

# The PACS and (Post-)Queer Citizenship in Contemporary Republican France

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## Abstract

This article examines the theoretical debates that have arisen from the development and subsequent implementation of same-sex partnership legislation in France in 1999. The significance of these debates extends far beyond the specific legislation that triggered them and can be understood as contributing to a far broader analysis of the relevance of traditional French republican ideologies to the realities of contemporary, metropolitan France. The article outlines the socio-political climate against which the legislation evolved and demonstrates how its detail engages with, and challenges, key notions at the heart of French republicanism such as, for instance, the public/private division and questions of kinship, filiation, and the family. Through analysis of the writings of three key figures at the interface of sociological analysis and queer studies in France – Frédéric Martel, Eric Fassin, and Maxime Foezter – I examine how same-sex couples have come to act as figureheads for the problematic status of minority groupings more generally. Ultimately, the article seeks to examine whether this legislation can, through the dialogue and debate it has provoked, pave the way for what can be termed ‘post-queer’ French citizenship, a renegotiation of the relationship between queer citizens and the republic.

**Keywords:** Citizenship; French republicanism; PACS; post-queer; same-sex partnerships

# The PACS and (Post-)Queer Citizenship in Contemporary Republican France

This article examines the theoretical debates that have arisen from the development and subsequent implementation of same-sex partnership legislation in France in 1999. The significance of these debates extends far beyond the specific legislation that triggered them and can be understood as contributing to a much broader analysis of the relevance of traditional French republican ideologies to the realities of contemporary, metropolitan France. This is due to the vexed question of the status accorded to all minority groupings within the French Republic, insofar as these groupings are viewed as having any influence or effect on broader societal structures and developments. Broadly speaking, this ‘vexed question’ arises from the possibility for two interpretations of the famous constitutional requirement for all citizens of the Republic to possess ‘equality before the law’ which forms part of Article 1 of the Constitution of the Fifth Republic.

On the one hand, there is a strict interpretation of republicanism, and Article 1 in particular, which recognises no cultural difference on any grounds and, indeed, which envisages any such difference as a threat to the cohesion of the nation: ‘American-style fragmentation (ethnic or otherwise) appears as the ultimate threat when a differentialist ideology replaces universalist principles’ (Fassin, 2001: 217). Among the most vocal supporters of this ‘traditional republicanism’ (Jennings 2000: 585)<sup>1</sup> is Régis Debray (1989a) who issued ‘the classic statement of traditional republicanism’ (Jennings, 2000: 585) in a 1989 article in the French current affairs magazine *Le Nouvel Observateur* and, later that year, in his book *Que Vive la République* (Debray, 1989b). In the latter, Debray articulates a view of French

republicanism threatened by the social realities of contemporary French society, referring to ‘the victory of “the dictatorship of particularities.”’ (Debray 1989b, quoted in Jennings, 2000: 585). More recently, Debray has expressed the view that: The Republic respects folklore and cultures, but submits to common law that which are elsewhere described as “minorities” [...] The French Republic is composed of citizens, not communities (Debray, 1998: 7).

While Debray does recognise the role played by diversity in the construction of France as nation-state, he stresses the crucial role played by the abstracting of individuals from their ‘particularities’ in order that they become, and be viewed as, citizens of the Republic, equal in status in the eyes of the law in strict accordance with Article 1. He also draws a clear, and somewhat disparaging, contrast between French republicanism and other models of citizenship in which particular ‘minorities’ are granted recognition, arguing that such recognition ultimately leads to a disparity between individuals: ‘You start with a right to difference and you end up with different rights’ (Debray 1998: 28). Debray is by no means isolated in this traditional interpretation of the doctrine of French republicanism. Indeed, more recently, this rigid interpretation of republicanism and the centrality of Article 1 can be said to have won out in the French political arena with the most recent developments in the ongoing *affaire du voile*<sup>2</sup> and the introduction of legislation in May 2004 banning pupils in state schools from wearing visible religious signs.

On the other hand, however, there is also a body of thought which seeks to work towards a renewal or a renegotiation of French republicanism in order to ensure its relevance to the realities of contemporary French society (Fassin 2001; Fabre and Fassin 2003; Foerster 2003). This view has been articulated by a number of figures in the political and public arena, resulting in a belief that ‘France must rethink itself’

(Dahomay 2002) According to the sociologist Michel Wieviorka (1996): ‘The French republican model is less and less workable, its values of equality and solidarity can only be applied with difficulty’. Wieviorka’s aim is not to offer a single possible route for French republicanism to follow, but rather to encourage a lively and open debate on its contemporary evolution and reinterpretation which he considers crucial to a broader renewal and revitalisation of the political sphere in 1990s France. However, he is clear that the social realities which have resulted in this debate should be understood as ‘a mutation’ (Wieviorka, 1996):

These differences express a mutation and mean the arrival of a new type of society, new problems, debates and social conflicts; they give voice to the creation of agents that begin to take shape, agents who might be tempted by communitarianism, but who also want to be recognised, and to create themselves as subjects of their own existence.

Wieviorka thus recognises the need to ‘reconcile the debate on multiculturalism with the debate on social exclusion and inequality’ (Martiniello, 1998: 913). He and others who argue in favour of a renegotiation of ‘traditional republicanism’ signal the possible development of a pluricultural French republicanism. As Dahomay (2005) writes: ‘Are we not all métis, black, Jewish, Arab, white [...] ? That is why we are making a plea for a more generous, more universalist and thus more liberating, Republic’. ‘Traditional republicanism’ can thus be understood in relation to a renewal of French republicanism which takes into account the changing realities of contemporary French society.

This article will first outline the socio-political climate against which the same-sex partnership legislation evolved in France and, in so doing, will demonstrate how its detail engages with, and challenges, key notions at the heart of French republicanism such as, for instance, the public/private division and questions of kinship, filiation, and the family that underpin much contemporary discussion of the nation in France and beyond. The term ‘filiation’ is used in French political debates to mean ‘kinship relations’ (Butler, 2002: 16). As Butler remarks, for Eric Fassin and others, ‘it is the alteration of rights of filiation that is most scandalous [in relation to the PACS] in the French context, not marriage per se’ (Butler, 2002: 24).

Through analysis of the writings of three key figures at the interface of sociological analysis and queer studies in France – Frédéric Martel, Eric Fassin, and Maxime Foerster – I examine the ways in which same-sex couples have come to act as a figurehead for the problematic status of minority groupings more generally. Ultimately, the article seeks to examine whether this legislation can, through the dialogue and debate it has provoked, pave the way for what I will term ‘post-queer’ French citizenship; a renegotiation of the relationship between queer citizens and the republic. In this way, I argue, the notion of fragmentation of identity can, if brought into dialogue with the work of figures such those cited above, be read as a sign of positive and constructive transition.

## 1990s France: The Lead-up to Same-Sex Legislation

The latter half of the 1990s saw much French political debate focus on a series of issues arising from the development and implementation of the *Pacte civil de solidarité* (PACS) legislation. When it finally made its way onto the statute books on

15 November 1999, the PACS enabled couples, both same-sex and not, to register a partnership contract which brings with it a series of rights and responsibilities, primarily in the financial and fiscal sphere, but which, symbolically, allows for official recognition of non-married couples. The first proposal for a form of contract was drawn up in 1991 but it was not until 1997 that the Socialist Minister for Justice, Elisabeth Guigou, declared that the implementation of the law was ‘a promise we have made and which we will honour’ (Guigou 1997, quoted in Grosjean, 1998). From then until the implementation of the law creating what was eventually called the PACS, a great deal of media and public debate focused on the issues raised and placed the spotlight, to a large extent, on the gay community in France. This coverage included many debates and discussion programmes in mainstream media outlets and brought questions related to the day-to-day existence of gay and lesbian couples in France to the centre of debate. The daily newspaper *Le Monde* on 10 October 1998 published a special 16-page supplement outlining the arguments for and against the PACS which included the full wording of the proposal, and progress of the legislation through the parliamentary system regularly made front page news over an 18-month period.<sup>3</sup>

The debate around this legislation was framed, firstly, in terms of gendered relations and a so-called ‘symbolic order’, developing, as Eric Fassin has described, in parallel with debates on parity.<sup>4</sup> For some, these two issues seemed to be unrelated: The parity debate seems, on the face of it, different from that on the PACS. The former deals with the place of women in political life, the latter [...] with the recognition of the homosexual couple (Fabre and Fassin, 2003: 81). For Fassin though, ‘from the end of the 1980s, and until 1997, the two projects followed “parallel histories”’ (Fabre and Fassin, 2003: 81). Then, in 1997, the two parallel trajectories

met on the question of the PACS and the tendency to present opposition to it in terms of ‘a defence of heterosexuality [and...] “sexual difference” which it was important to preserve’ (Fabre and Fassin, 2003: 82). French philosopher Sylviane Agacinski,<sup>5</sup> for instance, recognising ‘sexual difference’ as ‘the value upon which claims for parity are founded’ (Fabre and Fassin, 2003: 82), felt that it was thus vital to preserve this form of difference by, in her case, offering support to the PACS legislation, but only in a restricted form, and not, for instance, insofar as it might be developed to encompass gay parenting rights. What is particularly important for Fassin, in relation to the overlap between debates on parity and the PACS, is the role the two play in challenging the boundary between private and public which lies at the heart of French republicanism (Fabre and Fassin, 2003: 84-5).

However, the hotly contested emerging legislation also clearly brought into play questions of sexuality and led to a greater awareness – desired or otherwise – of the presence of lesbians and gay men within French society, in large part due to many of its opponents’ desire to frame it as legislation specially designed for gays. Opponents (e.g., Christine Boutin; Irène Théry) and proponents (e.g., Frédéric Martel, Elisabeth Guigou) clashed over questions related to the potential impact the PACS was perceived as having on family structures, filiation, and citizenship in contemporary France, thus illustrating the potential for interaction with broader debates on French republicanism. As a result, there emerged from the debates a number of crucial factors which served to place sexuality, and homosexuality in particular, at the forefront of much political and media discussion.

For instance, the homophobia which was present in some quarters in opposition to the PACS led to a climate, in the late 1990s, in which media focus was placed on the sexuality of individual politicians at every level of the French political

establishment. Philippe Meynard, then deputy mayor for the rural village of Barsac in the Gironde region,<sup>6</sup> came out in 1999 in an article published in his local newspaper, *Sud Ouest*, stating that ‘[his] homosexuality was a badly-kept secret in Barsac’ (Métreau, 1999: 43). A fortnight later, Meynard attended the summer conference of his party, the Union pour la Démocratie Française (UDF),<sup>7</sup> and demanded that its then president, Philippe Douste-Blazy, explain the homophobia present in some of the speeches given in the French National Assembly by UDF *députée* Christine Boutin.<sup>8</sup> Although Boutin maintained she was not homophobic, many of her statements during the PACS debates indicate the contrary to be the case, asserting, for instance, that homosexuals find ‘suffering at the origin of their condition’. In her book, *Le “Mariage” des homosexuels: CUCS, PIC, PACS et autres projets législatifs*, she further claimed that ‘every civilisation that has recognised and justified homosexuality as a normal way of life has known decadence’ (Boutin 1998, quoted in Venner, 1999: 48-49). The most prominent examples of openly gay French politicians can also be found in the period from the late 1990s to the present, with the coming out of Bertrand Delanoë, current mayor of Paris, during an interview on the television channel M6 in November 1998, and Jean-Jacques Aillagon, ‘the Republic’s first “officially” gay minister’ (Doustaly, 2002) who, shortly before being appointed Minister for Culture, spoke about his sexuality in an interview in *Le Monde*.

For some, and indeed particularly for many traditional republicans, such matters have no place in the public arena, but arise in the ‘private’ half of the sacred private/public division at the heart of some interpretations of republicanism. After all, as Stychin (2001) has pointed out:

Republicanism depends upon a belief in citizenship as a national project in which individuals *in fact* will transcend



their particular affiliations, towards full and foundational membership in a wider community of citizens. This, in turn, requires the preservation of a clear differentiation between the public and private spheres. Cultural difference must be privatised in order to preserve a universalist, liberal, neutral vision of the Republic and the citizen within it (p. 352).

However, by evoking republican values as a reasoning either in favour of or against the PACS legislation, politicians and the media alike brought questions of sexuality into the public sphere and discussions of the emergent PACS legislation evolved into an engagement with the values of late 20<sup>th</sup> century republicanism. Indeed, through the work of such authors as Frédéric Martel, Eric Fassin, and Maxime Foerster, as is argued here, the PACS debates have ultimately served to map out a way forward for a renegotiation of French republicanism. And what emerges from this new path forward could be termed a ‘post-queer citizen’:

This notion of the post-queer, albeit a vague one, is not analogous to the turn of the post-modern or the avatar of the post-human, it is totally consonant with them, structured in the same way through a rejection (over time and through historical and cultural change) of master discourses, a refusal of simple identificatory mechanisms and simplistic notions of belonging (Celestin et al., 2008: 4-5).

In other words, the ‘post-queer’ citizen of contemporary France is at once concerned with their place within the Republic, whilst challenging the straitjacket formed by traditional interpretations of the same Republic’s founding ideology.

As we saw in the introduction, a number of issues need to be addressed before a discussion of any topic relating to the notion of ‘minority’ groupings may be taken forward. These questions become particularly salient when such analysis is being undertaken against the specificities of a contemporary French backdrop because of the republican ideology implicit in that context. This is not to say that metropolitan France can necessarily be *equated* with republicanism in any straightforward sense. Rather, the interpretations of the fundamental principles which lay at the basis of *la République française* remain, in contemporary France, an ongoing source of debate. Indeed, in the face of challenges from the shifting social and cultural realities of the nation-state, its founding ideology has been ever-more frequently thrown into question, not least through the debates related to sexuality.

## The PACS and communitarianism?

A key contribution to the PACS debates came in the shape of the publication in 1996 of Frédéric Martel’s *Le Rose et le Noir*,<sup>9</sup> a comprehensive history of lesbians and gays in France covering the period from 1968 to the year of publication. A crucial resource for those working in gay and lesbian studies, Martel also offered, in the 1996 epilogue to his work, a critical engagement with the traditional republican framework by which it was informed. He set forth a position opposed to the imposition of an American-style community-based model of society. Martel’s own view of the situation changed between 1996 and the subsequent re-edition of the book in 2000, a year after the implementation of the PACS legislation, and he has accordingly rewritten the final stages, including the epilogue discussed here. Despite this post-PACS rewrite, the arguments put forward in the first publication remain relevant insofar as they

encapsulate a pro-republicanist stance still adopted by many in the French political arena, particularly in relation to issues related to gender, sexuality, and sexual citizenship; a stance typified by Martel (1996: 398): ‘In order to achieve better integration for minorities and vulnerable groups of people and in order to fight exclusion more effectively, our modern democracies are tempted by communitarianism’.

Martel maintains that this temptation that communitarianism represents should be viewed not as a positive end goal to be achieved by the particular minority groupings concerned, but rather as a stepping stone towards a more productive model of broader societal identity construction. His position, as expressed here, can thus be read as resolutely pro-republican in a traditional, anti-communitarian stance, arguing against the recognition of cultural difference on an individual or collective level and, in this way, following in the ideological footsteps of traditional republicans such as Debray (1989b; 1998).

In part, Martel’s concern stems from his contention that ‘a logic of communities leads almost inevitably to a logic of identities’ (Martel 1996: 403), which he views, in turn, as being at odds with the founding principles of French republicanism. While Martel is eager for those who feel the need for such a movement to have the freedom to fight for it, he is also keen to ensure that the ambiguities of such struggles be foregrounded: ‘Although I remain convinced that those who feel the need for a movement based on identity politics should fight for it, how can we avoid underlining the limits of that struggle and its ambiguities’ (Martel, 1996: 403). He is particularly keen to avoid what he views as an attempt to transfer the American model onto the French Republic, and his criticism of this model is scathing. He argues that, had the 1970s gay movement and, later, AIDS activists in

France acted differently, there may well have been ‘a French victory for assimilation (society integrates individuals but does not recognise groups) over the American communitarian model’ (Martel, 1996: 404). The value judgement inherent in Martel’s description is clear from his subsequent remark to the effect that America is a ‘society that cultivates its own *fragmentation* in favour of juxtaposed communities’ (Martel, 1996: 406, my emphasis).

## Dialogue, Mediation, Negotiation

Paradoxically, it is this notion of fragmentation and the possibility of positive, constructive transition through dialogue, mediation and negotiation that points towards contemporary evolutions in the status of the post-queer citizen. However clear Martel is that his own preference does not lie with an American model of society structured around minority communities, his 1996 epilogue nevertheless offers a constructive approach to the topic. Martel equates community with ghetto suggesting, for example, that what may be regarded by some as the positive process of ‘coming out’, is in fact an expression of Foucauldian power relations forcing the individual into processes of confession, thus placing the individual in the position of dominated, rather than dominating (Martel, 1996). However, he is also clear that this is not a necessary component of the model but rather stems, at least in part, from the tendency for individual members of the minority groupings concerned to opt for a communitarianism which is necessarily either defensive or offensive (Martel, 1996). Neither the offensive or defensive path lends itself to integration or assimilation within broader society (Martel, 1996). Rather, in Martel’s view, both options highlight difference to the exclusion of the norm, i.e. difference as particularism demanding recognition. This view can perhaps better be understood when contrasted

with a vision of equality through difference which would lead to an expansion of the terms of traditional French republicanism to encompass this notion.

He is, however, open to the suggestion that dialogue *between* communities may, in some way, offer a solution to the problem of the troubled status of minorities within the French context and equally is keen to underline that universality and identity do not benefit from being opposed in too sweeping or simplistic a manner:

Most individuals are nevertheless located in positions that combine the particular and the universal. [...] Furthermore, it is certainly possible to envisage an intermediate position, one that would remain to be defined – if not, indeed, invented – and which would combine multiculturalism with a defense of the republican State (Martel, 1996: 404).

I would argue that such combinations are, in fact, viable in a contemporary context and that it is precisely this ‘intermediate position’ which can be seen as being occupied by potential postqueer citizens of contemporary metropolitan France.

As we have seen, political debate in the years following publication of the first edition of *Le Rose et le Noir* came to revolve around issues related to same-sex partnerships. These issues, in turn, intersected with a series of broader gender and family-oriented debates, all of which centred on the key notion of ‘filiation’. This concept, according to Fassin (2001: 225), became the ‘cornerstone’ of rhetoric in public discourses on the PACS and in the wider debate it provoked regarding the evolution of family structures in France, due to a perception that ‘filiation structures the human psyche (as a symbolic link between parent and child) and at the same time culture itself (as consanguinity complements affinity)’ (Fassin, 2001: 225).

Rather than seeing France as ‘a society where issues relating to gender inequalities and sexual difference have been persistently *obscured* by discourses on Republican universalism inherited from the French revolution’ (Tarr and Rollet, 2001: 5, my emphasis) such issues in fact *interact* with these discourses, highlighting discrepancies between republicanism in its ‘inherited’ form and a renewed and renegotiated form which would be more appropriate as an expression of the values of contemporary France. This is not to deny that, in some formulations, French republicanism and debates relating to gender or sexual difference are at odds. Arguments for the apparent incompatibility of French republicanism and questions relating to gender or sexual difference were a source of dispute during the parity debates I referred to earlier. French feminist philosopher Elisabeth Badinter, for instance, believed that parity would ‘introduce an element of distinction in the concept of citizenship’ (Badinter 1996, quoted in Cohen, 2003). However, as Fassin has argued, it is possible for debates on parity and same-sex unions to be expressed in terms which are not in contradiction with the universalism of French republicanism, by ‘relying on the language of equality and discrimination (rather than of sexual difference)’ (Fassin, 2001: 230).

## The Centrality of Filiation to Arguments For and Against the PACS

Ample illustration of the centrality of this notion of filiation can be found, for instance, in the evidence presented in Gélard’s 1999 report to the French Sénat [Upper House]. The report expressed its opposition to the establishment of the PACS on a number of grounds, not least because of what it termed the ‘Dangers this status represents for marriage [...] as well as the risk it constitutes in terms of filiation since

it addresses itself to all couples, irrespective of their ability to procreate or not' (Gélard, 1999).

This conclusion was reached, in part, thanks to evidence presented by the left-wing sociologist Irène Théry (1997, cited in Fassin, 2001) who was perhaps the most vocal opponent of the evolving legislation, favouring instead the extension of rights associated with cohabitation (*concubinage* in French) to same-sex couples. Théry frequently turned to the notion of an 'ordre symbolique' (symbolic order) – and the duty (as she saw it) of French law to uphold this order – in her public arguments against the proposed legislation. She did so not least because, as Fassin paraphrases, 'filiation without sexual difference would [...] undermine a symbolic order that is the very condition of our ability to think and live in society' (Fassin, 2001: 229). In Théry's view heterosexual marriage within the French Republic should be considered as 'the institution that binds sexual difference and generational difference' (Théry, 1999 cited in Gélard, 1999). She maintained that 'the family must remain the locus of the "symbolic difference" between the sexes' and that 'it could be dangerous to deny the consequences biological difference between parents has on filiation' (Théry, 1999 cited in Gélard, 1999).

Just as opponents of what was to become the PACS had recourse to the concept of filiation, proponents of the legislation framed their endorsement in similar terms. For example, '[The PACS] modifies neither the rules of filiation and adoption, nor those concerning medically-assisted procreation or parental authority. Where filiation is concerned, the PACS has no impact' (Martel, 2001). Similarly, Elisabeth Guigou, then Minister of Justice, made clear that: 'The Pacte does not concern the family. Accordingly, how could it possibly have an effect upon the rules of filiation?' (Guigou 1998 quoted in Stychin, 2001: 361)

Clearly, such concerns can be understood within longer-term developments of French society in which ‘the entire history of the family, since 1945, can be reduced to [...] the inexorable decline of “paternal authority”’ (Fize, 1998: 20). However, the significance of links drawn between filiation and national identity, between family and nation, becomes increasingly pertinent when considered, firstly, alongside the rise in support for the far-right Front National – up to and including its leader Jean-Marie Le Pen’s unexpected victory over the Socialist candidate Lionel Jospin in the first round of the 2002 Presidential election. Secondly, their significance becomes clearer still in relation to the role played in mainstream French political debates by questions linked – whether in reality or in the popular imagination – to immigration. In short, ‘the subject of immigration and the citizenship principle of *jus soli* have become highly politicised’ (Lefebvre, 2003: 33). It is precisely the ‘long struggle of the French government to balance *jus soli* and *jus sanguinis* principles’ (Lefebvre, 2003: 34) which lies at the heart of questions of French citizenship and national belonging that means that the notion of filiation never seems to be far from the fore. As Dahomay writes: ‘It is because the sons of immigrants realise that they are French, that their future lies in France and that they have no other homeland, that suddenly these problems of identity have taken this turn’ (Dahomay, 2005).

Fassin is right, then, to link ongoing debates on filiation in the context of the PACS legislation to broader concerns related to ‘the French nation and *nationalité* through citizenship’ (Fassin, 2001: 225) and the search for a relevant response to the question ‘who is French, and who is not?’ (Fassin, 2001: 232). Indeed, in a recent article on sexual citizenship and queerness in individuals of North-African descent in France, Denis Provencher (2008) clearly suggests, not only that the interface between ethnic and sexual identities is one through which identities emerge, but that:



Additional work in film studies, sociolinguistics, cultural studies, and anthropology will help us to understand an entire range of possible trajectories and allow us to better assist these [queer, Franco-Maghrebi] citizens in charting a meaningful course as full-fledged citizens with both full representational and civil rights (Provencher, 2008: 59).

Analysis of constructions of sexualities does, indeed, involve consideration of more traditional expressions of republicanism. However, it does so only insofar as these are shown to be in need of renewal or, at the very least, a degree of renegotiation, and insofar as traditional expressions of republicanism, as Maxime Foerster (2003) suggests, are themselves faced with the threat of a ‘parasite [...] another ideology which both precedes republicanism and is its antithesis: sexual difference’ (p.10). What Foerster means by this is that, in order to construct its citizens as truly and wholly blank canvases, French republicanism should, from its creation, have placed women and men on an equal footing before the law. Instead, in his view, ‘republican ideology reclaimed the mantle of mythical sexual difference, a falsely natural vision of political agency of the masculine and the feminine’ (Foerster, 2003: 12). Foerster’s interpretation brings into play the ‘symbolic order’ (Foerster, 2003), which, as we have seen, was evoked during debates on the PACS and the series of gender and family-related issues it was seen to carry in its wake. It is by positioning the family as a site of wider social crisis that the PACS engages with the over-arching question of a challenge to, or renegotiation of, French republicanism in its contemporary form. In terms of sexuality the citizen is perceived to be fractured, highlighting the need for a negotiatory discourse to emerge which would allow the French Republic to rephrase its republicanism in order for it to remain relevant to an

evolving society. The debates on 1990s family structures, filiation, and what it is to be French, demonstrate that republicanism, as it is traditionally expressed, is not yet able to account for, nor indeed to describe, the difference which makes up the contemporary republic.

## Conclusions: Can the PACS pave the way for post-queer French citizenship?

French republicanism, in its traditional formulations, is based on the fundamental notion of *le citoyen* [the citizen] as an abstract individual who enters into a direct relationship with the State not mediated through any aspects of sub-State-level identity. In theory, the resulting ideology, which lies at the heart of French identity, considers all citizens to be equal, precluding the possibility of discrimination on the basis of any ‘distinguishing feature’, such as, for instance, sexuality. In practice, however there is widespread debate on the relevance of this founding ideology in a social, political, and cultural climate very different to that of the late 18th century. In other words, there is a social reality, played out in such domains as sexuality, which demands a renegotiation of republicanism in order for the ideology to remain of relevance to *le citoyen*.

The dialogue between the writings of Martel, Fassin, and Foerster illustrates the ways in which constructions of a post-queer citizen engage with the broader political debate. This interaction points to the fragmented subjectivities which can be seen to emerge in members of minority communities as they attempt to reconcile difference and republican universalism. This debate is being actively pursued in contemporary France. Jacky Dahomay, for instance, offered an interesting analysis of ‘the paradoxes of French republicanism’ (Dahomay, 2005) and suggested that there is a key question

which needs to be posed in order to work towards ‘a new republican identity’: ‘Why don’t we ask ourselves [...] what it is, within the republican tradition itself, that creates these problems and stops French citizens from feeling fully French?’ (Dahomay, 2005). Dahomay’s article engages explicitly with France’s post-colonial history, but the question he poses can be extended to other groups: they too find themselves physically located within metropolitan France, while simultaneously having denied to them a full sense of belonging to the republic on the basis of a particular aspect of their identity. Indeed, post-queer citizenship can be understood as offering a series of responses to Dahomay’s questions precisely through its ‘refusal of simple identificatory mechanisms and simplistic notions of belonging’ (Celestin et al., 2008: 4-5). In this way, the very existence of post-queer citizens suggests ways in which it might ultimately be possible to envisage ‘French citizenship that does not exclude cultural difference’ (Dahomay, 2005).

The question of ‘cultural difference’ which is raised by Dahomay and many others lies at the heart of much contemporary debate on a reframing of French republicanism. Attempts to construct one’s identity in terms of sexual difference will necessarily be in opposition to the abstract universalism of the founding republican ideology. As a result, we see emerging the model of fragmented *citoyens* who, in expressing their cultural difference, place themselves at odds with the traditional republican ideology: ‘France, whether she wants it or not, has become profoundly multicultural.[...] France has, in a sense, become creolised’ (Dahomay, 2005). Again, Dahomay’s terms emerge from the field of post-colonial theory but they can be expanded to encompass difference on a wider scale, including sexuality. Since the social reality of contemporary France is multicultural, or rather pluricultural, as such it is plurivocal, with individual citizens expressing difference in a series of key sites

of identity construction. However, rather than positioning these citizens as the republic's 'other', their expressions of difference can be equated with an attempt and a desire to renegotiate the terms of those forms of traditional French republicanism in a manner that challenges the existent binary between assimilated and 'other', whether in sexual, gendered, or ethnic terms.

Overall, then, what emerges here is a vision of the individual as a fragmented self. This context is not to be understood in a 'simply' post-modern sense, but rather specifically as a reflection of, response to, and engagement with ongoing debates regarding the nature of French republicanism in a contemporary context. The post-queer citizen is complexly fragmented insofar as aspects of its identities express particularities which cannot be acknowledged within a traditional French republican framework, but rather must be assimilated in order to result in a universalisable *citoyen*, wiped of all traces of difference and thus equal to all others.

However, the notion of difference which the complex and fragmented self implies is primarily to be understood when set in contrast to the republican model offering a universalisable identity. Within this model, despite republicanist claims to the contrary, there exist what I would term identity equations: productive, coherent, and readable expressions of multiple facets of identity that, despite their plurivocality, do not result in cacophony, but rather in an understandable voice. In other words, the *citoyen* is not a blank canvas, but rather encompasses a series of normative assumptions about, for instance, sexuality which are necessary in order to make sense of the very notion of cultural difference. What emerges from these different identities is, in fact, not an incoherent juxtaposition of individual and collective particularities, nor a communitarian model which seeks to supplant traditional republicanism. On the contrary, these identities testify to a negotiatory discourse which, while seeking to

highlight the failings of republicanism to retain relevance in the face of changing social, political, and cultural realities, does so in order that republican definitions and values may be challenged and renegotiated so that their relevance might be reclaimed.

Dahomay, for instance, does not seek an alternative *to* republicanism, but an alternative *within* it, asking whether ‘another republican integration policy’ is possible (Dahomay, 2005), while Michel Wieviorka (1996) refers to ‘a Republic that talks of equality and fraternity’ but which fails to live up to its own promises. And this brings us to Foerster and his assertion that republicanism holds within it the potential for a ‘Marianne [symbol of the French republic] challenged from within’ (Foerster, 2003: 94) and, crucially in the context of the development of same-sex partnership legislation, ‘the queerest of political regimes’ (Foerster 2003: 10). While this usage of ‘queer’ remains linguistically problematic in standard French<sup>10</sup> and while Foerster’s imagery may, thus, seem a little too radical its reflection can be found in more mainstream political, critical and media discourse. More recently, Dahomay has suggested that a solution to the problem of republican integration can be found only if ‘we try to understand the paradoxes of French republicanism and the nature of the antinomies that challenge it’ (Dahomay, 2005).

In this way, the PACS, first and foremost, offers official recognition to same-sex couples and establishes a series of rights and responsibilities previously only accessible to non-same-sex couples. However, the development of the PACS legislation also invites French republicanism, as traditionally understood, to take stock of its own ambivalences and paradoxes. Through the debates raised by same-sex partnership legislation in France, the founding ideology of the nation is encouraged to recognise the contemporary period as one of ‘transition rather than transformation’ (Bhabha, 2005), in the process of definition, rather than having reached a final

destination. Furthermore, French political discourse, through the PACS, has begun to strive for a *negotiatory* discourse which seeks to posit intersections of discursively constructed and performed identities as a positive engagement with contemporary republicanism. The PACS and the debates which led to its arrival on the statute books, and which have continued since then, have reinvigorated previously polarised debates around same-sex couples, introducing such notions as dialogue, mediation and negotiation, rather than allowing for an unquestioning continuation of binary oppositions that never fully engage with each other. More significantly, in relation to the place of such couples within French society, debates around the PACS serve both to recognise and to celebrate fragmentation and renegotiation of sexual citizenship as a means of renewing the overarching republican ideology and rendering it relevant to the contemporary, post-queer context.

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## <sup>1</sup>Notes

It is the type of position described here which I will refer to throughout as ‘traditional republicanism’.

<sup>2</sup> The ‘affaire du voile’ refers to the controversy surrounding legislation that applies to signs of all religions and prohibits the wearing of all signs and symbols of religious belief in state schools. This legislation was largely perceived as targeting the wearing of the veil by Muslim girls and women.

<sup>3</sup> See, for example, front page spreads from *Libération* on 11 February 1998 (‘Une Réforme pour la vie à deux’) or on 11-12 October 1998 (‘Le Pacs rejeté à l’Assemblée’), or again *Le Monde*’s front page from 10 October 1998 (‘Etes-vous pour ou contre le PACS?’).

<sup>4</sup> Without wishing to enter into too much detail on the parity debates, the description refers to debates and discussions that arose surrounding the implementation of quotas for women candidates in French elections, ultimately resulting in the introduction of parity reforms in 1999 and 2000.

<sup>5</sup> Agacinski is also the spouse of one-time French Socialist party leader and defeated presidential candidate Lionel Jospin. Foerster (2003) argues that her position here strongly influenced that adopted by her husband.

<sup>6</sup> Meynard became mayor of Barsac in 2004 and is standing again for the post in the local elections due to take place in 2008.

<sup>7</sup> A centrist French political party, founded in 1978. Under the leadership of François Bayrou, following his defeat in the 2007 French presidential elections, the party was renamed Mouvement Démocratique (Democratic Movement – known as MoDem, for short). In relation to the notion of a reinterpretation of French republicanism which underpins this article, it is worth noting in passing that, at the Extraordinary Congress of the UDF during which Bayrou declared the birth of the new party, he explicitly linked this evolution to the fact that France finds itself riddled with ‘worries, anxieties’ and that, in order to combat these, he considers it necessary to break barriers between left and right. In other words, even within party political structures in France, evidence can be found of a willingness to operate change from within, a concept which is of great significance to the present article (Bayrou, 2007).

<sup>8</sup> Despite the centrist pretensions of the UDF, Boutin has ‘drifted increasingly towards the right’ (Martel, 2000: 629) and her values have always been resolutely conservative. She played a pivotal role in the anti-PACS movement, organising a demonstration attended by some 100,000 people in January 1999. Indeed, her presence in debates surrounding the legislation is so inescapable that, while she does not merit a single mention in the 1996 version of Frédéric Martel’s *Le Rose et le Noir*, by the 2000 re-edition, she is referred to 15 times in the index

<sup>9</sup> The title is a play on the title of Stendhal’s *Le Rouge et le Noir* (*The Red and the Black*) but the ‘red’ of Stendhal’s work is replaced by ‘rose’ (pink) in Martel’s work.

<sup>10</sup> At the time of publication of Foerster’s work in 2003, the word ‘queer’ did not yet appear in the standard French monolingual dictionary *Le Petit Robert*.