover, I do not believe we can interpret social life, men and women’s aspirations, in such and such society, according to a kind of universally applicable grid” (qtd. in Bertholet 369).

As for Lacan, his relationship to organized politics was equally ambivalent, to say the least. According to his biographer Elisabeth Roudinesco, he flirted briefly with the Action Française and the ideas of Charles Maurras in his youth, without however adhering to Maurras’ anti-Semitism, and during the Second World War, he reportedly had little sympathy for the Resistance despite his opposition to the Pétain regime (Jacques Lacan 31, 213). Around the events of May 1968, Lacan participated in a few punctual political actions, such as the signing of a petition supporting the student uprising, but he was openly critical of the Gauche Prolétarienne, the Maoist group with which most of his students (including his
daughter and son-in-law, Judith and Jacques-Alain Miller) were involved. Revolutions, he suggested throughout his seminar of that time, were impasses and would never be able to free the subject from his servitude (Jacques Lacan 446). He further claimed that Maoists, like all other revolutionary groups, remained caught in the “discourse of the master” (Lacan 26), warning that their efforts would only result in the imposition of the very master they sought to eliminate.

Levi-Strauss and Lacan stood out for their political “neutrality,” not only in comparison to their contemporaries, but also in relation to their disciplinary predecessors. As studies by Régis Meyran and Herman Lebovics have demonstrated, the discipline of anthropology in France during the period between the Wars was marked by a split between, on the left, the members of the Musée de L’Homme and the Institut d’Ethnologie (including Paul Rivet, Lucien Lévy-Bruhl, and Marcel Mauss), and on the right, the École d’Anthropologie (with George Montandon, who became Vichy’s official ethnologist at the Commissariat for the Jewish Question, Henri Briand, and Louis Marin, among others). Similarly, as Elisabeth Roudinesco has shown in La Bataille de cent ans, French psychoanalysis before Lacan also had its own share of political strife with certain members of the Société Psychanalytique de Paris (SPP), such as Édouard Pichon, who diffused racist and anti-Semitic theories and supported the Action Française, and others, like René Laforgue, who upheld instead the humanistic potential of psychoanalysis.

Psychoanalysis and anthropology were not only concerned with parliamentary politics, but both disciplines also have a long history of collaboration with family law. While sociologists, lawyers, and doctors were considered the official “experts” on family matters throughout the nineteenth and the early twentieth century, they were increasingly joined by psychoanalysts and anthropologists during the second half of the century. The Haut Comité de la Population for example, was created immediately prior to the Second World War with the mission to coordinate issues of immigration and natality within governmental ministries. Several psychoanalysts were affiliated with this organization as guest speakers or permanent members. Among them was Georges Mauco, a member of the Société Psychanalytique de Paris who facilitated contact between populationist lawmakers and psychoanalysts such as André Berge, Françoise Dolto and Juliette Favez-Boutonier.

Similarly, the École des Parents, created in 1930 to encourage family “senses and sentiments” (Muel-Dreyfus 182), gathered doctors, politicians, teachers, and many psychoanalysts who discussed
sexuality and sexual politics. Populationist concerns of course found a haven in the Vichy regime which considered the family one of the pillars of its national revolution and encouraged the development of numerous family-related governmental institutions. Intriguingly, however, these groups not only outlived the war and avoided the administrative purges of the Liberation, but became solidified, often under different names, thus testifying to the importance of a strong family policy for both the right and the left (see Lenoir and Rosental). In the case of the Haut Comité de la Population, most of its members were dispersed among various post-war institutions such as the Commissariat Général du Plan, thereby continuing to influence family policy throughout the Fourth Republic.

To this day, the official role of the Haut Conseil de la Population et de la Famille (which replaced the Haut Comité de la Population) is to “enlighten the President of the Republic and the government on demographic problems [...] as well as on questions relating to the family” (Décret No. 85–1125) and it still provides a privileged space for “experts” to share their ideas with political appointees. Recent participants in the meetings of the Haut Conseil include, significantly, Irène Théry, Caroline Eliacheff, and Françoise Héritier. Héritier, in fact, has sat on most of the government committees related to sexuality, gender and the family, such as the National AIDS Council, the Economic and Social Council, the Council of the French Women’s Association, the National Council for the Elderly, and the National Council on Ethics in the Life Sciences, the latter of which, among other things, helped design the 1994 bioethics laws (which, as mentioned earlier, restricted medically assisted procreation to heterosexual couples). In one of her most famous essays entitled, “La valence différentielle des sexes” (The Differential Valence of the Sexes), Héritier reflects on this “solicitation” of anthropologists by political power:

It would be presumptuous to believe that the works of academics in the humanities have any deep influence on legislators and decision-makers, or that academics are even heeded by the media. However, anthropologists are now consulted and asked to participate in regional and national proceedings which treat, for example, questions of bioethics and questions where the social relations [rapports sociaux] between the sexes are at stake. This allows us to convey a message that is frequently considered unusual, sometimes even incongruous, by our interlocutors [partenaires]. At least the message is delivered [prononcé]; whether it is heard is another question. But most important, it is clear that there is currently a greater willingness on the part of the State, of constituted bodies, to consider us partners who can influence decisions, on a legislative level
or on another. It is also clear that anthropologists are making a greater effort than in the past to be heard publicly. (Masculin / Féminin 17)

Following this passage, Héritier claims that the most important message that anthropologists, like doctors, can convey to society is to “enable the understanding of the existence and the depth of symbolic anchorings [faire comprendre l’existence et la profondeur d’ancrages symboliques] which remain unnoticed in the eyes of the populations who put them into practice” (18). This premise provides the transition for Héritier to argue later in the essay, as she does in the La Croix piece cited earlier, that “it is the observation of sexual difference which is at the foundation of all thought” and that sexual difference is the “unsurpassable limit [butoir ultime] of thought” (19, 20).

In juxtaposing these quotes by Héritier, I am not trying to unearth a hidden political project on the part of Héritier which would become apparent through an “analytical grid,” but rather to point at the numerous convergences between the political figures who enact legislation concerning the family, on the one hand, and the “experts” who theorize kinship, on the other. My effort here is to suggest that the political discourse on the family and the academic discourse on kinship in France are parallel and interactive, and they have been so for at least the last fifty years. In this context, the relationship between intellectuals and politicians is not one of abstract and vague “influences,” but is rooted in very concrete networks through which we can map the various points of intersections between politics and ideas. The fact that Théry, Eliacheff, and Héritier all served as consultants on policy committees dealing with gender and sexuality implies that their interventions on the PACS were not mere theoretical pronouncements, but actually had a real and tangible political effect.

If these social and historical factors can help explain how certain theories of structuralist anthropology or psychoanalysis made their way to the political world, the question remains why “the symbolic” in particular has become the privileged concept for the French left to oppose alternative forms of kinship. Just as the politicization of figures of Lévi-Strauss and Lacan can appear surprising, so too can the politicization of the symbolic. When Lévi-Strauss devised this concept which was later taken up and adapted by Lacan, it expressed primarily a differential relationship among signs, not a specific legal or societal entity. As Lévi-Strauss defined it:

Every culture can be considered an ensemble of symbolic systems headed by language, matrimonial rules, economic relations, art, science, and religion. All these systems seek to express certain aspects of physical reality.
and social reality, and even more, the relations that these two types of reality have with each other and that the symbolic systems themselves have with one another (ix). 

Thus, kinship is symbolic and so is language, art and religion, but it would be difficult to cite Lévi-Strauss in order to claim that one particular language or one distinct form of kinship is more symbolic than another. This idea is clearest perhaps when Lévi-Strauss emphasizes that “normal individual behaviors are never symbolic in themselves” [symboliques par elles-mêmes]: they are the elements from which a symbolic system, which can only be collective, builds itself” (xvi, his italics).

In the context of the PACS debates, however, what Lévi-Strauss or Lacan actually meant by “the symbolic” appears somewhat irrelevant since the term was used primarily rhetorically. To clarify its function we might turn to another word which returned with the same frequency throughout the PACS and the gay marriage debates: Republicanism. To quote deputy Patrick Delnatte one more time: “Republican marriage answers to our anthropological principles” (Rotman). Delnatte could have easily replaced “anthropological principles” by “symbolic” since both were used interchangeably. As this sentence shows, the symbolic gradually became yoked to Republicanism throughout the PACS discussions, so that both came to signify the most intimate, most essential, and most untouchable characteristic of France. The symbolic, in other words, became French. Irène Théry—who is technically not an anthropologist but who cites Héritier and Lévi-Strauss, and who calls herself a “spontaneous anthropologist” (174) for being able to “recognize” the symbolic—and Michel Schneider—whose conception of the political is derived, as he repeatedly tells us, from Freud and Lacan—provide two good examples to examine more closely how the symbolic was linked to Republicanism.

A first strategy on the part of both Théry and Schneider was to insist on the separation of the private and public spheres and to redefine the public sphere as the point of anchorage for two crucial elements: our common Republican values, and kinship. For Schneider, public and private are delineated by the Civil Code (hence, we could say, by “Republicanism”) as follows:

In the private sphere, one is free to maintain the consensual sexual relations that one desires, while the public sphere defines the social conditions for the institution of the family. The private includes the choice of sexual object or of love—whether of the opposite or the same sex—as well as the number and type of relations one chooses. The public is that
which arises [relève] not from the formation of a couple, however long it may last, but from the foundation of a family. (Big Mother 214)

In this respect, the PACS posed a problem because it was “not simply a contract between private persons like the ones we sign every day in front of a notary, with the simple formality of a tax declaration [enregistrement fiscal], but a bond of civil status, hence of the State, instituted before Marianne’s bust [mais un lien d’état civil, donc d’État, institué devant le buste de Marianne], in other words in facie rei publicae” (Big Mother 216).

Similarly, for Théry, “concubinage,” whether it be heterosexual or homosexual, is private and should be “left to the sole private responsibility of those who share it” (167). In other words, the sexual act is private, while marriage is intrinsically public because it is associated with all the foundational values of the Republic: “civil marriage common to all […] was created not only through the concern for laicization which conformed to the ideals of the human rights declaration [dans le souci de laïcisation conforme aux idéaux de la déclaration des droits de l’homme], but in the name of the equality of all citizens before the law” (170). And like Schneider, Théry associates reproduction with marriage: “marriage is not the institution of the couple, but the institution that binds sexual difference to generational difference [qui lie la différence des sexes à la différence des générations]” (181).

Thus, for both Schneider and Théry, the public is assimilated to the Republic: the bust of Marianne, laïcité, human rights, equality, but also the family. Once kinship has been defined as a crucial modality of the public, Théry and Schneider can introduce the symbolic order as the guarantee of this social order: “Sexuality (imaginary) and conception (real) pertain to [relevent de] the private space. Kinship pertains to the public space, which gives a symbolic framework to the desire to become a parent [La parenté relève de l’espace public, qui donne un cadre symbolique au désir de devenir parent]” (Big Mother 221). Like the symbolic that Théry, referencing Héritier, calls an “anthropological invariant,” civil marriage is also “immutable in a society in which the great values of reference are changing [immuable dans la société dont changent les grandes valeurs de référence]” (170).

The second way that Théry and Schneider can link Republicanism to the symbolic is to present both of them as versions of what Eric Fassin has called “la politique du juste milieu.” Just as Republicanism stands between the extremes of total individualism (the “American model,” “communitarisme,” and identity politics) and totalitarianism (whether it be Nazism, Islamic fundamentalism, or communism), the symbolic operates as a social regulator
between the state of nature and the state of culture, or between the Real and the Imaginary. Théry, for instance, is conscious of the fact that the “opposite camp” promoting the PACS is presenting it as a universalizing “Republican move”; it is normal, she claims, to use the “logic of Republican sensibility, which in French culture always prefers the universal to the specific” (164). However, she contends: “This ‘contract for all’ [. . .] has nothing particularly ‘Republican’. We will have to understand by what mystery such a watchword [mot d’ordre] has been able to become the emblem for the fight against the slippery slope of communitarianism, of the Americanization of mores, and of the politically correct [la pente savonneuse du communautarisme, de l’américanisation des mœurs et du politiquement correct]” (165). Although Théry never explicitly defines the symbolic except as the space of sexual and generational differences, she circumscribes it by constantly alluding to the “desymbolizing passion” that animates the PACS and its advocates. This desymbolizing passion “nourishes itself from the harsher reference to the autonomy of the individual [la référence plus âpre à l’autonomie de l’individu]” and it “nourishes itself also, in a direct manner, from the reference to more communitarian forms of belonging [de la référence à des formes plus communitaristes d’appartenance]” (175). As such, Théry characterizes the “wellsprings of the desymbolizing passion [ressorts profonds de la passion de désymbolisation]: a certain alliance of individualism, of communitarianism, and micro-managing reductionism [réductionnisme gestionnaire]” (176).

In his chapter on the PACS, Schneider also deplores this “influence of the Anglo-Saxons and their fundamental moralism [moralisme foncier]” which “appears in France as a politics of recognition [. . .] transferring the moral category of respect and the psychological category of recognition onto the political scene” (Big Mother 215). Later, immediately after calling gay parenting a “narcissistic filiation” that would create a fatal breach within the symbolic, Schneider turns to another example of destruction of the différence des sexes, almost, it would seem, to give us a frame of comparison: Islamic fundamentalism. As he puts it, “Intolerable within certain individual phantasmatic structures, sexual difference is no less so for certain collective psychopathologies [Insupportable dans certaines structures fantasmatiques individuelles, la différence des sexes ne l’est pas moins pour certaines psychopathologies collectives]” (231), among which he cites the Algerian GIA (Groupe Islamiste Armé), the Afghan Taliban, and the perpetrators of the September 11th attacks:
It is in fact in reaction to our representation of sexual difference based on the equality of rights that Islamic culture radicalized in Islamic fundamentalism [Islamisme] maintains and hardens its non-egalitarian conception. The target of the terrorists was American power, but insofar as it appeared undermined [minée] by the liberties (especially sexual) slowly conquered by women. That the feminine sprang not from the exterior, but contaminated phallic power from within, that is the unsustainable fantasy [Que le féminin vienne non pas susciter de l’extérieur, mais contaminer de l’intérieur la puissance phallique, voilà le fantasme insoutenable] (233).

For Schneider, fundamentalists “want to destroy in us what they fear will spread within their countries: non-differentiation between the sexes and generalized symbolic indifference [Ils veulent détruire chez nous ce dont ils redoutent la diffusion au sein de leurs pays: l’indifférenciation entre les sexes et l’indifférence symbolique généralisée]” (Schneider 234). Thus, to resist the threat of Islamic fundamentalism, France must remain “differentiated” and consequently not accept the legalization of the PACS or of gay parenting: “For us, the only way to reach equality is through non-differentiation [indifférenciation]; for radical Islam, it remains unthinkable that an asymmetry is not necessarily an inequality [il demeure impensable qu’une asymétrie ne soit pas nécessairement une inégalité]” (Schneider 234).

This oscillation between the American and the totalitarian “extremes” actually proved to be one of the most powerful rhetorical devices throughout the PACS discussions. Political theorist Hugues Portelli called the socialist promoters of the PACS a “government of lobbies” and claimed that “such an evolution [. . .] brings France closer to an American model of decision-making.” For him, the PACS was merely another “infringement upon [en-torse à] the Republican tradition.” Alain-Gérard Slama, another political scientist, wrote in his weekly *Figaro* column that the PACS would constitute “a decisive step in the process of the complete socialization of individuals which at this moment sweeps up democracies into its spiral [une étape décisive dans le processus de socialisation complète des individus qui entraîne, en ce moment, les démocraties dans son engrenage].” And Pierre Legendre, a jurist and psychoanalyst who had been hired by the left in the eighties to reflect on the problem of kinship as the director of the Laboratoire européen pour l’étude de la filiation, worried that “instituting homosexuality with a familial status is to put the democratic principle at the service of fantasy [au service du fantasme]. This is fatal given that the law [le droit], founded on the genealogical principle, gives way to a hedonistic logic descended from Nazism [une logique hédoniste, héritière du nazisme]” (14). France
would stand in between these two extremes, as a society anchored in a strong Republican tradition of democracy and solidarity, escaping the excessive individualism of liberal countries like the U.S. and the homogenization of totalitarian dictatorships. According to this reasoning, the health of the social body would depend on the health of the relationship between the sexes. These arguments, it is important to remember, were articulated not by members of the Front National or by nostalgists of the Vichy years, but by renowned intellectuals such as Théry, Schneider, or Legendre, all firmly established in the French “left.”

Finally, the third way in which Théry and Schneider construct Republicanism and the symbolic as parallel entities is to describe them both as tropes of socialization. For Schneider, this is perhaps clearest in one of his more recent essays on Lacan and the political, where he comes closest to a definition of the symbolic:

Lacan’s main contribution to a psychopathology of the political bond concerns his theory of the symbolic. Following him and thanks to him, I give this word a very simple meaning: the part of the Other within us [la part de l’Autre en nous], the reminder that living is living together according to rules that are transmitted and not chosen. The symbolic is exactly the opposite of “I am authorized by myself alone” [Je ne m’autorise que de moi-même]. In a symbolic system, bonds [les liens] do not result from the voluntary action of individuals; they precede the individual as a tradition and bring a constraint to bear on themselves [et font peser sur eux-mêmes une contrainte]. What is symbolic [relève de l’ordre symbolique] is that which we cannot change, regardless of our likes or dislikes [quoï qu’on en ait]: names, kinship rules, language, grammar, sexual difference, the finitude of life. The symbolic is what is bigger and more powerful than us, more ancient and more lasting. What does not belong to us, what is not us, but that without which we could not be [Ce qui n’est pas à nous, ce qui n’est pas nous, mais ce sans quoi nous ne saurions être]. If it restricts the freedom of choice, it also increases this real freedom which is desire. Things we do not choose have a great advantage: they protect us from our drives [instincts] and from our most primitive thoughts. They survive aggression and guilt, and because of this, they limit them. Parents, because we have not chosen to be born nor to have them as parents, allow the role of construction that is not dependent on oneself [parce qu’on n’a pas choisi de naître, et de ce ceux-ci, permettent le rôle de construction non dépendante de soi]. If these things were chosen, they would depend on us and we would depend on them limitlessly. (“L’État comme semblant” 48)

In this passage, the symbolic operates as a social regulator, as that which provides the transition from “drives and the most primitive thoughts” to sociability, to being open to the Other.

Schneider’s “Je ne m’autorise que de moi-même” is similar to Théry’s conception of what social rules should not be: “Relegating
each one to his or her arbitrary will [à son bon vouloir], asking the law to legitimate it, would be, in the name of this most impoverished conception of freedom (I do what I like [je fais ce qui me plaît]), to renounce something of the common law [la loi commune]” (Théry 171). Solidarity therefore appears to be inscribed within the symbolic order, according to both Théry and Schneider. And how, Théry asks, are we to keep this symbolic order intact? By not “disinstituting” sexual difference, by “recognizing the finitude of each sex, which needs the other so that humanity may live and reproduce itself [reconnaître la finitude de chaque sexe, qui a besoin de l’autre pour que l’humanité vive et se reproduise]. This is why at the heart of the symbolic difference of the sexes lies the institution of marriage and kinship [filiation]” (Théry 180).

Since marriage and kinship constitute the foundation of the Republic, as we have seen, Théry is able to tie back together the symbolic and Republicanism, in a manner that posits them both as the space of “openness to the Other,” of solidarity, and of ethics.

According to Joan Scott, “the abstractions of individual and nation were the key to a distinctively French concept of universalism” which Scott calls the defining trait of the French Republic, at least since the Revolution: “unlike the American system [. . .] which saw legislatures as arenas of conflicting interests and defined representatives as voices for particular social and economic groups (or factions), the French system took the abstraction of the nation as the referent for representation. Representatives did not reflect some already existing, competing entities; instead they constituted, through their actions, the singular body of the nation. And it was a nation ‘one and indivisible’” (34). In this context, Scott tells us, “universalism does not rest on the exclusion of the particular, but on (socially or politically) agreed upon indifference to certain particularities” (35, my emphasis). In light of this definition of French universalism, it seems that if the PACS and gay marriage encountered so much resistance (but also generated so much enthusiasm), it was because both called into question this national consensus of “agreed upon indifference to certain particularities,” which might as well be called a norm.

To be sure, the PACS was initially presented as problem of laws (as opposed to norms), as a demand for a set of specific rights. And laws were easier to change than norms: even the most vehement opponents to the PACS did not appear to have a problem with the possibility of same-sex couples filing a joint tax declaration or benefiting from each other’s health insurance policies. In fact, many of the proposals that preceded the PACS judiciously focused
on how the government could grant homosexual couples the particular rights they requested without amending the Civil Code to include same-sex unions, as if the Civil Code marked the official entry into the nebulous terrain of norms. Similarly, when gay rights activists demanded the right to marry in Spring 2004, several politicians who opposed gay marriage (many of whom had strongly objected to the PACS in 1999) suddenly turned to the PACS to contend that France already had a perfectly effective mechanism to fight discrimination against homosexuals. The PACS could eventually be modified to include more rights, but gay marriage was unacceptable.

In the debates that accompanied the PACS, it was obvious that a much larger question had already been posed: what would it mean for heterosexuals and homosexuals to have equal access to publicness? In its most radical interpretation, when it was open to siblings or friends especially, the PACS even offered the possibility of constructing a public sphere no longer anchored exclusively on sexuality but rather on “common life,” on what the anthropologist John Borneman has called units of “care” (583). This would clearly have implied another “symbolic”—one which could remain normative without being necessarily universalist and tranhistorical—but also, another concept of the nation—one in which homosexuality or any other alternative forms of kinship (or, we might say, any form of difference) would no longer be just one of the many “agreed upon indifferences.” Much of the recent scholarship working with Lacanian psychoanalysis in the U.S. has repeatedly argued that the symbolic cannot be reduced to the social. While this may or may not be true, the PACS debates provide at least a particularly good example of the slippage between the symbolic and the social, which (assuming it is not a “misreading”) appears inherent in a strictly structuralist and non-historical definition of kinship. In response those who argue “in a Lacanian vein that the symbolic place of the mother can be multiply occupied, that it is never identified or identifiable with an individual, and that this is what distinguishes it as symbolic,” Judith Butler has asked “why is the symbolic place singular and its inhabitants multiple” (71)? Since the symbolic and citizenship appear to be linked, at least as they were deployed throughout the PACS discussions, one could wonder, along similar lines, why “France” insists on remaining singular while its inhabitants are, increasingly, multiple.

Notes

1 “Dans les sociétés ordinaires, on stipule pour soi, sur des intérêts obscurs et privés, et comme arbitre souverain de sa propre fortune. Dans
le mariage, on ne stipule pas seulement pour soi, mais pour autrui; on s’engage à devenir comme la providence de la nouvelle famille à laquelle on va donner l’être; on stipule pour l’État, on stipule pour la société générale du genre humain. Le public est donc toujours partie dans les questions de mariage [. . .]. La société conjugale ne ressemble donc à aucune autre.” (Note: unless otherwise indicated, all translations from the French are my own.)

Throughout this paper I have translated relever de in different ways according to the context: “stems from,” “amounts to,” “pertains to,” etc. According to the Petit Robert, the etymological meaning of “relever de” is “to be in the dependence (of a superior authority)” (of God, for example), which by extension meant “être du resort de, dépendre de.” It is interesting to remember this reference to a superior authority when reading the “experts” who use this term repeatedly.

Works Cited


