

# Can Black Lives Matter in a Race-Blind France? French Avoidance of ‘Race’ and Mobilisation of Black Collective Identity in Response to Police Brutality

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In the Anglo-American world, race<sup>1</sup> as a sociological concept has enduring weight, particularly around the concepts of group solidarity and affirmative action in the face of structural discrimination. Contrastingly, the French academic and political tradition considers the discussion of race to be antithetical to the French Republican conception of a national community of citizens in absolute equality. France cultivates an official discourse of *universalisme* or ‘race-blindness’ justified by a strict interpretation of Article 1 of the French Constitution, which, until 2018, stated: “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion.”<sup>2</sup> Yet, even this reference to race—in order to disavow its significance to Frenchness—was deemed to be a threat to universalist principles. On 12 July 2018, the French National Assembly voted unanimously to remove the word “race” from Article 1, altering it to read

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<sup>1</sup> In line with Critical Race Theory (CRT), as explained by Richard Delgado and Jean Stefancic, I consider race to be a “product of social thoughts and relations,” “not objective, inherent, or fixed.” Critical Race Theory emphasises that it is the way humans have constructed race, by focusing on certain traits (for example, skin colour, hair texture) shared by some people of common origins, and ignoring other distinctly human traits (for example, personality, intelligence, moral behaviour), that makes race such an important object of study. See Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (New York: New York University Press, 2017), p. 9.

<sup>2</sup> République Française, *Constitution of October 4, 1958* (New York: French Embassy, Press and Information Division, 1958), p. 4.

“without distinction of gender, origin or religion.”<sup>3</sup> While this change was justified by anti-racist sentiments, many criticised the change. Notably, French anti-racism activist Rokhaya Diallo described this constitutional change as “dangerous,” stating that “denying the existence of race means denying the reality of racial discrimination.”<sup>4</sup> This conflict between French race-blindness, the reality of racialised violence in France, and activist responses to this violence is the subject of this paper.

French people of colour have been, and continue to be, disproportionately impacted by police violence as opposed to white French people. The United States’ response to disproportionate violence against racialised groups was the powerful Black Lives Matter (BLM) movement, but, despite its immediate resonance in France, the BLM campaign did not simply translate. Throughout this article, I will argue that this failure to consolidate a French BLM movement is the result of France’s official discourse of race-blindness, which, although ostensibly aimed to prevent discrimination, paralyses action against structural racism, ultimately undermining France’s constitutional commitment to equality. Moreover, because race-blindness has prevented the formulation of a Black consciousness, it has impeded Black grassroots organisations’ ability to form a French equivalent of a BLM movement. This essay will argue that a French BLM movement has the potential to engender critical reflection around the discourse of race-blindness, make public the positive aspects of organising around racial difference, and alter the way the French state ensures “the equality of all citizens.”

This article will first address France’s response to the American BLM movement, as well as the reality of racialised violence in France. Secondly, it will explore the French state’s discourse of race-blindness. Historicising the construction of the discourse, it will highlight the contrast between the rhetoric of race-blindness as deeply rooted in France’s identity, and the actual recent and politicised nature of its construction. This article will then examine how the discourse of race-blindness justifies the occlusion of racial

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<sup>3</sup> ‘Assembly removes word “race” from French constitution’, *The Connexion* (13 July, 2018), at <https://www.connexionfrance.com/French-news/france-assembly-votes-to-remove-race-French-constitution>, accessed 12/12/2020.

<sup>4</sup> Rokhaya Diallo, ‘France’s dangerous move to remove “race” from its constitution’, *The Washington Post* (13 July, 2018), at <https://www.washingtonpost.com/news/global-opinions/wp/2018/07/13/frances-dangerous-move-to-remove-race-from-its-constitution/>, accessed 12/12/2020.

statistics, which in other countries are essential for measuring racial discrimination. Next, it will investigate how some anti-racism organisations, as well as some Black Caribbean organisations, have internalised this Republican discourse of “absolute equality” through race-blindness, and how this prevents momentum towards a BLM-style movement. Finally, I will consider how some Black anti-racism organisations have rejected race-blindness and instead celebrate a Black collective voice to counteract the Republic’s dedication to universalist equality. This essay will demonstrate that this impetus towards raising Black consciousness goes hand-in-hand with a consolidation of a French BLM movement, and how, by reclaiming discourse around race as necessary to anti-racism, it has the potential to transform France’s conceptualisation of equality.

### **The Resonance of #BlackLivesMatter in France**

In September 2016, *Al Jazeera* published an article entitled ‘In France, Black Lives Matter has become a rallying cry’. Indeed, following the death of Adama Traoré, a young Black French man, in police custody on 19 July 2016, protests broke out for several weeks in Paris, and the slogans #BLMFrance and #Justicepouradama went viral on Twitter within France.<sup>5</sup> The protest, which took place four days after Traoré’s death, was also reported in *The Washington Post* as “France’s first-ever Black Lives Matter demonstration.”<sup>6</sup> These protests clearly resembled the structure and style of American BLM protests. Demonstrating in the centre of Paris, protestors wore shirts emblazoned with slogans including “*Justice pour Adama: sans justice vous n’aurez jamais la paix*” (“Justice for Adama: Without justice, you will never have peace” [my translation]) and chanted “Black Lives Matter.”<sup>7</sup> Similarly, on 2 February 2017, Théo L.,<sup>8</sup> a twenty-two year old Black man, was assaulted and raped by police, prompting protests by

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<sup>5</sup> Nabeela Zahir, ‘In France, Black Lives Matter Has Become a Rallying Cry’, *Al Jazeera* (2 September, 2016), at <https://www.aljazeera.com/indepth/features/2016/08/france-black-lives-matter-rallying-cry-160818103854211.html>, accessed 12/12/2020.

<sup>6</sup> James McAuley, ‘Black Lives Matter movement comes to France. But will it translate?’, *The Washington Post* (8 August, 2016), [https://www.washingtonpost.com/world/black-lives-matter-movement-comes-to-france-but-will-it-translate/2016/08/07/7606567e-58cd-11e6-8b48-0cb344221131\\_story.html](https://www.washingtonpost.com/world/black-lives-matter-movement-comes-to-france-but-will-it-translate/2016/08/07/7606567e-58cd-11e6-8b48-0cb344221131_story.html), accessed 12/12/2020.

<sup>7</sup> Zahir, ‘In France, Black Lives Matter Has Become a Rallying Cry’.

<sup>8</sup> Name withheld from media for privacy reasons.

hundreds of people the following week, and trending slogans of #Justicepourtheo and #Justicepouradama.<sup>9</sup>

The reporting around these protests explicitly challenged the French discourse of race-blindness. Underscoring the hollowness of the French tripartite motto (*liberté, égalité, fraternité*), demonstrators expressed sentiments of a racial *fraternité* at odds with the State, epitomised in one unnamed protestor's assertion that "The French police are killing our brothers."<sup>10</sup> In a statement on the protests, Yasser Louati, a Parisian civil liberties and human rights activist, similarly highlighted the hostile relationship between racialised groups and the French police, framing the response to Traoré's death as the result of accumulated resentment after years of injustice.<sup>11</sup> Describing the police as an "occupying force," Louati explained that "people are marching today ... because resentment is very, very profound. Look at how people do not trust the initial police statement, nor the second. They just do not trust the police."<sup>12</sup> Writing for the Washington Post, James McAuley positioned the protests around Traoré's death as a continuation of the sentiment expressed in the three weeks of rioting following the November 2005 deaths of two teenagers, Zyed Benna and Bouna Traoré, both young men of colour electrocuted while fleeing a police identity check.<sup>13</sup> Moreover, McAuley described the French BLM-style protests around Traoré's death as a "turning point," and as "calling into question this long-held ideology of national identity ... to suggest that race, perhaps, has mattered all along."<sup>14</sup>

Thus, it seems that French protestors not only identify a resonance with the United States BLM movement, based on transnational similarities between disproportionate deaths of Black people in police custody, but also position their protests as responding to the failure of the France's race-blind approach to protect Black lives. However, despite these initial protests and momentum-building by some organisations, a French BLM movement failed to consolidate itself, and largely fell out of press coverage until June 2020,

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<sup>9</sup> 'Justice for Théo: Protests erupt after police rape', *Al Jazeera* (6 February, 2017), at <https://www.aljazeera.com/news/2017/02/justice-theo-protests-erupt-police-rape-170206161606495.html>, accessed 12/12/2020.

<sup>10</sup> Zahir, 'In France, Black Lives Matter Has Become a Rallying Cry'.

<sup>11</sup> Zahir, 'In France, Black Lives Matter Has Become a Rallying Cry'.

<sup>12</sup> Zahir, 'In France, Black Lives Matter Has Become a Rallying Cry'.

<sup>13</sup> McAuley, 'Black Lives Matter movement comes to France'.

<sup>14</sup> McAuley, 'Black Lives Matter movement comes to France'.

when French BLM protests reignited in response to the murder of George Floyd, to considerable international press coverage. These 2020 protests, notably spearheaded by Assa Traoré, the sister of Adama, saw tens of thousands of people around France marching in honour of both Floyd and Adama Traoré, in defiance of Covid-19 lockdown orders.<sup>15</sup> In McAuley's coverage of the June 2020 protests in *The Washington Post*, he invoked France's "unique relationship to race," in particular its occlusion of racial statistics and ban on the word 'race' from the Constitution.<sup>16</sup> Moreover, Cole Stangler, writing for the UK *Tribune Magazine* about the protests, compared the French and "Anglo-Saxon" approaches to ethnic difference, emphasising the gap between France's espoused "colourblind[ness]" and the reality of racial violence.<sup>17</sup>

Given the evident modelling of the burgeoning French BLM movement on its American counterpart, it is unsurprising to see persistent comparison of the French protests to those in the USA in press coverage. However, significant differences remain between the American and French movements. The American BLM movement, organised by "adaptive and decentralised ... guiding principles" set out in a Global Network Infrastructure, has established forty chapters across North America across seven years.<sup>18</sup> Contrastingly, no guiding principles, website, or consolidated media presence have been developed by leaders of a French BLM movement. This, I argue, is likely to be a result of the continued dominance of France's race-blind model of absolute equality, which prevents the collection of statistics concerning race, including statistics around racial profiling and the racialised nature of police violence, and considers action around racial identity as a communitarian threat to French national unity.

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<sup>15</sup> Lauren Collins, 'Assa Traoré and the fight for black lives in France', *The New Yorker* (18 June, 2020), at <https://www.newyorker.com/news/letter-from-europe/assa-traore-and-the-fight-for-black-lives-in-france>, accessed 12/12/2020.

<sup>16</sup> James McAuley, 'The woman behind France's Black Lives Matter movement wants a race-blind society to recognize its racism', *The Washington Post* (18 June, 2020), [https://www.washingtonpost.com/world/europe/assa-traore-black-lives-matter-france/2020/06/12/45c0f450-aa87-11ea-a43b-be9f6494a87d\\_story.html](https://www.washingtonpost.com/world/europe/assa-traore-black-lives-matter-france/2020/06/12/45c0f450-aa87-11ea-a43b-be9f6494a87d_story.html), accessed 12/12/2020.

<sup>17</sup> Cole Stangler, 'France's Black Lives Matter Movement', *Tribune Magazine* (21 June, 2020), at <https://tribunemag.co.uk/2020/06/frances-black-lives-matter-movement/>, accessed 12/12/2020.

<sup>18</sup> 'Herstory - Black Lives Matter', *Black Lives Matter* (September 2019), <https://blacklivesmatter.com/herstory/>, accessed 12/12/2020.

### **Race-blindness: A Naturalised Discourse**

Race-blindness, a discourse of alleged ignorance to race which asserts that race has no more bearing on one's trajectory in life than, for example, height, has been naturalised as the inevitable result of France's Republican particularity. However, Adrian Favell suggests in his *Philosophies of Integration* that the "public philosophy" of race-blindness is not a "historical cultural idiom," the term given by American commentator Rogers Brubaker, but rather a "theory at pains to mask the recentness and artificiality of its construction."<sup>19</sup> Indeed, race-blindness is a powerful constructed discourse which dominates contemporary French politics, policies, and popular discourse.

Describing race-blindness as a "constitutional tenet of the French Republic," Vanessa Thompson suggests that the universalist ideals of French nationhood trace back to the post-French Revolution *Declaration of the Rights of Man and of the Citizen* (1789).<sup>20</sup> Notably, Article 3 of the *Declaration* states: "The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation."<sup>21</sup> As suggested in Article 3, French citizens are expected to value their French nationality above any religious or racial particularities. Further, the French concept of citizenship is based on nationality and nativity to France. Suzanne Citron explains that unlike the German concept of citizenship based on *ius sanguinis* (the right of blood), French citizenship, as per the first "code of nationality" of 1889, is based on the notion of *ius solis* (the right of the land).<sup>22</sup> Thus, the French nation is, theoretically, united not by shared parentage, but by "French values" and shared community participation in France.<sup>23</sup> By framing race as a biological detail, based on bonds of blood which are theoretically irrelevant to French Republican citizenship, France reinforces its claim of indifference to race.

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<sup>19</sup> Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain* (London: Palgrave Macmillan, 1998), p. 43.

<sup>20</sup> Vanessa E. Thompson, 'Black Jacobins in Contemporary France: On Identities on Politics, Decolonial Critique, and the Other Blackness', *Sociological Focus*, vol. 49, no. 1 (2015), p. 46.

<sup>21</sup> National Assembly of France, *Declaration of the Rights of Man - 1789* (New Haven: Lillian Goldman Law Library, 2008).

<sup>22</sup> Suzanne Citron, 'Le mythe national et l'accueil des étrangers', *Autres Temps. Les cahiers du christianisme social*, vol. 38 (1993), p. 112.

<sup>23</sup> Citron, 'Le mythe national et l'accueil des étrangers', pp. 112-113.

Race-blindness is also entangled in universalism, popular racialism, and Enlightenment thinking. In *On Human Diversity*, Tzvetan Todorov explains the role of prominent French philosophers, including Renan, Le Bon, Gobineau and Taine, in fostering a popular understanding of humanity as constituted of three races—white, yellow and black.<sup>24</sup> Moreover, Todorov identifies that this “popular racism” coexisted with, and indeed influenced, Enlightenment ideals of universalist humanism.<sup>25</sup> Trica Keaton extends Todorov’s observation, arguing that:

The Enlightenment ... becomes pivotal in the archaeology of ‘race’ in France not only for the ways in which its doctrines of universalism and humanism structured French Republicanism and, thereby, its ideals of ‘race-blindness’, but also for its universalising assertions that encoded whiteness (and maleness) as normative, and ‘blackness’ as a-normative.<sup>26</sup>

Thompson reinforces Keaton’s assertion that Enlightenment universalism does not counteract or exclude discourses of popular racism. She argues that racial categories exist both in French society and French politics, and highlights that “the construction and racialisation of black/of colour bodies was intrinsic to the constitution of an abstract universalism underlying the formation of the French Republic.”<sup>27</sup> France, in espousing a universalist notion of equality, both ignores perspectives and experiences it considers a-normative, and discounts the role of racist discourses in formulating universalism, blinding itself to the reality of racial inequality within a supposedly race-blind French society.

This official discourse of race-blindness is also intertwined with immigration policy. Indeed, Favell considers race-blindness to be the result of a nationalist project which he calls the “myth of republican citizenship,” particularly invoked in relation to the discourse around immigration in the 1980s which led to the strategy of *intégration*.<sup>28</sup> Favell writes:

France is peculiar ... for taking as the axial focus of social re-integration a group which may always play a highly symbolic role in

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<sup>24</sup> Tzvetan Todorov, *On Human Diversity: Nationalism, racism, and exoticism in French thought* (Cambridge: Harvard University Press, 1993), p. 106.

<sup>25</sup> Todorov, *On Human Diversity*, p. 106.

<sup>26</sup> Trica D. Keaton, ‘The Politics of Race-Blindness: (Anti)Blackness and Category-Blindness in Contemporary France’, *Du Bois Review: Social Science Research on Race*, vol. 7, no. 1 (2010), p. 112.

<sup>27</sup> Thompson, ‘Black Jacobins in Contemporary France’, p. 46.

<sup>28</sup> Favell, *Philosophies of Integration*, p. 43.

problematizing questions of national order and identity, but need not necessarily be the *central* question: *les immigrés*.<sup>29</sup>

Dena Montague explains that *intégration* was initially promoted by left wing intellectuals in an effort “to regain control of discourse on immigration and difference.”<sup>30</sup> Indeed, *intégration* was enacted into strategy under a *cohabitation* government (Socialist President, Conservative Prime Minister), with the creation of the Haut Conseil à l’Intégration (HCI) by Socialist Prime Minister Michel Rocard in March 1990.<sup>31</sup> Notably, upon creating the HCI, Rocard proclaimed the “right of difference” (*droit à la différence*) to be dead and the new focus of progressive policy to be the “right of indifference” (*droit à l’indifférence*).<sup>32</sup> Rocard clarified the position of HCI towards cultural difference, stating: “We need to define a policy of integration ... that accepts the particular differences of geographic origin ... I do mean accept that difference, not cultivate it” (my translation).<sup>33</sup>

Escalating fears of *islamicisme* in the 1990s, particularly after the 1989 “headscarf affair” in which three Muslim girls were expelled from their (public) secondary school for refusing to remove their Islamic headscarves, tilted *intégration* towards assimilationism.<sup>34</sup> This trend intensified under President Jacques Chirac’s right-wing government in the 1990s.<sup>35</sup> The *intégration* consensus was further solidified as anti-racism groups like S.O.S. Racisme, the last major source of dissent to the *intégration* model, adopted this Republican framing of universal rights and equality.<sup>36</sup> Thus, it was the consensus across political parties, popular opinion and even anti-racism groups that built this “myth of republican citizenship,” which requires sacrificing expression of cultural difference to “integrate” into the national

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<sup>29</sup> Favell, *Philosophies of Integration*, p. 151.

<sup>30</sup> Dena Montague, ‘Communitarianism, discourse and political opportunity in Republican France’, *French Cultural Studies*, vol. 24, no. 2 (2013), p. 223.

<sup>31</sup> Favell, *Philosophies of Integration*, p. 55.

<sup>32</sup> Favell, *Philosophies of Integration*, p. 155.

<sup>33</sup> “Il s’agit donc de définir une politique d’intégration ... accueillante à cette différence particulière qu’est l’origine géographique ... J’ai bien dit accueillir la différence, et non pas la cultiver.” Michel Rocard, ‘Declaration of M. Michel Rocard, Prime Minister, on the integration of immigrants and the role of the Haut Conseil à l’Intégration’ (speech, Creation of the Haut Conseil à l’Intégration, Paris, 9 March 1990), at <https://www.vie-publique.fr/discours/195748-declaration-de-m-michel-rocard-premier-ministre-sur-l-integration-des>, accessed 12/12/2020.

<sup>34</sup> Favell, *Philosophies of Integration*, p. 154.

<sup>35</sup> Favell, *Philosophies of Integration*, p. 154.

<sup>36</sup> Favell, *Philosophies of Integration*, p. 155.



cultural project and the prevailing understanding of French nationality. French Republicanism is thus exercised both by the state, which actively constructs, naturalises and reinforces the myth of equality without difference, and by its citizens, who have internalised this naturalised Republican myth.

### **Rendering Lives and Deaths Invisible: State Race-Blind Violence Against Black French People**

Race-blindness is not only a political touchstone but made a legal and sociological reality through France's prohibition of the collection of official nation-wide racial statistics. This lens is further entrenched through academic tradition, notably through what Patrick Simon, a sociologist and advocate for the employment of racial statistics in the cause of anti-discrimination, calls a "reluctance in French social sciences to use the semantic field of ethnicity and race."<sup>37</sup> The French state considers gathering statistics on race to be inconsistent with France's constitutional principle of absolute equality. Indeed, such statistics were made explicitly illegal in a 1978 data protection law, which states that "The collection and processing of personal data that reveals, directly or indirectly, the racial and ethnic origins ... of persons ... is prohibited."<sup>38</sup> France justifies this prohibition by emphasising the danger of racial statistics falling into the hands of racists, and by suggesting that enumerating the racial makeup of France could cause the nation to fracture. Notably, sociologist Dominique Schnapper supports this latter position, arguing that statistics "contribute to the creation of social reality by embodying the perception that a society has of itself."<sup>39</sup> Thus, she sees racial statistics as dividing France, embodying one side of the racial statistics debate.

However, the lack of national racial statistics makes minorities, and the discrimination they face, invisible. Indeed, Simon argues that France is "choosing ignorance" by outlawing such statistics.<sup>40</sup> He states,

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<sup>37</sup> Patrick Simon, 'Statistics, French Social Sciences and Ethnic and Racial Social Relations', *Revue française de sociologie*, vol. 51, no. 5 (2010), p. 159.

<sup>38</sup> Commission Nationale de l'Informatique et des Libertés, *Act No.78-17 of 6 January 1978 On Information Technology, Data Files and Civil Liberties* (Paris: République Française, 1978), p. 10.

<sup>39</sup> Dominique Schnapper, 'Etats des lieux, état des problèmes,' in *Actes du Colloque Statistiques Ethniques: Synthèse des Interventions*, ed. Centre d'Analyse Stratégique (Paris: Centre d'Analyse Stratégique, 2007), p. 6.

<sup>40</sup> Simon, 'Statistics, French social sciences and ethnic and racial social relations', p. 162.

French society is as thoroughly structured by ethnic and ‘race’-based social relations as American society. The ‘French exception’ among multicultural societies is founded on radical obfuscation of ethnic and racial divisions; a move that helps sustain the performative fiction of ‘indifference to differences’.<sup>41</sup>

Indeed, like Schnapper, Simon considers statistics as contributing to a social reality. However, he also recognises that ignoring the social reality of racial identity has disguised racial discrimination. He explains,

It may seem paradoxical to adopt the strategy of mobilising—with great care, and only temporarily—categories that break up universality ... However, we already have ample evidence of how the opposite option, advocated by supporters of a certain integration model tradition that consists in promoting universalism by rendering ethnic and racial labels invisible, actually conceals discrimination.<sup>42</sup>

This aligns with Keaton’s assertion that, “not only does race-blindness deny the obvious, but when it is law or policy, deprived of historical context, it strips anti-racists of the rhetorical weapons they need to battle racial oppression.”<sup>43</sup> Gathering official nation-wide statistics on self-identification with racial categories, and on experiences of racial discrimination, has the potential to disrupt the vision of France as a predominately white nation and reframe French national identity in a more inclusive way.

The absence of racial statistics also means that discrimination on the basis of race is mistaken for other forms of discrimination, from xenophobic discrimination against “foreigners,” to regional stereotyping, particularly of the residents of the *banlieues* on the outskirts of Paris. Simon highlights that “statistical categories are first and foremost conventions that both designate objects of knowledge and target groups for action and policy.”<sup>44</sup> As a result, French social scientists, using the “nationality” statistics available to them, conceive of sociological difference in terms of nationality, thus “reproduc[ing] the French preference for nationality as the paramount criterion for categorising otherness.”<sup>45</sup> There are two major consequences of this: (1) statistically, the difference of second-generation immigrants who may be both ‘black’ and ‘French’ is rendered invisible; (2) in practice, non-white French citizens are perceived as non-French, and thus may be the target

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<sup>41</sup> Simon, ‘Statistics, French social sciences and ethnic and racial social relations’, p. 162.

<sup>42</sup> Simon, ‘Statistics, French social sciences and ethnic and racial social relations’, p. 163.

<sup>43</sup> Keaton, ‘Racial Profiling and the “French Exception,”’ p. 237.

<sup>44</sup> Simon, ‘Statistics, French social sciences and ethnic and racial social relations’, p. 160.

<sup>45</sup> Simon, ‘Statistics, French social sciences and ethnic and racial social relations’, p. 160.

of xenophobia. As such, regardless of whether they managed to achieve citizenship, Black French people are treated as secondary citizens. It seems that race, rather than nationality, is the reason for the discrimination experienced by Black people in France, who may be French citizens as much as they may be immigrants. Yet, France renders race invisible by professing universalist equality, rendering the notion that someone could be both Black and French inconceivable. As Jean Beaman articulates, “whiteness as synonymous with Frenchness relies on being black as the opposite of being French.”<sup>46</sup> Thus, the refusal to countenance categories beyond nationality means that French Black people are not seen as French.

Further, occlusion of racial statistics has paralysed action against racial profiling. Indeed, while the French Republic refuses to consider race as a category, its agents, the police, cause disproportionate harm to Black people in France. This is particularly evident in considering how Black people (and other “visible minorities”) are affected by “random” stop-and-searches or identity checks, known in France as *contrôle de faciès*. Studies by Fabien Jobard and René Lévy have shown that “black people were between 3.3. and 11.5 times more likely than whites to be stopped; while Arabs were stopped between 1.8 and 14.8 more times than whites.”<sup>47</sup> Moreover, Lévy notes that Black people are more often taken to police stations following *contrôles au faciès*, and that police are rarely punished for abuse of their powers.<sup>48</sup> Yet, the State’s response to what appears to be racial profiling by police has been insufficient and failed to destigmatise discussion of race in the cause of anti-racism. For instance, President François Hollande declared himself committed to fighting against racism around stop-and-searches while standing for election in 2012, stating: “I will fight not against identity controls, which are necessary. I will fight against ‘racial profiling’, which is unacceptable. I will fight against all discrimination, discrimination due to age, colour, origins, or neighbourhood as well as sexual orientation.”<sup>49</sup> However, when elected, Hollande’s Prime Minister Jean-Marc Ayrault and

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<sup>46</sup> Jean Beaman, ‘Are French people white?: Towards an understanding of whiteness in Republican France’, *Identities*, vol. 26, no. 5 (2019), p. 552.

<sup>47</sup> Fabien Jobard and René Lévy, *Profiling Minorities: A Study of Stop-and-Search Practices in Paris* (New York: Open Society Institute, 2009), p. 28.

<sup>48</sup> René Lévy, *Wrong Colour, Wrong Clothes: Accounts of Ethnic Profiling in France and United States* (New York: Open Society Institute, 2009).

<sup>49</sup> Quoted in Trica D. Keaton, ‘Racial profiling and the “French exception,”’ *French Cultural Studies*, vol. 24, no. 2 (2013), p. 231.

Minister of the Interior Manuel Valls abandoned the proposed reform of *contrôle au faciès* which had the potential to hold police accountable for racial profiling by mandating records of identity checks.<sup>50</sup> The French State recognised the problem and proposed action, but failed to follow through, thus preventing progress against racial discrimination in identity checks.

More optimistically, the High Court decision on the first French class action alleging racial profiling against the Ministry of the Interior and the French police force, which aimed to make racial profiling legally recognisable in France, was handed down in November 2016. It condemned the State, declaring that it considered “an identity check based on the physical characteristics associated to a real or supposed origin, without any preliminary objective justification, is discriminatory: such would be a serious offence” (my translation).<sup>51</sup> Moreover, in response, the National Consultative Commission of Human Rights has recommended that identity checks are made accountable through “a system of traceability, permitting the person subjected to the identity control to receive a document attesting to the control” (my translation).<sup>52</sup> However, despite making racial profiling undeniably unlawful, this result has yet to change the discourse around race in France. Race-blindness remains the official discourse, limiting recourse for State violence like racial profiling, and denying minorities the tools and language needed to fight against this violence.

A related problem to this dearth of national statistics of the racial makeup of France is the lack of statistics around deaths in custody, statistics which would add crucial legitimacy to the growth of the nascent French BLM movement. Unlike the database of deaths in custody compiled by *The Washington Post* in the USA, France has limited data on deaths resulting from police interventions. Aiming to “open the debate on a subject which seems a taboo,” Ivan du Roy and Ludo Simbille of *Basta!* media have attempted to record all deaths that have taken place after police intervention

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<sup>50</sup> Keaton, ‘Racial profiling and the “French exception,”’ p. 233.

<sup>51</sup> “*Un contrôle d’identité fondé sur des caractéristiques physiques associées à une origine réelle ou supposée, sans aucune justification objective préalable, est discriminatoire: il s’agit d’une faute lourde.*” Julia Pascuel, ‘Contrôles au faciès: après la condamnation de l’Etat, la police devra changer ses pratiques’, *Le Monde* (9 November 2016), at [https://www.lemonde.fr/police-justice/article/2016/11/09/contrôles-au-facies-la-cour-de-cassation-condamne-l-etat\\_5028213\\_1653578.html](https://www.lemonde.fr/police-justice/article/2016/11/09/contrôles-au-facies-la-cour-de-cassation-condamne-l-etat_5028213_1653578.html), accessed 12/12/2020.

<sup>52</sup> “*Un système de traçabilité, permettant à la personne contrôlée de disposer d’un document attestant de ce contrôle.*” Pascuel, ‘Contrôles au faciès’.

since 17 October 1961.<sup>53</sup> Significantly, du Roy and Simbille have identified a “portrait-type” of the 320 persons that they have recorded as killed by the police since 1961: “a Black or Arab man, living in a low socio-economic suburb around Île de France [greater Paris] or Lyon, aged from 25 to 30 years old” (my translation).<sup>54</sup> While the lack of official statistics on deaths in custody renders these numbers and profile shakier than would be desired, it appears that Black and Arab men are disproportionately killed in police custody. Mandating an official generation of statistics around deaths in police custody would centralise data around the racialised nature of deaths in custody, making this data accessible and actionable for more citizens and policy makers, and challenging the dominant discourse of race-blindness.

### **The Internalisation of Race-blindness by Black and Anti-racism Organisations in France**

Race-blindness paralyzes action against structural racism by rendering statistically invisible the discrimination faced by French people of colour. Moreover, it silences those who would speak out about their experiences of racial discrimination by accusing them of “communitarianism,” accusations which, Montague asserts, “delegitimise public inquiry into race-based institutional inequality.”<sup>55</sup> Gado Alzouma describes this paralysis as a “double-bind” that conditions inertia and “consign[s] Blacks to a state of limbo, where for all practical purposes they are a non-category.”<sup>56</sup> However, breaking through this double-bind is made more difficult when racialised communities themselves defend the discourse of race-blindness. In fact, two of the most established anti-racism organisations in France, S.O.S. Racisme and Conseil Représentatif des Associations Noires (CRAN) engage with Republican race-blindness.

Both S.O.S. Racisme and CRAN fight against racism without acknowledging race. They are clearly caught in Alzouma’s double-bind, and

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<sup>53</sup> Ivan Du Roy and Ludo Simbille, ‘Homicides, accidents, ‘malaises’, légitime défense: 50 ans de morts par la police’, *Basta!*, (13 March, 2014), at [https://www.bastamag.net/spip.php?page=imprimer&id\\_article=3214](https://www.bastamag.net/spip.php?page=imprimer&id_article=3214), accessed 12/12/2020.

<sup>54</sup> “*C’est un homme noir ou d’origine arabe, habitant un quartier populaire de l’agglomération francilienne ou lyonnaise, âgé de 25 à 30 ans.*” Du Roy and Simbille, ‘Homicides, accidents, ‘malaises’, légitime défense’.

<sup>55</sup> Montague, ‘Communitarianism, discourse and political opportunity’, p. 220.

<sup>56</sup> Gado Alzouma, ‘Ethnic statistics and social classifications in France: how the “black community” was born’, *African and Black Diaspora: An International Journal*, vol. 4, no. 1 (2011), p. 58.

moreover have been “polarised” by the debate on ethno-racial statistics.<sup>57</sup> S.O.S. Racisme, created in 1984, was the predominant anti-racist association throughout the 1980s and 1990s. As an organisation, it is not tied to a particular community, and aligns itself with a universalist approach to anti-racism.<sup>58</sup> Montague writes that S.O.S. Racisme “shifted the rhetoric on anti-racism towards two main platforms: firstly, a symbolic call for an end to racism, and secondly towards legislative action on immigrant rights, particularly the right to vote.”<sup>59</sup> However, while its discourse of multicultural anti-racism was initially accepted by the State, S.O.S. Racisme also advocated for the *droit à la différence*, which, in a political climate shifting towards the right, came to be seen as a threat to Republicanism. As such, S.O.S. Racisme came to deracialise its approach to anti-racism and has lobbied against the use of race as a category as well as the collection of racial statistics. Indeed, a petition it circulated in November 2007 advocated against the gathering of racial statistics within the frame of “studies designed to measure diversity ... integration, and discrimination,” and demanded the removal of questions on skin colour and ethnicity in the national survey, *Trajectoires et origines*.<sup>60</sup>

Contrastingly, CRAN has actively lobbied for statistics measuring diversity and discriminations as well as affirmative action strategies, declaring on its website that “*Le CRAN a lancé en France le débat sur les statistiques de la diversité qui, seules, permettent de mesurer les discriminations raciales*” (“CRAN launched the French debate on diversity statistics which alone enable the measurement of racial discrimination” [my translation]).<sup>61</sup> Indeed, they have themselves conducted surveys on experiences of racism. Moreover, CRAN, purporting to represent “*des associations noires*” (Black associations) clearly employs the label ‘Black’ in order to fight against specifically anti-black discrimination. In a 2007 round table, Patrick Lozès, the President of CRAN, explained that the use of the label “*noir*” was a calculated choice:

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<sup>57</sup> Keaton, ‘The Politics of Race-Blindness’, p. 108.

<sup>58</sup> Montague, ‘Communitarianism, discourse and political opportunity’, p. 222.

<sup>59</sup> Montague, ‘Communitarianism, discourse and political opportunity’, p. 222.

<sup>60</sup> Daniel Sabbagh, *The Collection of Ethnoracial Statistics: Developments in the French Controversy* (New York: French-American Foundation, 2008), p. 2.

<sup>61</sup> Conseil Représentatif des Associations Noires, ‘Quelles Sont Les Avancées Du CRAN?’, *Le CRAN*, at <http://le-cran.fr/nos-avances/>, accessed 12/12/2020.

We initially preferred the expression ‘residents and citizens of Sub-Saharan African and overseas departments and territories’. Then we considered that if we were discriminated against, it is not because of our country of origin or because the origin of our parents, but because we had black skin [my translation].<sup>62</sup>

Yet CRAN, like S.O.S. Racisme, opposes the nomenclature of ‘race’. Indeed, Lozès describes blackness only in terms of phenotypical appearance, declaring in a 2007 meeting with the National Council on Statistical Information:

I wish we could definitively expel from our vocabulary this ‘ethnoracial categories’ phrase that relies on concepts which our history and our morality of science itself reject. Races do not exist, and I don’t think ethnicity is a relevant concept in the French context ... Skin colour is a simple basic fact, like hair colour, height, or weight.<sup>63</sup>

Lozès’ reduction of blackness to a phenotype is presumably motivated by a desire to denounce the demonstrably false concept of “biological” race which suggests that people of certain races, because of their bloodline or parentage, are naturally inferior to other races. However, its dismissal of the racialisation of darker skin pigmentation has the effect of excusing the French state for centuries of oppression, exploitation and discrimination against Black people through colonisation, imperialism, slavery, harsh immigration policies and structural racism.

CRAN’s identification of “black skin” as the reason for discrimination, but rejection of the term and concept of “race,” speaks to the limited way in which CRAN mobilises Blackness in order to avoid accusations of communitarianism. Pap Ndiaye, member of the scientific council of CRAN, explains that CRAN organises around an “*identité fine*” (“thin identity”) based on the most common denominator of “Black people in France,” rather than an “*identité épaisse*” (“thick identity”) based on shared culture, country of origin, or experience.<sup>64</sup> In fearing accusations of communitarianism, CRAN only pragmatically asserts its Black identity. Keaton suggests that this “thin” mobilisation of Blackness could be

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<sup>62</sup> “*Nous lui avons d’abord préféré l’expression ‘résidents et citoyens originaires d’Afrique subsaharienne et d’outre-mer’. Puis nous avons considéré que si nous étions discriminés, ce n’était pas à cause de notre origine, ou de celle de nos parents, mais parce que nous avons la peau noire.*” Jean Boulégué et al., ‘Les ‘Noirs’ de France, une invention utile?’, p. 86.

<sup>63</sup> Sabbagh and Peer, ‘French Color Blindness in Perspective’, p. 5.

<sup>64</sup> Boulégué et al., ‘Les ‘Noirs’ de France, une invention utile?’, pp. 87-88.

considered what Gayatri Spivak, in her book *In Other Worlds* (1987), termed “strategic essentialism”: that is, group identity used as a basis of a struggle against oppression, not for community formation.<sup>65</sup> However, Keaton argues that it is community formation, rather than “strategic essentialism,” that works as an “effective mechanism for self and group preservation in hostile racialised societies.”<sup>66</sup> Indeed, CRAN’s mobilisation of the “thin identity” of shared black skin colour has notably failed to engage French Caribbean organisations, a significant Black French minority.

Moreover, it appears that Republican race-blindness has been so internalised by French Caribbean people within the metropole that many French Caribbean migrant organisations do not affiliate themselves with other Black or anti-racism organisations. Audrey Célestine highlights that organisations of French Caribbean people living in France, the most prominent of which are Collectif Départements d’Outre-Mer (Collectif DOM) and Comité Marche du 23 Mai 1998 (CM98), have had largely negative responses to claims of a rising “Black question” by journalists and scholars.<sup>67</sup> Seemingly persuaded by the Republican ideal of absolute equality, these French Caribbean organisations seem to prefer focusing on their citizenship shared with France and the Overseas Departments and Territories, than the “Blackness” and immigrant experience that they share with many immigrants, and children of immigrants, living in France.

Collectif DOM and CM98 were formed in response to a perceived negation of the importance of slavery to Black Caribbeans in the commemoration of the 150<sup>th</sup> anniversary of the abolition of slavery in 1998, encapsulated by the official motto “Tous nés en 1848” (“All born in 1848”).<sup>68</sup> This motto was offensive to Black French Caribbeans because, despite the motto’s implication, only Black people trafficked to the French Caribbean, and their descendants, had suffered slavery. Slavery is extremely powerful in French Caribbean collective memory, with CM98 organising annual events commemorating of the abolition of slavery, which centre retellings of family histories of slavery.<sup>69</sup> Further, this reference to “All” was offensive to

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<sup>65</sup> Keaton, ‘The Politics of Race-Blindness’, p. 105.

<sup>66</sup> Keaton, ‘The Politics of Race-Blindness’, p. 108.

<sup>67</sup> Audrey Célestine, ‘French Caribbean organizations and the “Black question” in France’, *African and Black Diaspora: An International Journal*, vol. 4, no. 2 (2011), p. 138.

<sup>68</sup> Célestine, ‘French Caribbean organizations and the “Black question” in France’, p. 136.

<sup>69</sup> Célestine, ‘French Caribbean organizations and the “Black question” in France’, pp. 141-142.



some Black French Caribbean people and groups because they did not want to be homogenised into a “Black identity” defined on the basis of skin colour.

According to Célestine, French Caribbean nationals present themselves as a special group, even a “model minority,” with greater historic claim to French identity than immigrants and their descendants.<sup>70</sup> Thus, while Black French Caribbean people do suffer from racial and xenophobic discrimination in France, as they are perceived as foreigners through the conflation of Frenchness with whiteness described by Beaman, they seem reluctant to read this discrimination as ‘racial’. Moreover, they would prefer to focus on their national cultural particularities than on their racial fraternity with other Black people in France. This focus on nationality, as Célestine emphasises, limits the potential for their involvement in Black collective action against racism. She assesses: “In the long run, French Caribbeans thus seem doomed to have a minor role in French identity politics ... by focusing solely on the French Caribbean population, they restrict the social bases of their antidiscrimination movement.”<sup>71</sup> French Caribbean endorsement of race-blindness, alongside their desire to differentiate themselves from other Black French people, jeopardises the consolidation of a French BLM-style movement, a movement with the potential to challenge systematic racism in France.

### **Mobilising race to fight racism: Brigade Anti-Nérophobie**

Not all Black and anti-racism organisations in France have embraced race-blindness. Notably, Brigade Anti-Nérophobie (BAN), a major participant in the current French BLM movement, actively draws attention to the racialised experiences of Black people in France and clearly sets itself against ‘negrophobia’ (anti-black racism).<sup>72</sup> Thompson, in studying the potential for the mobilisation of a Black collective voice in the cause of anti-racism in France, argues that BAN is instrumental in pushing the shift in French discourse on race towards open debate on the “black condition.”<sup>73</sup> She explains

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<sup>70</sup> Célestine, ‘French Caribbean organizations and the “Black question” in France’, p. 138.

<sup>71</sup> Célestine, ‘French Caribbean organizations and the “Black question” in France’, p. 142.

<sup>72</sup> BAN’s active participation in BLM style protests has been noted many times. *See for example*, Sylvia Zappi, ‘Rassemblement à Paris de 'Black Lives Matter France' après la mort d'Adama Traoré’, *Le Monde* (23 July, 2016), at [https://www.lemonde.fr/police-justice/article/2016/07/23/rassemblement-a-paris-de-black-lives-matter-france-apres-la-mort-d-adama-traore\\_4973930\\_1653578.html](https://www.lemonde.fr/police-justice/article/2016/07/23/rassemblement-a-paris-de-black-lives-matter-france-apres-la-mort-d-adama-traore_4973930_1653578.html), accessed 12/12/2020.

<sup>73</sup> Thompson, ‘Black Jacobins in Contemporary France’, p. 48.

that BAN actively draws on a critical concept of race in its construction of a “dynamic, inclusive” concept of “blackness,” which is “uncoupled from fixed conceptions of an essential black subject.”<sup>74</sup> Crucially BAN’s demographic is younger, and members predominantly come from poor, urban and youth segments of the population, most notably from the Parisian *banlieues* where uprisings against police violence against minorities have been situated.<sup>75</sup> Thompson suggests that BAN’s notion of collectivity is close to what Angela Davis called “identities on politics”; that is, “basing the identity on politics rather than the politics on identity,” ideal for the building of a political movement.<sup>76</sup> In creating a concept of Blackness that is neither exclusive to certain nationalities like CM98 and Collectif DOM, nor merely “strategic” like CRAN, BAN is able to challenge the norms of French society that prevent the problematisation of race and enshrine race-blindness as normative.

BAN explores a dynamic concept of identity, engaging with discourses of transnationality, intersectionality and hybridisation. Indeed, Thompson suggests that BAN provides an “instructive position” for how to straddle the “double bind of similarities and difference”: its members understand Blackness as transcending essentialisms, but still consider a bond between Black communities in France despite their differences.<sup>77</sup> Thompson suggests that BAN’s detachment from binary logics leads to a nuanced and anti-essentialist understanding that “blackness should be uncoupled from fixed conceptions of the essential black subject, a perspective in which blackness is constantly re- and trans-formed.”<sup>78</sup> Thus, BAN presents the potential for modelling the mobilisation of a Black collective voice against negrophobic violence, particularly that inflicted by police and implicitly condoned by the State, a remodelling which could address the discrimination towards Black bodies in France despite the discourse of race-blindness.

In the consolidation of a French BLM movement, organisations like BAN have the potential to articulate a Black collective voice that speaks out against the erasure of Black identities by France’s race-blind concept of nationality and citizenship. Indeed, it is clear that even as France doubles down on its erasure of race, for instance in its 2013 suppression of the words “race”

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<sup>74</sup> Thompson, ‘Black Jacobins in Contemporary France’, pp. 55-56.

<sup>75</sup> Thompson, ‘Black Jacobins in Contemporary France’, p. 54.

<sup>76</sup> Angela Davis, ‘Interview’, in *The Politics of Culture in the Shadow of Capital*, eds Lisa Lowe and David Lloyd (Durham: Duke University Press, 1997), p. 57.

<sup>77</sup> Thompson, ‘Black Jacobins in Contemporary France’, p. 55.

<sup>78</sup> Thompson, ‘Black Jacobins in Contemporary France’, p. 56.

and “racial” from the French Penal Code,<sup>79</sup> the work of the scholars and journalists discussed here makes clear that France’s construction of race-blindness is breaking down. As embodied in BAN’s much younger membership, demographic change is altering the attitude towards race by French Black people themselves.

Indeed, Abdoulaye Gueye highlights that the increase in “resources” for self-organisation around Black identity in France have been decisive in the shift towards the potential emergence of a non-essentialised Black collective voice, crucial for a consolidated BLM-style movement.<sup>80</sup> He emphasises the significance of greater numbers of highly-educated Black people rooted by family and geographically concentrated in some areas of France for the emergence of a dynamic and motivated Black collective voice against racism.<sup>81</sup> The mobilisation of a coherent, political Black identity based on race consciousness rather than race-blindness, as modelled by BAN, has the potential to both reclaim race in the fight against racism, and to challenge the French state to a more realistic approach towards social equality and nationhood.

## **Conclusion**

France, like most countries with histories of colonisation, empire and slavery, has a racism problem. As this article has explained, its discourse of race-blindness allows it to misidentify this race problem, especially when the agents of the French state are the racist actors. France’s idealist myths of Republican citizenship based on universalist notions of absolute equality have been naturalised as culturally specific bases for race-blind public discourse and policy, allegedly embedded in France’s national identity. Supported by actors across France’s political spectrum, race-blindness, particularly mobilised around immigration policy in the 1980s, has been the status quo for decades. Yet race-blindness is, as Favell emphasises, a “myth,” a discourse that has been constructed, deliberately disseminated in policy and internalised by the French public. As the harms of race-blindness are

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<sup>79</sup> Khaled A. Beydoun, ‘The French kiss “race” goodbye’, *Al Jazeera* (3 June, 2013), at <https://www.aljazeera.com/indepth/opinion/2013/06/20136273349196523.html>, accessed 12/12/2020.

<sup>80</sup> Abdoulaye Gueye, ‘Breaking the silence: The emergence of a Black collective voice in France’, *Du Bois Review: Social Science Research on Race*, vol. 7, no. 1 (2010), p. 81.

<sup>81</sup> Gueye, ‘Breaking the silence’, pp. 92-93.

recognised, this myth can be questioned and deconstructed, so that race can be recognised as the reason for racist actions.

Indeed, as explored here, questions of race and blackness are current topics of debate in France, threatening the still predominant race taboo. Moreover, some anti-racism groups, notably BAN, have broken with the status quo by aligning themselves with racialised communities and racial identities. Their efforts were encouraged and thrown into sharper relief by international press in the context of the American BLM movement, indicating the growing importance of international discourses of race for the French consciousness. While, due to France's institutional and historical factors, French BLM-style protests around police brutality have not yet consolidated into a movement the size of the American BLM, they did highlight popular will for a movement that recognises race as a factor in police abuse of power. Moreover, they indicated a dissatisfaction with the race-blind model of equality which refuses to acknowledge that racialised groups in France experience discrimination because of their race, and to make policy accordingly. Modelled on the work of groups like BAN, the emergence of a Black collective consciousness in a consolidated French BLM movement could lead to a more inclusive concept of French nationality, citizenship, and make France's constitutional claim of "the equality of all citizens before the law" a lived reality.<sup>82</sup>

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<sup>82</sup> République Française, *Constitution of October 4, 1958*, p. 4.