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# National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe

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## A Global Icon

On February 10, 2008, a public meeting at the École normale supérieure in honor of Ayaan Hirsi Ali attracted considerable media attention during her brief stay in Paris. The Somali-born immigrant turned Dutch politician now resided in the United States. In 2004 the fierce critique of Islam's brutal oppression of women she developed in the eleven-minute film *Submission* had caused violent reactions in the Netherlands among some fundamentalists, and after the assassination of her white codirector, Theo van Gogh, the young black woman remained the target of death threats.<sup>1</sup> However, and despite her new international fame, accusations in 2006 about her use of lies (including on her very name) to be granted asylum in the Netherlands in 1992 led her own party, the “liberal” (free market) People's Party for Freedom and Democracy, or VVD, to withdraw its support—especially Minister of Integration Rita Verdonk, which is not exactly surprising, given the anti-immigration agenda carried on by her party. After an apology, Hirsi Ali finally retained her Dutch passport, but she still resigned from Parliament and the same year accepted a position as a scholar with the conservative American Enterprise Institute. In 2007 the Netherlands announced that it would continue to pay for her security only if she lived in the country. While the United States could not legally cover such expenses to protect

All translations from the French in this article are mine.

1. On the Dutch context, see Ian Buruma, *Murder in Amsterdam: The Death of Theo van Gogh and the Limits of Tolerance* (New York: Penguin, 2006).

a foreigner (unless she had an official status), Hirsi Ali declined an offer of Danish citizenship that also entailed residence and chose to remain on American soil.

Thus the public meeting in Paris was not merely the symbolic recognition of her political stance on women's rights (though she did receive a Simone de Beauvoir Award): Hirsi Ali made a plea for French citizenship that carried political resonance thanks to the presence of the former Socialist presidential candidate Ségolène Royal, alongside Rama Yade, the right-wing government's minister then in charge of human rights. The latter has been one of President Nicolas Sarkozy's most symbolic appointments: one of only a handful of black political figures in France, this young, attractive woman born in Senegal provides a face to his claims of "diversity" in response to the accusations of xenophobia leveled against current immigration policies. Hence Yade's speech in the first person: "Like you, I am of African origin. Like you, I migrated to Europe. Like you, I was born in a Muslim country." But the principles at stake go beyond personal similarities: "Eternal France has heard you, the France of 1789, Victor Hugo, De Gaulle," she exclaimed, even adding to the list, for good measure, Neither Sluts nor Doormats — Ni Putes Ni Soumises (NPNS), an association founded in 2003 that speaks in the name of women against the physical and symbolic violence they undergo, but only in the underprivileged *banlieues* (the French equivalent of inner cities or "outer cities"). On behalf of the administration, she added, "We are trying to think of a way to give you access to France and naturalization."<sup>2</sup>

Why should Hirsi Ali become French — although she did not announce she intended to live in France, nor did she speak the language, especially at a time when immigrants cannot resist expulsion by claiming long-term residence or bring in their families unless these prove already "integrated," in particular by displaying a command of French? During the meeting, no one justified more eloquently this logic of exception than the media intellectual (and 1970s *nouveau philosophe*) Bernard-Henri Lévy. The reason France must "adopt" her, he argued, is quite simply that "Ayaan Hirsi Ali is already French (yes, she is!) in her heart, her values and her mind." According to him, the refugee from Islam defends not only Western-style secularism but, more precisely, its French version: "la laïcité à la française." Hirsi Ali is thus presented as the true heiress of the French Enlightenment, the worthy successor of Voltaire. But her Frenchness is not narrowly

2. Rama Yade's comments, along with Hirsi Ali's, are to be found in "Menacée pour ses critiques de l'islam radical, Ayaan Hirsi Ali demande la nationalité française" ("Threatened Because of Her Criticism of Radical Islam, Ayaan Hirsi Ali Asks for French Citizenship"), *Le Monde*, February 11, 2008.

defined: as a consequence, “she is a European — so to speak, quintessentially, par excellence.” Indeed, “is not the soul of Europe at stake, its profound identity and heritage when she makes a plea, after Voltaire, after her compatriot Spinoza and others, for a society that would sever, once and for all, the link between politics and theology against which modern Europe was once erected?”<sup>3</sup>

Today, Hirsi Ali is a global icon of the so-called clash of civilizations. Her own trajectory, fleeing Africa to find refuge in Europe, before finding a true home in America, can be read in such terms. After all, *Submission* was meant less for a Dutch than an international audience: in this English-language film, the lascivious body of the female protagonist writhing in pain in stylized oriental settings manifestly borrowed from international codes of soft pornography, as corroborated by her (somewhat improbable) “Valley girl” accent. Even Denmark’s offer of citizenship is to be understood in the aftermath of the prophet Muhammad’s “cartoons that shook the world” global controversy.<sup>4</sup> More precisely, she illustrates a “sexual clash of civilizations,” that is, an updated version of Samuel P. Huntington’s famous thesis of 1993 in *Foreign Affairs*: in a 2003 *Foreign Policy* article, Ronald Inglehart and Pippa Norris argued that the “true clash of civilizations” concerns “gender equality and sexual liberalization.”<sup>5</sup> Indeed, Hirsi Ali embodies this “sexual clash” even more effectively thanks to her origin and skin color, which convey the idea that the issue is not race but civilization. To extend Gayatri Chakravorty Spivak’s famous formulation, a brown woman thus justifies (even better than a white woman would) “white men saving brown women from brown men.”<sup>6</sup>

### **A Transatlantic Contrast**

However, this globalized image of the sexual clash of civilizations should not obscure a transatlantic difference of considerable geopolitical importance. While the American Enterprise Institute and the Dutch VVD have in common an agenda glorifying private enterprise and free markets, Hirsi Ali’s own reading of the

3. Bernard-Henri Lévy, “Adresse à Nicolas Sarkozy à propos d’Ayaan Hirsi Ali” (“An Address to Nicolas Sarkozy concerning Ayaan Hirsi Ali”), *Libération*, February 11, 2008.

4. Jytte Klausen, *The Cartoons That Shook the World* (New Haven, Conn.: Yale University Press, 2009).

5. Samuel P. Huntington, “The Clash of Civilizations?” *Foreign Affairs* 72 (1993): 22–49; Ronald Inglehart and Pippa Norris, “The True Clash of Civilizations,” *Foreign Policy* 135 (2003): 65.

6. Gayatri Chakravorty Spivak, “Can the Subaltern Speak? Speculations on Widow Sacrifice,” in her *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, Mass.: Harvard University Press, 1999), 284.

sexual clash of civilizations is quite different in the context of Europe, where it is primarily defined by the pervasive political obsession of immigration. For example, an interview published in the French left-of-center weekly *Le Nouvel Observateur* at the time of her Parisian triumph confirms that the immigrant has in no way renounced the anti-immigration policies of her former party: “A small country like the Netherlands cannot welcome all the wretched of the earth.” This stance leads her to conclusions that echo Sarkozy’s mantra on so-called chosen immigration: migrants should be selected “in accordance with market needs.” For Hirs Ali is not talking just about the Dutch situation: “In Europe, immigration policies are dictated by human rights.” Or, as she puts it sarcastically: “You are vulnerable, persecuted? Welcome to Europe!”<sup>7</sup> There is something paradoxical about her irony — not only because of the unanimous indictment by nongovernmental organizations (NGOs) of the constantly harsher immigration policies in Europe, but also in the context of her own plea for asylum and even citizenship. In fact, far from advocating a loosening of restrictions, Hirs Ali is merely fighting to be the exception that confirms the rule — more: that justifies its toughness. Who would accuse this black, foreign woman of xenophobia or racism?

By contrast, in the United States, the sexual clash of civilizations is meant to bring legitimacy to military operations abroad: it is less about borders and more about expansion. The point is not to keep other civilizations out but, on the contrary, to go out and civilize them. After 9/11, “the Empire strikes back” thus took on opposite meanings on both sides of the Atlantic: while postcolonial Europe has been defined defensively, imperial America has been on the offensive. This different context accounts for a difference in sexual politics when Hirs Ali speaks from an American standpoint. To clarify this difference, let us consider the question posed in 2009 by the American Enterprise Institute to two of its eminent scholars: “Is courage a masculine virtue?”<sup>8</sup> The Harvard political philosopher Harvey Mansfield rather unsurprisingly responds that while “social science, like feminism, has no appreciation for natural inclinations,” thus “destroying the authority of common sense and replacing it with confusion,” sexual difference still stands: “courage is not solely for men,” as Hirs Ali’s own example makes clear, “but it is mainly for men.” In response, the courageous woman herself offers a more com-

7. Florence Aubenas and Christophe Boltanski, “‘On m’a jetée à la poubelle’: Entretien avec Ayaan Hirs Ali” (“‘I Have Been Dumped in the Trash’: Interview with Ayaan Hirs Ali”), *Nouvel Observateur*, February 14, 2008.

8. Ayaan Hirs Ali and Harvey Mansfield, “Is Courage a Masculine Virtue?” American Enterprise Institute for Public Policy Research, *On the Issues*, no. 8 (2009), [www.aei.org/docLib/08%20OTI%20Mansfield-Hirs-g.pdf](http://www.aei.org/docLib/08%20OTI%20Mansfield-Hirs-g.pdf).

plex answer. As might be expected, she first deplores that the African civilization she was born into, and was later to reject, never questioned that “an act of courage was, by definition, masculine—even if it were carried out by a female.”<sup>9</sup> What made it worse is that males did not even fulfill their promise of protection.

However, the Western civilization Hirsi Ali has now embraced is not so reassuring after all. Sure, women have gained freedom and equal rights, but her optimism is short-lived:

It is equally interesting to see how much ambiguity there is between men and women in this society where women are emancipated. I have met men who regard themselves as “bisexuals” and “metrosexuals.” I have also met and read the works of women in Europe and America who describe courage as a permanent struggle against male domination in general, even after that struggle has been won many times over here.<sup>10</sup>

Her distaste for such sexual disorder is accounted for in geopolitical terms: “What do al Qaeda operatives, Somali pirates, Mahmoud Ahmadinejad’s militia, Hugo Chávez’s rhetoric, and even the new Russian authoritarianism have in common? An analysis of their rhetoric quickly shows that they all see Americans and Westerners in general as cowardly, in its feminine connotation.”<sup>11</sup> Hence the paradoxical rehabilitation of a sexual order against which she had defined her Islamophobic stance in the service of Western interests: “For as people who have never known peace and prosperity long enough to groom themselves to a state of metrosexuality assert themselves in hordes and come to possess weapons of mass destruction, manly courage becomes indispensable for survival, world peace, and order.”<sup>12</sup> Gender trouble is ultimately a kind of “navel-gazing”—a decadent luxury for an imperial power. Hence Hirsi Ali’s paradoxical revision of the sexual clash of civilizations: in order to rescue their own values from their enemies, Westerners have to renounce them.

### **The Sexual Politics of Frenchness**

On what grounds could Hirsi Ali’s supporters claim French citizenship on her behalf?<sup>13</sup> Although she cannot claim any command of the language, at the Paris

9. Hirsi Ali and Mansfield, “Is Courage,” 3.

10. Hirsi Ali and Mansfield, “Is Courage,” 4.

11. Hirsi Ali and Mansfield, “Is Courage,” 4.

12. Hirsi Ali and Mansfield, “Is Courage,” 4.

13. See “Le sexe de l’immigration” (“The Sex of Immigration”), in *Cette France-là* 1 (2009): 118–27, [www.cettefrancela.net/volume-1/descriptions/article/le-sexe-de-l-immigration](http://www.cettefrancela.net/volume-1/descriptions/article/le-sexe-de-l-immigration).

public meeting she delivered one crucial sentence in French—quoting Sarkozy’s 2007 campaign promise addressed to a largely female audience: “To every martyred woman in the world, I want to say that France offers a protection by making it possible for her to become French.”<sup>14</sup> Of course, his grand proclamation was not to be taken literally, as it would obviously entail major demographic consequences—not only in sheer numbers but also by creating a massive gender imbalance that might in the long term justify the rehabilitation of polygamy.

This is probably why, in July of the same year, the president was to qualify the candidate’s April declaration on the occasion of the liberation (thanks to the good heart of Cécilia, then his wife) of Bulgarian nurses held prisoner in Libya: “I had told the French during the campaign, and I repeated on the night of my election, that these nurses were French—not legally, but in my heart.” There lies the difference with Lévy’s equally heartfelt claim: for the philosopher, it is Hirsi Ali’s heart that should give her access to French citizenship, while the heart is here the president’s—and it opens purely symbolic rights. As a consequence, after the shared emotions of the public meeting, the French government was to do nothing for the new Voltaire; four months later, in June 2008, Sarkozy’s sober statement that “the Netherlands have done their duty” was met with unanimous indifference.

Much ado about nothing? The political show that took place in Paris in February 2008 still remains significant in that it reveals (but also reinforces) the importance of what I have proposed to call “sexual democracy” in the new definition, that is, in the new politics of national identity. Today, allegedly, Frenchness is primarily about sexual liberty and equality. It would be tempting to deride this unexpected “born-again” feminism—given French history, but also considering the reality of French society today. However, rather than dispute its “truth,” it may be more important to study what the rhetoric of sexual democracy accomplishes in French politics. This became most explicit during the presidential campaign, precisely in March 2007, when Sarkozy announced that, if elected, he would create a ministry of immigration and national identity—an issue that was to be activated again in the fall of 2009 when Éric Besson, then in charge of the ministry, launched a “great debate” on national identity.

The candidate’s declaration caused an uproar among those, including renowned historians like Gérard Noiriel and Patrick Weil, who heard grim echoes of the

14. Nicolas Sarkozy quote from Annick Cojean, “Ayaan Hirsi Ali en quête d’une protection et d’une nationalité” (“Ayaan Hirsi Ali in Search of Protection and a Citizenship”), *Le Monde*, February 12, 2008.

1930s (if not of the 1940s) in a conjunction of terms that inevitably appeared in opposition. While Sarkozy freely acknowledged that he was indeed trying to capture the extreme-right National Front's voters (as it turned out, a few weeks later, very successfully), he denied, in speeches as well as television ads, any racist inclination: "I believe in national identity. France is not a race, nor an ethnic group; France is a community of values, an ideal, an idea." He then went on to give content to this republican abstraction: "In France, women are free, just as men are, free to circulate, free to marry, free to get a divorce. The right to abortion, equality between men and women, that too is part of our identity."<sup>15</sup>

The implication was clear, for national identity is about "them" as much as about "us": *our* women are free, *theirs* are not—hence *our* anti-immigrant policies and politics. What is most remarkable, perhaps, is, on the one hand, that a right-wing candidate should include the right to abortion in the very definition of national identity and, on the other hand, that this radical innovation should go entirely unnoticed, even among Catholic conservatives. Sexual democracy—or at least the rhetoric of sexual democracy—may thus be the price that many conservatives are willing to pay so as to provide a modern justification to anti-immigration politics that could otherwise appear merely as reactionary xenophobia. In order to become king of France and put an end to religious wars in the late sixteenth century, Henri IV allegedly exclaimed, when renouncing Protestantism to embrace the Catholic faith: "Paris is well worth a mass!" Abortion rights may play the same role today, *mutatis mutandis*, for European proponents of national identities defined at the expense of immigrants.

Sarkozy certainly did not invent this rhetoric from scratch. The reason his argument seemed to make sense to many is that it had been at work in French politics in one form or another for years. More and more, in the years preceding the 2007 election, as well as in those that followed, the French republican motto has been redefined as *sexual* liberty, but also *sexual* equality, while the third term, *fraternity*, has generally been replaced by *laïcité*. This is manifest in particular in all the documents concerning immigrants, such as the "integration contract" they have been required by law to sign and observe since 2006. In particular, equality is now defined exclusively in terms of gender, thus leaving out race or class. In the same way, *laïcité* is primarily understood as *sexual* secularism—insofar as it pertains to women and sexuality, rather than the separation of church and state in

15. Nicolas Sarkozy's presidential campaign video, [www.dailymotion.com/video/x1qz2d\\_1-identite-nationale](http://www.dailymotion.com/video/x1qz2d_1-identite-nationale) (accessed July 20, 2010).

schools, as was the case from the Third Republic until the 1980s. Reclaiming the republican tradition also involves its reinvention.

This sexualization of the Republic makes sense in the broader context of a series of polemics that started in the 1980s, rose in the 1990s, and gained prominence in the first decade of the twenty-first century.<sup>16</sup> The attacks first focused on polygamy, forced marriage, and genital mutilation—but they have expanded to cover a wide range of issues. This was the case in 2001 with the sensationalist conflation of prostitution and immigration issues, leading to the repression of the traffic in women, or at least to the repression of the migrant women themselves (by contrast to so-called Franco-French prostitutes). In parallel, the new awareness of gang rapes (*tournantes*) identified with youths who, though French for the most part, are still identified by their “foreign origin,” only reinforced the negative sexual image of immigration. Consequently, the symbolic reformulation of the Republic in sexualized terms became clear in 2003, when the newly launched association NPNS, after its weeks-long march equating violence against women with the underprivileged *banlieues*, received a warm official welcome in Paris, on March 8, on the occasion of this day devoted to women. Photographs of the multiracial “Mariannes of today,” updating the traditional republican allegory, were then displayed outside the National Assembly—starting with the national holiday on July 14.<sup>17</sup>

Indeed, these sexualized republican values have been epitomized in the recurrent debate on the so-called Islamic veil;<sup>18</sup> while it first erupted in 1989 in terms of cultural difference, it was reformulated in sexual terms for the new millennium, leading to the 2004 law that excludes “conspicuous signs” of religion from public schools. Indeed, in public debates, the “problem of the veil” became less about multiculturalism than about the oppression of women it allegedly symbolizes. Some even went so far as to play on the resemblance between the words *voile* (veil) and *viol* (rape). But the law did not put an end to the controversy: why stop using a rhetoric that has contributed so powerfully to the rightward drift of the

16. Éric Fassin, “The Rise and Fall of Sexual Politics in the Public Sphere: A Transatlantic Comparison,” *Public Culture* 18 (2006): 79–92; and Éric Fassin, “Sexual Violence at the Border,” *differences* 18 (2007): 1–23.

17. See the photographs and presentation at “L’Assemblée nationale, ultime étape de la Marche des femmes des quartiers contre les ghettos et pour l’égalité” (“The March of Women from the Projects against Ghettos and for Equality”), July 12, 2003, [www.assemblee-nationale.fr/evenements/mariannes.asp](http://www.assemblee-nationale.fr/evenements/mariannes.asp).

18. Joan Wallach Scott, *The Politics of the Veil* (Princeton, N.J.: Princeton University Press, 2007).



political landscape in France? It thus remains central in an updated version: the *burkha* was declared “not welcome” in France by the president speaking before both chambers of Congress in June 2009, as a commission started hearings in the National Assembly. According to official reports, this issue concerns only a few hundred women in France—but in the language of sexual politics, the symbolic value of this most “conspicuous” sign among so-called visible minorities makes it crucial for the new republican politics that define the nation. Frenchness is at stake.

### **The New Europe of National Identities**

However, it would be a mistake to interpret this sexualization of the Republic as a uniquely French story—despite the insistence on Frenchness, or even perhaps because of it. It should also be understood, at the same time, in European terms. Indeed, a reversal has taken place in the past few years regarding national identities in Europe. Nationalism used to be invoked, in France and elsewhere, in opposition to European institutions, in particular at the time of the 1992 Maastricht Treaty. Today, on the contrary, following the 2005 rejection of the Constitutional Treaty by referendum, in both France and the Netherlands, the European Union is more and more presented as the best guarantee for the protection of national identities. This involves shifting populist resentment from the cosmopolitan Eurocrats (above) to the non-European migrants (outside). This reformulation of the European project, from a supranational federal ideal to a federation of nationalist ideologies, thus implies that immigration should become the new, negative cement of Europe. For example, a European meeting devoted to integration policies decided in November 2008 to teach foreign migrants national symbols—such as the Marseillaise. Maybe it should not come as a surprise (though perhaps as a shock) that France (then presiding over the Union) chose to organize that meeting in Vichy.

It is in this context that sexual democracy enters the political agenda in Europe. For while the “sexual clash of civilizations” remains an international rhetoric in the post-9/11 world, the instrumentalization of sexual politics against immigrants has now become a European reality.<sup>19</sup> For example, after the major 2005 revi-

19. On this argument, see Éric Fassin, “La démocratie sexuelle et le conflit des civilisations” (“Sexual Democracy and the Clash of Civilizations”), in “Postcolonial et politique de l’histoire” (“Postcolonialism and the Politics of History”), special issue, *Multitudes*, no. 26 (2006): 123–31; Éric Fassin, “A Double-Edged Sword: Sexual Democracy, Gender Norms, and Racialized Rhetoric,” in *In Terms of Gender*, ed. Judith Butler and Elizabeth Weed (Bloomington: Indiana University Press, forthcoming); and Judith Butler, “Sexual Politics, Torture, and Secular Time,” *British Journal of Sociology* 59 (2008): 1–23.

sion of the German law on immigration, one of the *Länder*, Baden-Württemberg, introduced in 2006 a new test for foreigners applying for citizenship. Testing has actually developed throughout Europe in the past few years. In this instance, it was implicitly, and almost explicitly, aimed at Muslims (as confirmed in a memorandum revealed by the influential daily *Süddeutsche Zeitung*), whose loyalty to Germany was considered with a priori suspicion. In particular, applicants were asked (in not-so-subtle terms) whether the instigators of the attacks against the World Trade Center were “terrorists or freedom fighters.”<sup>20</sup>

Moreover, as could be expected, several questions pertained to sexual democracy: “What do you think of the following statement—a woman should obey her husband, who can otherwise beat her up?” Or: “What do you think of a man in Germany who is simultaneously married to two women?” But also (shifting from the question of gender hierarchy to that of sexual intolerance): “How would you feel about an openly gay politician?” Or: “How would you feel if your son came out to you and decided to live with another man?” Most German parties opposed such a discriminatory “loyalty” test. Even gay and lesbian organizations such as the Lesben und Schwule in der Union opposed the targeting of Muslim homophobia and suggested instead that the test should be extended to all Germans—not to forget Benedict, the new German pope, born Joseph Ratzinger. The problem was not only the xenophobic stereotypes; it was also the obvious contradiction between the professed ideals of sexual democracy and the refusal to extend marriage and family rights to same-sex couples—especially in this rather conservative *Land*. In fact, Germany is rather like France: not a broadly “sexual” but rather a narrowly “heterosexual democracy” that will not recognize equal rights for gay and straight citizens.

### Heterosexual Democracy in the Dutch Mirror

By contrast, let us consider the Netherlands, where all non-Western migrants are required by law to take a test: to prepare for the so-called civic integration examination abroad, they are expected to train with *Coming to the Netherlands*, a pedagogical film sold as a DVD. The Immigration and Naturalization Service’s Web site includes a warning: “Some things that are quite ordinary and acceptable in the Netherlands are forbidden in other countries.” This is not about the liberal access to marijuana that attracts many European tourists—but rather about the sexual

20. Heribert Prantl, “Alle Muslime sind verdächtig,” *Süddeutsche Zeitung*, January 29, 2006, [www.sueddeutsche.de/politik/baden-wuerttemberg-alle-muslime-sind-verdaechtig-1.785482](http://www.sueddeutsche.de/politik/baden-wuerttemberg-alle-muslime-sind-verdaechtig-1.785482).

politics that exclude non-Europeans. “In the Netherlands, women are allowed to sunbathe on the beach with few clothes on, and people have the freedom of expression to show that they are homosexuals or lesbians. The film includes images of this.”<sup>21</sup> And, indeed, the DVD includes a long shot of a bare-breasted young woman emerging from the waves on the shore and another long one of a gay couple kissing in a flowery field. The message is unambiguous: Dutchness requires putting up with sexualized — both heterosexual and homosexual — images.

The list of Western countries exempted from the test includes not only members of the European Union but also the United States and Canada, New Zealand and Australia, not to forget Japan and (most unexpectedly, given the underlying logic of sexual democracy) the Vatican. Conversely, it is worth quoting a warning on the government’s Web site: “In some countries, it is against the law to be in possession of films with images of this nature. Because of this, a special film has been made for these countries. In this film, the prohibited images have been deleted. This version of the film is called: ‘the edited version.’” Anticipating potential censorship only confirms the geography and geopolitics that such sexual politics reflect and simultaneously contribute to establishing: Dutch national identity is reinvented in sexualized terms by contrast to censoring “others” designated by this “edited” film.<sup>22</sup>

In the Netherlands, homosexuality is part and parcel of the rhetoric of sexual democracy: after all, this is the country that first opened marriage to same-sex couples in 2001. This position is not surprising, considering that the rejection of the multiculturalist heritage of tolerance in the first decade of the twenty-first century was initiated in part by Pim Fortuyn. This political leader’s triumph, before his assassination in 2002 by an environmental activist who refused his “scape-goating” of Muslims (and beyond, as he paved the way for Hirsi Ali and van Gogh’s 2004 *Submission* as well as Geert Wilders’s equally controversial 2008 *Fitna*), combined harsh anti-immigrant rhetoric with a flamboyant homosexual style. As Peter van der Veer reminds us, “He declared that he liked fucking young

21. See the description of the film *Coming to the Netherlands* at Naar Nederland, [www.naarnederland.nl/documentenservice/pagina.asp?pagkey=53774](http://www.naarnederland.nl/documentenservice/pagina.asp?pagkey=53774) (accessed July 21, 2010).

22. Éric Fassin, “Going Dutch,” *Bidoun: Arts and Culture from the Middle East* 10 (2007): 62–63. It is worth noting that while the “explicit” pictures from the DVD are reproduced as illustrations in my article in *Bidoun*, they have been blurred—to escape the risk of censorship in Muslim countries, though at the risk of justifying the Dutch government’s stereotypes. The deliberate irony of my piece, encouraged by the magazine’s editor, is thus rendered more complex by the unintended irony of this editorial decision.

Moroccan boys but did not want to be restrained by backward imams.”<sup>23</sup> This professed sexual attraction for immigrants thus only reinforced the message that defined sexual freedom against Islam. With Fortuyn, a new populism arose that was ostensibly reconciled with the ideals of sexual democracy—in stark contrast to the old, openly sexist and homophobic populism. In this way, Dutch national identity opened up a political space that was to be imitated throughout Europe.

The difference between the Dutch and French versions, between sexual and merely heterosexual democracy, was made visible in the case of Frédéric Minvielle. This Frenchman and his Dutch partner since 1997 have lived in the Netherlands since 2002; they married in 2003, and in 2006 Minvielle too became a Dutch citizen. In order to vote in the 2007 presidential election, he then registered with the French consulate in Amsterdam: this self-proclaimed right-wing Catholic from Brittany wanted to make sure that he could contribute to the election of Sarkozy. However, as a consequence, he was deprived of his French citizenship in December of that year. According to a treaty between the two countries, dual citizenship is possible, but only for married couples. In this case, the problem was that Minvielle married a man, not a woman: same-sex marriage may exist in the Netherlands, but it is still not recognized in France.

It is significant that both the consulate and the Ministry of Justice should have insisted on a strict enforcement of the law—the marital fate of this emigrant within Europe mirroring that of many an immigrant from outside Europe. Fortunately, the public uproar soon led to a bureaucratic change of mind: the Frenchman’s passport and citizenship were restored to him in 2008. However, this exceptional incident remains significant: just like men, women are supposed to be free to marry in France—provided they marry a man (and vice versa), but also provided both spouses are French (more on this further). Heterosexuality is thus part of French national identity, but homosexuality is not (contrary to the Netherlands).

After all, it was during the same presidential campaign defined by the tension between immigration and national identity that Sarkozy claimed, to justify his continued opposition to same-sex marriage: “Je suis né hétérosexuel” (which could translate as either “I was born a heterosexual” or “I am a born heterosexual”).<sup>24</sup> This “coming out” as a straight man is remarkable—not on account of

23. Peter van der Veer, “Pim Fortuyn, Theo van Gogh, and the Politics of Tolerance in the Netherlands,” *Public Culture* 18 (2006): 120.

24. On the political television show *J’ai une question à vous poser* (*I Have a Question to Ask You*), TF1, February 5, 2007, [lci.tf1.fr/politique/2007-02/sarkozy-concret-face-aux-francais-4886393.html](http://lci.tf1.fr/politique/2007-02/sarkozy-concret-face-aux-francais-4886393.html).

its content (the tabloids had already exposed the candidate's love life) but because of its very existence (that heterosexuality is "natural" no longer goes without saying). Today, heterosexuality is inscribed in the nature of Frenchness: just like national identity, it needs to be affirmed, if not proclaimed. The sacralization of sexual difference is at the heart of the national project.<sup>25</sup>

### **Secular France and Catholic France**

The transatlantic contrast — between the imperial logic of expansion on the American side and the politics of containment in the European context — should not obscure contrasts *within* the new Europe of national identities. "Fortress Europe" (a phrase that offers yet another echo of the Second World War) accommodates variations such as the difference between the Dutch model of sexual democracy and its French (or German) heterosexual version. Each national context ought to be understood in its specificity, as well as in the commonality of a broader European ideology defined against immigration. For example, in the Dutch case, the tradition of tolerance that founded the politics of multiculturalism has now been revised to justify intolerance against allegedly intolerant Muslims as the best way of preserving Dutch national tolerance. In a parallel way, the traditional opposition between "les deux France" has also been updated to allow for a contrapuntal articulation of the formerly contradictory secular and Catholic models.

In a radical departure from his predecessors, Sarkozy has repeatedly called for a qualified version of French secularism. He even criticized its historical legacy in the Bishop of Rome's basilica of St. John Lateran, in a December 2007 speech, while accepting the traditional presidential function of "honorary canon." On this occasion, Sarkozy deplored the "suffering" that the separation of church and state had caused during the Third Republic, even declaring that "the schoolteacher can never replace the priest" who sacrifices everything to his vocation (just like the president himself, he added). "Secularism should not," he concluded, "sever France from its Christian roots," lest it "weaken the cement of national identity." As a consequence, he called for a new, "positive secularism" (*laïcité positive*), transforming religion into an "asset" for the Republic.<sup>26</sup>

This language is very similar to that of Benedict, who has been advocating a "positive" version of secularism for Europe, modeled after the United States:

25. Éric Fassin, "Same Sex, Different Politics: Comparing and Contrasting 'Gay Marriage' Debates in France and the United States," *Public Culture* 13 (2001): 215–32.

26. Nicolas Sarkozy speech in St. John Lateran, December 20, 2007, [www.elysee.fr/president/les-actualites/discours/2007/allocation-de-m-le-president-de-la-republique.7012.html?search=Latran](http://www.elysee.fr/president/les-actualites/discours/2007/allocation-de-m-le-president-de-la-republique.7012.html?search=Latran).

he even paid homage to Sarkozy's "beautiful phrase"<sup>27</sup> while visiting him in France in September 2008. The pope's parallel defense of the "Christian roots" of Europe is of course also to be understood in the context of his harsh critique of Islam—expressed in his controversial September 2006 Regensburg speech.<sup>28</sup> The defense of a "politics of civilizations" defined in terms of "diversity" that Sarkozy presented in the Islamic context of Riyadh, Saudi Arabia, in a January 2008 speech that followed shortly after his Roman declarations, can thus be understood as a deliberate continuation of the pontiff's argument in terms of "polyphony."<sup>29</sup> The plurality of civilizations is their common response to the "clash of civilizations," but also their common vindication of a Christian definition of Europe that justifies the exclusion of Turkey.

This Christian definition of France (and of Europe) is a recurrent figure in Sarkozy's speeches: in a style reminiscent of the great Catholic poet of the secular Third Republic Charles Péguy, he keeps referring to "the long coat of churches" that covers France.<sup>30</sup> But it would be a mistake to think that the Christian version of French national identity has now replaced its secular version. In fact, despite his rehabilitation of the former, Sarkozy cannot dispense with the latter. This is due to the invocation of sexual democracy. We must remember his campaign speech on national identity: "in France, women are free"—not only to marry, but also to get a divorce, and even an abortion. The sexual freedom that defines "us" by contrast to "them," or national identity by contrast to immigration, is clearly not traditionally Catholic.

But it is in this context that the improbable reconciliation of Catholic and secular France makes sense. On the one hand, the "Christian roots" are required to compensate the "right to abortion" and, more broadly, the freedom involved in sexual democracy; on the other hand, the "secular Republic" is expected to balance the "coat of churches" and all the other "conspicuous" signs of religion in France that are never questioned—starting with the various religious holidays that punctuate the republican calendar. On the one hand, according to the geopolitics of civilizations, Christianity defines "us" just as Islam defines "them." On

27. Pope Benedict XVI speech, Paris, September 12, 2008, [www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2008/september/documents/hf\\_ben-xvi\\_spe\\_20080912\\_parigi-elysee\\_fr.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2008/september/documents/hf_ben-xvi_spe_20080912_parigi-elysee_fr.html).

28. Pope Benedict XVI speech, Regensburg, September 12, 2006, [www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2006/september/documents/hf\\_ben-xvi\\_spe\\_20060912\\_university-regensburg\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html); Éric Fassin, "The Geopolitics of Vatican Theology," *Public Culture* 19 (2007): 233–37.

29. Nicolas Sarkozy speech, Riyadh, January 14, 2008, [www.lemonde.fr/politique/article/2008/04/24/discours-de-nicolas-sarkozy-a-riyad-le-14-janvier-2008\\_1038207\\_823448.html](http://www.lemonde.fr/politique/article/2008/04/24/discours-de-nicolas-sarkozy-a-riyad-le-14-janvier-2008_1038207_823448.html).

30. Interview with Nicolas Sarkozy, "The Long Coat of Churches," *Figaro*, April 28, 2007.

the other hand, it is sexual democracy that plays that role. Their unlikely combination is finally reconciled in the rhetoric of national identity: France is both secular and religious, both modern and traditional. As a result, opposing “us” to “them” cannot easily be dismissed as racist, in Sarkozy’s rhetoric, for it conflates the logic of (religious) civilizations and the (secular) logic of universalism, that is, our Christian history with sexual democracy—the latter redeeming the former from a modern perspective.

In a November 2009 speech about national identity, the president actually returned to the churches and cathedrals that define the French landscape: “That’s France. Not a free-thinker, not a freemason, not an atheist that does not feel deep inside as an heir to Christianity.” We are all Catholics, whether we believe in God or not, as we commune in “the memory of the coronation in Reims” as well as “the Federation festival” of the Revolution, he added in reference to the *Annales* historian Marc Bloch, executed by the Nazis in 1944. “One is French if one considers Christianity and the Enlightenment as the two faces of the same civilization to whose legacy one feels the heir.”<sup>31</sup> The tacit assumption is that the reconciliation of “believers and nonbelievers” in secular Christianity must leave out Muslims (and even Jews, for that matter), on account of the absence of mosques and synagogues in the French landscape—and thus keep them out of national identity.

But at the same time, the strongest argument against immigrants in today’s France is not Islamophobia but secularism. The unexpected 2009 massive vote against minarets in Switzerland was thus met with stern disapproval by mainstream French politicians, including in Sarkozy’s right-wing party (Union for a Popular Movement, or UMP), and mainly received the support of the far-right National Front of Jean-Marie Le Pen. Generally speaking, explicit Islamophobia remains illegitimate in France. Even the members of the commission installed in the National Assembly to address the “problem of the *burkha*” have publicly distanced themselves from the referendum, which they find “excessive.” As a consequence, they have explicitly refused to consider that the “Swiss problem” could also be a French one.

However, the same like to argue in return that the best way to preserve French tolerance (by contrast to Swiss intolerance) precisely entails the defense of secularism and sexual democracy. Banning the *burkha* may thus eventually appear, somewhat paradoxically, as the best protection against Islamophobia. So while the

31. Nicolas Sarkozy speech, La-Chapelle-en-Vercors, November 12, 2009, [www.elysee.fr/president/les-actualites/discours/2009/discours-de-m-le-president-de-la-republique.1678.html](http://www.elysee.fr/president/les-actualites/discours/2009/discours-de-m-le-president-de-la-republique.1678.html).



*burkha* debate obviously ignites Islamophobia in France, it is presented in those terms not by those who participate in it but only by its critics. On the contrary, the protagonists argue that it has nothing to do with religion, and everything to do with secularism. According to Sarkozy, in his June 2009 speech before Congress, “The *burkha* problem is not a religious one; it is the problem of a woman’s dignity and freedom. It is not a religious sign, but a sign of servitude and degradation.” Rejecting the *burkha* as “un-French” could thus be presented as compatible with French secularism, defined not by “the refusal of all religions” but, on the contrary, in “positive” terms, by “the respect of all opinions and beliefs.”<sup>32</sup>

### The Internal Contradictions of Sexual Democracy

The ambiguity of this national project, which combines the (conservative) Christian tradition and the (modern) program of secularism, is paradoxically one of the major strengths of Sarkozy’s attempt at finding a compromise or at least a common ground between the political right of center and the far right. In fact, just like much of his rhetoric, this ambiguity is seldom exposed to the principle of noncontradiction. Critics of Sarkozy, and more broadly of the new sexual rhetoric that presides over the European reconfiguration of national identities, often point out its hypocrisy. It is all too clear that recent converts are interested more in the negative uses of sexual democracy (keeping non-European migrants out) than in its positive requirements (in terms of sexual freedom and equality between the sexes). At the same time, one should not underestimate the reality of the efforts to be consistent with professed ideals. Hence the “right to abortion,” invoked in Sarkozy’s presidential campaign as a feature of the new national identity, was symbolized by the strong presence of Simone Veil—the minister of health who legalized abortion in 1975 against the conservative majority to which she belonged, thus becoming a symbol of the modernized Right.

Even more than the hypocrisy of the gap between rhetoric and reality, however blatant it may be at times, it is worth pointing out the contradictions that are inherent in the rhetoric of sexual democracy itself, or more precisely in its instrumentalization in the logic of anti-immigration policies. Beyond the transatlantic contrast and the European variations in sexual democracy, beyond the ambiguities in the new definitions of national identities, what now remains to be examined are thus these internal contradictions. If sexual democracy is about sexual freedom

32. Nicolas Sarkozy speech before Parliament, Versailles, June 22, 2009, [www.elysee.fr/president/les-actualites/declarations/2009/declaration-devant-le-parlement-reuni-en-congres.5522.html](http://www.elysee.fr/president/les-actualites/declarations/2009/declaration-devant-le-parlement-reuni-en-congres.5522.html).



and equality between the sexes, its application to the exclusion of “others,” that is, its racialization, can eventually transform these lofty ideals into a practice that hinders sexual liberty by racializing sexual discriminations. Several examples will illustrate this last point, concerning families and couples whose “privacy” is undermined in the fight against immigration—and this, paradoxically, in the name of sexual democracy.

In the fall of 2007, yet another tougher law on immigration was voted in France, only a few months after Sarkozy’s election as president. One of its main purposes was to limit family immigration, now opposed to so-called chosen immigration, despite the right to family life recognized both in the national constitution and in European human rights texts—for nationals and foreigners alike. It included a controversial amendment on DNA testing as proof of filiation for immigrants and their children: at a time of systematic suspicion against fraudulent applications for family reunification, this seemed to offer a convenient solution for those who could not otherwise convince the French bureaucracy of the legitimacy of their claims. The controversy focused on two complementary issues. On the one hand, DNA testing was strictly controlled in France: the special treatment of immigrants could thus be considered as a form of discrimination. On the other hand, the amendment implied a redefinition of the family in biological terms. In other words, both arguments had to do with the racialization of immigration, as well as the nation.<sup>33</sup> While the constitutional council accepted the amendment, the government was later to decide not to implement it. However, it did accomplish its symbolic work: racializing “others” while naturalizing the nation.

In particular, the amendment served to draw a line between “their” families and “ours”—a distinction that is essential to justify the policy limiting family rights for foreigners. As immigrant families are a priori suspicious, it is only logical that they should be treated differently. Their families cannot be families in our sense. For example, we have seen that France claims to welcome foreign women who are victims of violence in their own culture. This applies in particular to the threat of genital mutilation. As a consequence, numerous women from Mali have applied for asylum in France, claiming that their daughters were at risk. The government branch in charge of refugees (the French Office for the Protection of Refugees and Stateless Persons, or OFPRA) decided soon after Sarkozy’s election that, indeed, the daughters could not be expelled—contrary to their mothers.

Before this policy was overturned by a court decision (by the National Court

33. Éric Fassin, “Entre famille et nation: La filiation naturalisée” (“Between Family and Nation: The Naturalization of Filiation”), *Droit et société*, no. 72 (2009): 373–82.

for the Right of Asylum, or CNDA) in March 2009, these mothers were thus informed of the administration's decision: the protection did not extend to the parent. The letter read: "In this context, there are no current fears or personal threats of serious persecution against her child, insofar as the child could only be exposed to the risk of genital mutilations as a result of the petitioner's own actions, namely, a decision to voluntarily return the child to her country."<sup>34</sup> In other words, it would be the mother's sole responsibility if, when expelled, she freely chose not to separate from her own daughter. What this policy made clear, precisely in the implementation of the logic of sexual democracy, is the difference now established between "their" families and "ours."

Consider this other case that actually involves DNA testing.<sup>35</sup> In the summer of 2008, a two-year-old boy named Mohamed was found wandering on his own in Marseille — although no child had been reported missing. An Algerian woman named Fatma, who had been a legal resident in France for twelve years, immediately returned from her country, where she had been visiting her ailing mother, to claim the child. However, investigators were suspicious: How could she leave her child behind? Indeed, was Mohamed Fatma's child? A negative DNA test soon led to headlines proclaiming that she was a "fake mother." The district attorney even suggested that this foreigner might be a "welfare queen" trafficking in children, and her four other children were soon taken away from her: although the biological link with the mother was established, they were the offspring of different fathers.

There is a happy ending to this story: this mother was finally recognized as such and reunited with her five children. The complicated situation became clear: a child from the Maghreb cannot be legally adopted; thus the mother could only claim parental rights. As a consequence, she could not take him to Algeria — otherwise, she would not have been able to return with him, as he would have been considered an immigrant. Fatma had to leave Mohamed in Marseille with a woman from the Maghreb, an undocumented worker who, so as to avoid arrest, could not report to the police when the child went missing. The "mystery child" story was only the logical result of restrictive immigration policies, especially

34. Letter quoted in *Cette France-là* 2 (2008–2009): 144.

35. On this story, see Éric Fassin, "Mohamed et Fatma: Immigration subie et mères suspectes" ("Mohamed and Fatma: Unwelcome Immigration and Suspicious Mothers"), *Regards*, no. 55 (October 2008), [www.regards.fr/article/?id=3540&q=author:699](http://www.regards.fr/article/?id=3540&q=author:699); and Didier Fassin, "The Mystery Child: Politics of Reproduction; Between National Imaginaries and Transnational Confrontations," in *Reproduction, Globalization, and the State: New Theoretical and Ethnographic Perspectives*, ed. Carol H. Browner and Carolyn Sargent (Durham, N.C.: Duke University Press, forthcoming).

concerning families. One may recall that, according to Sarkozy, “in France, women are free,” in particular in their private lives. Apparently, this claim that defines national identity by contrast to immigration applies better to French than to foreign women.

Let us now return to the *burkha*, in the light of the politics of family immigration. In June 2008, the application for naturalization was denied to a thirty-two-year-old Moroccan woman: she wore a *burkha* and was married to a Frenchman with whom she had three children, all born in France. This came only a few weeks after the controversy surrounding the (in)famous “virginity annulment” in Lille.<sup>36</sup> But while the earlier decision caused near-unanimous disapproval, the new one on the *burkha* symmetrically met with near-unanimous approval—the feminist association NPNS reflecting in both cases the national consensus in support of sexual democracy against the Islamic threat. This time, the Conseil d’État considered that, despite her command of the French language, this woman displayed a “lack of assimilation.” It is worth noting that, in practice, this criterion bars women much more often than men from naturalization—thus contradicting the generous promises of emancipation of foreign women from their original culture through the “melting pot” of Frenchness.<sup>37</sup>

The *burkha* case was based less on the *burkha* than on the woman’s declarations. “She leads a secluded life, withdrawn from French society,” noted the government report. She did accept a male gynecologist during her pregnancies, but “she has no idea about secularism or the right to vote. She lives in complete submission to the men in her family” and apparently “finds this normal: she does not have the slightest intention of protesting against this submission.” Her declarations thus revealed a lack of assimilation of “certain fundamental values in French society.”<sup>38</sup> However, this moving tribute to French feminism could not quite obscure the fact that it was the woman who was punished for her submission to men. Two cartoons underlined the paradox: one shows the woman responding to a bureaucrat’s query about the *burkha*: “It’s my French husband who forces me to wear it!” And the other shows the husband, who keeps his wife chained, complaining to the administration that “because of you, I’m married to a for-

36. See Judith Surkis, “Hymenal Politics: Marriage, Secularism, and French Sovereignty,” in this issue.

37. See Abdellali Hajjat, “Assimilation et naturalisation: Socio-histoire d’une injonction d’État” (“Assimilation and Naturalization: Social History of a State Injunction”) (PhD diss., L’École des hautes études en sciences sociales, 2009), 279–82.

38. “Une Marocaine en burqa se voit refuser la nationalité française” (“A Burkha-Clad Moroccan Woman Is Denied French Citizenship”), *Le Monde*, July 11, 2008.

eigner!”<sup>39</sup> What these illustrations point out is that, indeed, today, sexual democracy patrols the borders of French national identity — and, paradoxically, it is primarily at the expense of women.

### The Love of National Identity

During the presidential campaign, Sarkozy delivered yet another remarkable speech on March 18, 2007.<sup>40</sup> It was addressed to youth, specifically to the young members of his party (UMP), and it was lyrically devoted to love. “Love is the only thing that really matters,” he poignantly exclaimed, and “learning to love again is the greatest challenge to which our contemporary civilization is confronted.” Love is not just about pleasure — it involves “the risk of suffering” and the “acceptance of vulnerability.” “Why always hide our weaknesses, our pains, our failures?” Sarkozy’s speech is in fact about resiliency: “Overcoming our pain makes us stronger.” But this equation of vulnerability and strength is not just about personal life; it is also about national identity. “For decades, we have learned self-hatred instead of self-love” — the hatred of the self, of family, nation, and Western civilization. “We have allowed the Republic and the nation to be denigrated. We have even become apologetic about our national identity.” No wonder that this should make “integration more and more difficult”: how could we “share what we have learned to hate”? But in fact, “France is our country and we have no other. France is us. It is our heritage. Our common good. Hating her would mean hating ourselves.” Here one finds the logic underlying the restoration of “French pride” against the rhetoric of national “penance”: “Denigrating the love of our country only ignites nationalism, which is the hatred of others.” According to Sarkozy, we thus need to love ourselves, in order to love others and commune in the love of our nation — that is ourselves.

How does this political logic of love apply to transnational intimacies? Not only are foreign families exposed to suspicion; this is also true of binational couples, an issue that is anything but marginal in France today. So-called mixed marriages represented one-third of all marriages before a 2006 law reduced them to one-fourth through an accumulation of controls and obstacles.<sup>41</sup> The figure does sound

39. The first cartoon is by Pessin, *Le Monde*, July 11, 2008; the other, by Maëster, online, July 22, 2008, [maester.over-blog.com/article-21420168.html](http://maester.over-blog.com/article-21420168.html).

40. Transcript available at [www.u-m-p.org/site/index.php/s\\_informer/discours/grand\\_meeting\\_des\\_jeunes\\_avec\\_nicolas\\_sarkozy](http://www.u-m-p.org/site/index.php/s_informer/discours/grand_meeting_des_jeunes_avec_nicolas_sarkozy).

41. “‘Nos’ familles choisies, ‘leurs’ familles subies” (“‘Our’ Families of Choice, ‘Their’ Families Not Chosen”), *Cette France-là* 2 (2008–9): 109.

remarkably high and has been taken by the government as an indication of fraud. But one should bear in mind these simple explanations. On the one hand, given discrimination, the children of immigrants are more likely to find a spouse in their country of origin. On the other hand, while matrimony has become a private choice for Franco-French couples (half of all children are born out of wedlock, without any stigma, and the relatively informal *pacte civil de solidarité* [PACS], or “civil pact of solidarity,” appeals to more and more couples, whether straight or gay), binational couples have no option but to rush into marriage in order to improve their chances of a life together—thus confirming the suspicion of forced marriage or fake marriage that led them to that “choice” in the first place.

This systematic suspicion led immigration minister Besson to launch a campaign in November 2009 against so-called *mariages gris*. These “gray” binational unions could of course be interpreted in racial terms—as Africans are the prime suspects in today’s anti-immigration policies. But the ostensible meaning is a variation on *mariages blancs* (“white” signifying “fake”), except that in the “gray” version, only one is faking—and is thus betraying his or her spouse as well as cheating on the state. By definition, there are no statistics, though it is worth noting that there were fewer than four hundred annulments of “fake marriages” in 2004 (out of almost ninety thousand national marriages).<sup>42</sup> But the epidemic is unlikely: even married couples need years before the foreign spouse is granted French citizenship or even permanent residency. What this means, however, is that the suspicion can extend even to those couples in which the French spouse is obviously sincere: his or her love only confirms the suspicion of fraud leveled against the foreign spouse.

While all binational couples are thus exposed, some are more than others. This is the case when the French administration estimates that a couple does not correspond to the (French) norms of conjugal love—for example, if the French wife is much older than the foreign husband (the reverse does not appear to enter in contradiction with sexual democracy) and, more generally, if she appears less desirable than he (this concerns in particular “handsome” foreigners marrying “fat” French women). One bureaucrat in charge of delivering visas explained, “The problem is that legally there is nothing we can do about it.” Aging, lonely French women are duped—but “the problem is that they are sincere.” As a consequence, “the only solution we have found is to stall, so that they would have time to realize that they have been had.”<sup>43</sup>

42. “‘Nos’ familles choisies,” 109.

43. Quoted in Alexis Spire’s ethnographic investigation of the immigration bureaucracy, *Accueillir ou reconduire: Les “guichets” de l’immigration* (Paris: Raisons d’agir, 2008), 82.

How does this situation translate into the everyday lives of binational couples? Surprisingly, as documented by associations like the Association for the Recognition of the Rights of Immigration and Residence of Homosexuals and Transexuals (focusing on homosexual couples) and Les Amoureux au ban public (Public Ban on Lovers; the name is also a pun on “lovers’ public benches,” in reference to a famous song by Georges Brassens), most of these couples resist the pressure and fight all the way.<sup>44</sup> But the personal cost is considerable, as the following story illustrates. On October 18, 2008, a French woman named Josiane Nardi met with journalists in Le Mans, in front of the gates of the city jail. Her Armenian partner, Henrik Orujyan, was about to be released—and expelled from France as an illegal alien. “I won’t let them do it!” was the woman’s declaration before setting herself on fire.

Her death by immolation did not attract much media attention. Even critics of the government’s immigration policies obviously felt embarrassed by this case—not only by the (apparent) madness of her sacrifice but also by the specific circumstances of this couple. Indeed, the French woman was sixty years old, while the Armenian man was only thirty-one, and she was overweight. One could also have added (as is often the case, for obvious reasons) that she was financially better off than her partner, whom she supported in exchange for some help in her café. But what made the situation even more awkward was the revelation that he was in prison not only for resisting his expulsion but also for misdemeanors—including violence against her. Clearly, this is not a “normal” situation in French society. The woman’s daughter expressed her disapproval for the man after the tragedy: “He was violent, he insulted her.” As a result, this union made her mother “depressive”: “She was less happy than before. She said she was sick and tired of it. She had already attempted suicide once, in 2006.”<sup>45</sup>

However, there is another way to interpret this story. It may be that the immigration policies that result in the systematic harassment of binational couples defined their everyday lives: it did not simply prevent their love—it also contributed to its definition, both in its positive aspects of solidarity and in fueling the violent tensions between them. On the day of her funeral, Josiane Nardi’s best

44. See the Web site of the Mouvement de couples mixtes pour la défense du droit de mener une vie familiale, amoureuxauban.net (accessed May 13, 2010); and La Cimade along with Les Amoureux au ban public, “Peu de meilleur et trop de pire: Soupçonnés, humiliés, réprimés, des couples mixtes témoignent” (“Too Little for Better, Too Much for Worse: Suspected, Humiliated, Repressed Binational Couples Give Their Testimonies”), April 2008, [www.cimade.org/publications/15](http://www.cimade.org/publications/15).

45. Quotes are from daily articles in the local paper, *Ouest-France* (Sarthe edition), October 18–24.

friend defended her and refused to pass judgment on her act. “Who are these people who did not know her and who presume to judge what she chose to do? She was no fool, she was not naïve, she knew human nature, but she did not judge—she loved.” She then went on to quote Victor Hugo: “It is a strange thing that after eighteen centuries of progress, the liberty of the mind has been proclaimed, but not the freedom of the heart. However, love is no less of a human right than thought.”<sup>46</sup>

The local press published on the day of the funeral a letter that Josiane Nardi had addressed to Sarkozy a few months earlier—on May 8, a day of celebration crucial in the definition of French national identity. She told her story and appealed to the president:

I met him in 2002. He told me his story. We have stayed together, to this day. My husband had just died of cancer. Henrik Orujyan was a great comfort. I taught him French and he was by my side for work. But the problems started in 2003. We were arrested by the police. I was tied to a radiator the whole day and the whole night, my wrists in handcuffs. I was then taken back to my bar, in front of all the customers, worse than a murderess.

She goes on: “The court sentenced me to a big fine for loving an undocumented alien.” Orujyan refused his expulsion. “No life was possible; living in constant fear, we ended up fighting. We wanted to get married: impossible!” The letter ended thus: “I cannot sleep anymore, I have a hard time doing my job. I visit my boyfriend thirty minutes a week in jail. That is my only reason for staying alive. I beseech you, take my distress into consideration, do not remain deaf to this suffering that makes me WISH TO DIE” (capitalized in the original letter).<sup>47</sup>

This letter remained unanswered. It may be worth reading again, though. It sheds light on the new Europe defined against immigration by its borders. These are also sexual boundaries, as they penetrate the intimacy of transnational families and couples: indeed, the personal is political. In France, women are free—provided they are French and provided they love a man, who happens to be French. That may be what the love of national identity means in the age of sexual democracy.

46. *Ouest-France*, October 18–24.

47. “Arménien sans papiers: La lettre au Président” (“Armenian without Papers: The Letter from the President”), *Ouest-France*, October 24, 2008, [www.lemans.maville.com/actu/actudet\\_-Armenien-sans-papier-la-lettre-au-President-\\_dep-728909\\_actu.htm](http://www.lemans.maville.com/actu/actudet_-Armenien-sans-papier-la-lettre-au-President-_dep-728909_actu.htm).

