France’s Constitution Is Blind to Race. Does That Make It Racist?

The recent unrest is just the latest reminder that the country’s traditions make it taboo to raise the subject of race and, worse, illegal to research.

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France is experiencing violence that is making headlines around the world. Public property has been destroyed; cars have been burned, shops looted and many hundreds injured. Thousands have been taken into custody, but nothing is stemming the anger triggered by the death of 17-year-old Nahel Merzouk on June 27, shot at point-blank range by the police after a routine traffic stop.

It has been widely described as rioting, and I didn’t hesitate to call it that when I began researching for this article. But once I started digging down into the causes and consequences of the actions, considering the police, the politicians and those taking to the street to express themselves, this word began to seem loaded. Indeed, it came to symbolize the very issues at the heart of the unrest spreading across the country, illustrating one of the inherent contradictions of French politics.

The incident triggering the unrest was captured on video, surfacing to contradict the official police narrative that Nahel’s killing was in self-defense. It is clear from the video and witness testimony that, in fact, Nahel was in no position to harm the armed officers at the scene. The video went viral and those all too familiar with discrimination and racism at the hands of the police took to the streets.

The writer, journalist, film director and activist Rokhaya Diallo prefers to use the word “uprising” to describe the actions. I asked her why. “To me, ‘riot’ is coded language to label minorities,” she told me. “I think uprising is more accurate. In French I say ‘revolt,’ because to me it didn’t come out of nowhere, the reason it started was political, and I don’t want to depoliticize what’s going on.” The researcher Rim-Sarah Alouane at the University of Toulouse also pointed out the undertones of the language of “riots.” “There is widespread discourse concerning the perceived threat associated with the youth from marginalized communities,” she told me in the wake of the unrest. “However, when the rest of France engages in similar acts, it is often regarded as a commendable display of protest and civil action within French culture.”

The clearest comparison is with the gilets jaunes (“yellow vests”) movement, which began in November 2018. Similar scenes of burning, looting and destruction
took place, yet the weekly events were called “protests.” Even when the violence was condemned, it was framed as part of a proud tradition of French resistance, helped by the building of barricades in the street, a clear revolutionary reference. The difference today is stark. The “protesting” gilets jaunes were white. The “rioters” of the past week are not.

Race is an inescapable component of the events unfolding in France, yet it is difficult to fully grasp or research this because it is literally illegal to collect any data pertaining to this aspect of French society – or about religion or ethnicity.

I first bumped up against this data gap during my work in countering violent extremism. In one project, I visited 10 embassies in Jordan, mapping the various approaches, projects and theories being used to combat the appeal of the Islamic State group (which then still controlled territory in Iraq and Syria). Many themes came up again and again in these interviews – opportunities for youth, identity, belonging, social cohesion – but there was one fundamental difference between France and the rest of the embassies I visited: the data they held on their populations.

Or, at least, the data they collected from their populations, because of course you cannot craft responses to an extreme Islamist organization without information concerning your Muslim population. French officials don’t collect such data but they do fund academics to research the issues and utilize the resulting information. And so I watched them reference and share research papers by French academics, funded by the state, which enabled us to discuss the issues facing French Muslims.

This was a clearly self-contradictory approach that I didn’t explore at the time but, as I watched the news over the past week, seeing the communities desperate enough to resort to such measures, I remembered the absurdity of claiming blindness to race and religion when working on issues directly related to both. The contradiction was even tacitly acknowledged by the officials I worked with as they shared research papers, quietly relying on the categories (Muslim, North African, Black) that they claim to reject. And so I began reading and interviewing to understand why French politicians take this approach, and whether they might abandon it in order to begin addressing problems head-on. The answer seemed to be both simple – never, given the fundamental French
republican values it stems from – and complicated: There is an understanding that something needs to change.

Rooted in ideals of equality for all, “France’s dominant ideology is,” according to the sociologist Magda Boutros at the University of Washington, “an egalitarian ethos according to which the best way to combat racism is to eliminate racial and ethnic categorizations, which are deemed essentializing and racist.” Another scholar, Emile Chabal, a lecturer at the University of Edinburgh, calls it “one of the most important tenets of French republicanism: a colour-blind model of citizenship.”

The revolutionary, republican values that have led to this tension go back, of course, to the greatest riot of all: the 1789 revolution. This seminal moment instilled certain core, universal values of the Enlightenment, most famously liberty, equality and fraternity. “Since the 1789 revolution,” Boutros told me, “the French Republic has endorsed a universalist conception of equality, in which individual citizens (not ethnic or class-based groups) are given equal rights vis-à-vis the state.” Alouane explained further: “The basic idea is that we don’t recognize minorities because ‘French’ identity transcends these groups.”

“It’s a beautiful philosophy,” Diallo said, “a utopia that people should not be labeled differently. But it has never been applied.”

Of course, this equality wasn’t offered to colonized peoples in French-held territories and was expanded only in patchy and violent bursts, yet it is still held today to be a fundamental value of the French state. Linked to this universalism is another core tenet: unity. While French identity is seen as the glue holding the republic together, subnational identities may seem to pose a threat to the entire project of French republicanism.

“To outsiders, this … line of reasoning often appears bizarre or intolerant,” admitted Chabal, “but it is anchored in modern French history.” He explained that, during the French Revolution, the Catholic Church was indeed an existential threat to the new republic, and therefore all intermediary bodies between the citizen and the state (such as political parties, as well as religious affiliations) came to be perceived as a threat. Alouane described how this revolutionary antipathy and a corresponding insistence on a monolithic identity are now
deeply embedded in French society, continuing to affect minorities, including linguistic and cultural minorities.

Fears of disunity are expressed in the term “communautarisme” (communitarianism).

“This describes the dangerous fragmentation of the body politic when faced with multiple and overlapping expressions of religious, ethnic or racial politics,” Chabal writes. Like so many legitimate concerns, communautarisme has been hijacked for a variety of causes. “Over time, it has become a catch-all term for French fears about social and political disintegration, as well as a vehicle for all manner of negative stereotypes about British multiculturalism and American ‘ghettos.’”

Multiculturalism, or “the M-word,” is a boogeyman in France, seen as the antithesis of the country’s unified, republican foundations. And there’s a lot of anti-American sentiment embedded in all these debates, according to Alouane. “The answer is always ‘stop importing issues from the U.S. We’re not the U.S. They have a race issue and we don’t.’”

This is patently untrue, as official reports from the ombudsman, judiciary and human rights groups have made obvious. The nongovernmental organization Defender of Rights has reported that young men in France of Black or North African origin are 20 times more likely to be subjected to police identity checks than their white peers. Human Rights Watch has likewise reported widespread profiling and abuse of identity checks. Such reports prompted the U.N. to urge France to address “profound problems of racism and racial discrimination” in law-enforcement agencies. According to the journalist Cole Stanger: “France has one of the most unequal school systems in the world. ... A child born and schooled in a deprived area of France has less chance of escaping their socio-economic background than anywhere else in Europe.” Further, the inequalities appear to be growing. You can’t wish away such racial problems by swerving from the issues entirely, refusing to recognize categories or collect data, especially when the issue is forced into the mainstream by violence on the streets.

There is another factor in the reluctance to collect data on ethnicity and religion. “The origins of France not collecting ‘ethnic statistics’ date to the Vichy Regime during World War II,” Jean Beaman, sociology professor at the University
of California, Santa Barbara, told me. “By using racial categories, Jews in France and in French colonies in the Maghreb were rounded up and deported to concentration camps in Germany and Poland,” she explained. “Race has ever since been seen as dangerously divisive.” Boutros agreed, citing France’s collaboration with the Nazis and the French police building databases of French Jews.

“This part of French history is still very much on people’s mind in discussions about collecting racial statistics,” she told me.

Despite the noble origins and aims of equal citizenship and equal rights, the colorblind approach has led to fundamental tensions in modern-day France. On the one hand, these values are at the heart of French national identity, making challenges to them difficult, but on the other are the ever more apparent unintended consequences, visible daily on both social and traditional media. If you don’t recognize minority categories, you cannot address their needs and have no way of discovering what those needs might be. Until they are demanded by an uprising, that is.

There are exceptions to the lack of data, Alouane told me, “especially regarding academic research. But it’s very contained, very controlled, and any question related to race or religion with the sole goal of gaining statistics is specifically prohibited.” Thus you can research, for example, what imams say and do, but not record how many there are. Activists, too, are a source of information, as they must find their own supporting evidence for their work – a subject Boutros has researched. “In a context where there are no official racial or ethnic categorizations,” she writes in an academic article, “how activist research captures racial difference fosters distinct understandings of what race is, and who the victims of racism are.” That is, these grassroots efforts to capture what is really going on regarding race issues in France are shaping the whole terms of the debate.

And that debate has come center stage, violently so. There have been reports from such a wide range of official and nonofficial sources citing systemic racism in the police and other institutions that it seems impossible to deny, though in the absence of “official” data many attempt to, leading to irreconcilable tension. “The very public disagreements over the place of ‘minorities’ and ‘communities’ within French society have become one of the defining political debates of
recent decades,” Chabal writes. He goes further: “This tension remains one of the most intractable paradoxes in contemporary France.”

Without evidence, institutions can avoid the issue entirely, including accusations of racial profiling and discrimination. “If race is not mentioned as a variable,” Beaman said, “and there is no data documenting discrimination or disparities based on race and ethnicity, this makes it challenging to actually address and fight against racism.” Diallo agrees, saying that one consequence of not recognizing categories “is the fact that denial is the most common way to address race in France.” She then tells me about a feature of the current situation that I hadn’t grasped in the English-language coverage.

“Race has not been mentioned regarding what happened last week with the brutal killing of Nahel,” Diallo told me. “His origins are not part of the debate. There is no connection between the fact he was French with North African origins and that he belongs to a category overpoliced and over-abused by the police and institutions in general.” Race seems a glaring part of what’s currently going on, but apparently not in the French media, where ethnicity is rarely mentioned, if at all. Yet it doesn’t have to be; the names alone – Zyed, Bouna and Nahel – can signal individuals’ origins. This is another way out of the contradictions posed by avoiding categorization: the use of proxies. As Boutros writes: “Since the late 1990s, some demographers have relied on proxies for race/ethnicity (name, parents’ place of birth) to measure ethno-racial inequalities.” And so categorizations are happening, just not being named as such.

It’s not all negative, though; for many, the republican aims are worth fighting for precisely to share with everyone in society. As Chabal puts it: “The increasingly shrill demands on the part of many French people that migrants and citizens alike conform to ‘republican values’ have not always been motivated by racism or intolerance. They reflect, on the contrary, an attempt to preserve the essential components of what the French call ‘le vivre-ensemble’ (literally ‘living together’ or social cohesion).” This takes me back to the French Embassy in Jordan, where le vivre-ensemble was explained to me as an alternative approach to deradicalization. Then and now I see the sense as well as the optimism in the approach: Instead of stressing what makes someone different, separate and criminal, let us instead focus on a flourishing society for all.
But there’s a problem with a one-size-fits-all approach in a world where racial discrimination is the lived reality for so many. “Of course I understand the idea that if you collect data you can essentialize people,” Diallo explains, “but the essentialization comes from the daily experience; it’s not built by the figures that are a way to understand what happens. The essentialization exists from living your life in France as a minority.” Emphasizing equal opportunities works only with a level playing field, which is where targeted programs, including affirmative action, come in.

“Not so in France,” writes Chabal, “where any attempt to develop policies that might favour a specific racial, ethnic or religious group is tarred with the brush of communautarisme.” He argues that officials cannot openly say that a social, educational, cultural or economic policy is aimed at any particular group. “The consequence of this is that such policies are either abandoned or implemented ‘silently’ without mentioning the group that is being targeted. The former is a problem because it means that nothing changes, but the latter is often worse because it suggests a form of collective denial.”

Collective denial seems the right phrase for the moment. “It’s still taboo,” Diallo says, “and therefore difficult to study or understand the consequences of racism.” When French youths have no alternative but to take to the street to force some recognition of their grievances, this denial of racial categories that they are forced to live in seems like a mockery. The laudable aim of equality for all is being stymied by the very principle it is based on, with no apparent solution to this paradox. To address the uprising on the streets of France, race must be acknowledged, yet this is an impossible step for politicians.

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