

How to Philosophize with an Affinity of Hammers: Censorship and Reproductive Freedom in France

By **Adriel M. Trott**

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by Jill Drouillard

On Oct. 24, 2019, French philosopher Sylviane Agacinski was scheduled to speak at the Université de Bordeaux-Montaigne on « *l'être humain à l'époque de sa reproductibilité technique* » [*the human being in the era of its technological reproducibility*]. Amidst “violent threats” and their purported inability to assure the safety of Agacinski, the organizers cancelled the **event**. Agacinski and other French intellectuals lament what they perceive to be part of a “drifting liberticide”, a form of censorship that forbids the exchange of ideas and forecloses open space for debate. The story goes that Agacinski, notable for her staunch opposition to surrogacy and extending assisted reproductive technologies (ARTs) to non-heterosexual couples, as well as her anthropological claim that the fabric of our social order relies on the heteronormative structure of sexual difference, has been silenced. In a communiqué to the university, student organizations such as *Riposte Trans* and *Mauvais Genre-s* pleaded “no platform”, indicating that Agacinski’s reactionary homophobic and transphobic positions run contrary to the university’s mission of safeguarding against discrimination. What to do when an incitement to (epistemic) violence masks itself as free speech? Bring Sara Ahmed’s hammer to France.

This newspaper headline from Contrepoints reads, “Agacinski in Bordeaux: when progressivism turns into fascism”. The sub header states, “We can find the ideas of Sylviane Agacinski detestable and superficial, but to prevent her from speaking, particularly at a university, is a fascist technique, pure and simple.”

I suggest we inquire further into these claims that Agacinski was “forbidden to speak” and verify sources that compare such “preventions of speech” to “**techniques of fascism**.” What were these “violent threats” and “fascist tactics” that made the university fear for the safety of Agacinski? The supposed threat is found in the communiqué whose entirety can be read **here**. The students assert, “While the University of Bordeaux prides itself on taking into account the preferred pronouns of its transgender students in an effort to prevent discrimination, it invites Sylviane Agacinski to speak.” The communiqué then reminds the university that Agacinski authored the following statements: “Humanity is naturally heterosexual” and “the general principle of equality doesn’t strictly apply to certain rights, when natural and societal differences justify the distinctions”. In opposition to extending assisted reproductive technology to non-heterosexual couples, she said, “Neither being single, nor being

homosexual, upsets the reproductive functions of individuals, so a couple of two females (and two males) are not, a priori, affected by infertility”, noting that infertility is the only grounds on which access to ART should be made possible. In view of Agacinski’s homophobic and transphobic remarks, the students request that the university take responsibility in recognizing the danger involved in giving her a platform. In conclusion, they state, “*Nous mettrons tout en oeuvre afin que cette conférence n’ait pas lieu*” [We will do everything to ensure this conference doesn’t take place]. Can this statement be perceived as a “violent threat”, or is such an accusation of violence misused as to not hold those accountable for acts of epistemic violence? The student organizations have commented on their communiqué, stating they would not have resorted to physical violence. In focusing on Agacinski’s speech, the voices of the marginalized are left unheard.

In “*An Affinity of Hammers*”, Ahmed critiques the claim made by gender critical feminists, or those feminists who exclude trans women as counting as “real” women, that transphobia is being misused in order to inhibit their free speech. Ahmed asserts, “Transphobia and antitrans statements should not be treated as just another viewpoint that we should be free to express at the happy table of diversity” (31). Behind this sentiment is the incendiary question, “how can a debate occur, when you negate the existence of the very person you are supposed to be debating?”

Protest sign that reads, “assisted reproductive technology (ART) for all women.” The sign specifies women, because the proposed new bioethics law will only extend access to ART to single women and lesbian couples. Trans men are not included in the new law. Gay couples continue to be excluded, because surrogacy will remain illegal.

In this blog post, I would like to use Ahmed’s article as an inspirational backdrop to discuss the current ethico-political climate in France. The cancelling of Agacinski’s debate must be addressed in tandem with the current favorable **vote by the National Assembly** to extend access to reproductive technology to single women and lesbian couples (though, this vote must still pass through the Senate and is not without controversy). The Assembly **rejected a motion** that would allow trans men access to reproductive technology. We should also consider that only since **2016**, are trans individuals able to change their sex/gender identity without proof of sterilization. They must still, however, pass before a **tribunal** and argue their case for such a transition. Currently, French bioethics legislation only allows heterosexual couples, who can prove a cohabitation of at least two years, to have access to reproductive technology. Surrogacy is illegal and babies born overseas to surrogate mothers are deprived of French citizenship. Since France legalized same-sex marriage in 2013, debates abound asking whether the right to marry necessitates the right to establish “filiation” through assisted reproductive technology (in 2013, gay and lesbian couples were given the right to adopt). Agacinski stands firmly in opposition to allowing single mothers, lesbians, and gay couples the right to establish said “filiation”. Her position may be summed up in the following statement, “the parenting model is not quantitative 1+1, but qualitative woman + man”. When a philosopher’s speech openly disqualifies a group of people from counting as reproductive citizens, when her speech asserts that they do not possess the correct *qualia* to procreate or raise children, how can we philosophize with an affinity of hammers?

Ahmed notes, when we are asked “who we are” or “what we are”, we experience a “chip, chip, chip, a hammering away at our being. To experience that hammering is to be given a

hammer, a tool through which we, too, can chip away at the surfaces of what is, or who is, including the very categories through which personhood is made meaningful- categories of sex and gender, for instance, that have chipped away at us (22).” Ahmed views this reciprocal hammering as an affinity, highlighting how an affinity to such hammering takes into account her position of cis privilege. She has no direct experience of this hammering yet participates in the chipping away of a system that fails to acknowledge the lives of trans people. I, too, am writing from a position of cis privilege that shares her political hope of participating in an affinity of hammers that chips away at false narratives of “liberticide” and “fascist techniques”. In accusing the students of fascism, a classical strawman argument has been set up, one that effectively silences their speech. The argument that “fascism is bad” and “free speech is good” oversimplifies a more complex problem of an underlying epistemic violence that plagues the LGBTQ+ community. It undermines a larger problem of how Agacinski’s speech is dangerous as a nationalist discourse that sets limits on who is considered a worthy reproductive citizen.

Recently, on September 9, 2019, Agacinski was invited to speak at the National Assembly, regarding her opinion on the political state of the “French family” and its challenges in the 21st century. A compte-rendu of her address can be found [here](#). She references Saint Augustine to explain how the institution of marriage was previously organized to establish filiation of a father who otherwise had no such claim of paternity. She quotes Lévi-Strauss to highlight the biological foundation (female/male) on which our parenting model (mother/father) and societal order rests. She accuses French dramatist Antonin Artaud of being stuck in a fantasy world for having stated, “*Moi, Antonin Artaud, je suis mon fils, mon père, ma mère, et moi*” [Me, Antonin Artaud, I am my son, my father, my mother, and me], asserting that our “real origins” may be traced back to two distinct sexes. Her mention of Artaud is bizarre, but so too is her discussion of “real origins”. No one is denying that a sperm and an egg create the origins of a child. Non-heterosexual couples are not caught in a fantasy, thinking they can asexually reproduce (is this what she thought Artaud was doing?), nor do they think sperm and eggs are interchangeable and in no way different. The acknowledgement of such “real origins” is why single women and lesbians wish to have access to sperm banks. They know they need the other gamete! An ignorance of reality would entail dismissing the fact that a single parent, usually the mother, already heads [27%](#) of French families. A disavowal of reality would be overlooking the fact that lesbian couples are already raising children together. I only mention single women and lesbian couples here, because as previously noted, the new bioethics bill proposes to extend ART to all women. While I support access to ART for all couples, and I strongly disagree with the Assembly’s decision to exclude trans men, it is not within the scope of this paper to offer a lengthy critique of what is excluded from the new legislation.

Before speaking, Agacinski was presented to the National Assembly with the following greeting, « *Nous recevons aujourd’hui pour la première de nos auditions Mme Sylviane Agacinski, qui a souvent eu l’occasion de s’exprimer à l’Assemblée nationale* » [We welcome today, our first presenter, Sylviane Agacinski, who has *often had the occasion to speak* at the National Assembly]. I actually saw Agacinski talk at the National Assembly in 2014 as a representative of the anti-surrogacy coalition CoRP (*collectif pour le respect de la personne*).

She discussed surrogacy as a product of neoliberalism, calling upon the French to resist the technological thinking of Silicon Valley and transhumanism. One need only to read between the lines to understand that what it takes to be a French citizen is not only a foundation of sexual difference, but a “natural” “carnal” procreative difference. Nationalist discourse necessarily implies who it believes to be the productive reproductive citizen. It creates the frames of the picture perfect family.

Judith Butler is concerned with this epistemological problem of framing, the frames through which we apprehend or fail to apprehend the lives of others. Butler notes the ‘being’ of life is constituted through select means, there is no ‘being’ outside of operations of power (1). While Butler is concerned with frames of war, she recognizes that the epistemological problem of framing may extend to issues regarding reproductive freedom as well. In her chapter “**Sexual Politics, Torture, and Secular Time**”, she highlights how the symbolic order that establishes norms of kinship informs France’s “progressive” sexual politics. She asserts, “In France, the notion of a ‘framework of orientation’- called ‘le repère’- is understood to be uniquely transmitted by the father (...) To the extent that heterosexual marriage maintains its monopoly on reproduction, it does so precisely through privileging the biological father as the representative of national culture (112).” Though France holds dear its principles of laïcité [secularism], the law of the father and its Catholic heritage lurks in the shadows. Appeals to laïcité and a universalism founded on a collective “modern” mentality work to exclude those not living in the “progressive” time of the “now”. Butler argues that notions of freedom and progress are legitimized by calling out and excluding “pre-modern” communities, namely Muslims living in the banlieues. The narrative goes that French women are freed from the Church, while Muslim women are chained to a patriarchal religion that forces them to veil. Anti-immigration sentiment is further fostered by rhetoric that critiques the “absence of fathers” from the banlieues, at the same time that the French government fails to keep families from reunifying (Butler, 115). What Butler shows is that nationalist discourse is at once heteronormative and racist. In applauding its own secular sexual politics, in pointing at the veil and critiquing “absent fathers”, does France fail to see how problematic it is to indicate the father as the “knowing orientation” of the social order?

*This protest sign
says “a child needs
love, but also
“knowing
orientations/fathers”.
This sign is a play on
words of repère. As
Butler notes, le
repère is the
“knowing
orientation”, the
reference point
through which
knowledge is
transmitted. Père
means father,
indicating the father
is the framework of
orientation on which
the social order
rests.*

Agacinski fears that allowing single women and lesbian couples access to sperm banks will create a fatherless society. She notes, “*Au fond, la nécessité de l’altérité pour concevoir et procréer est l’une des marques de la finitude de l’être humain*” [At its core, the necessity of alterity for conceiving and procreating is one of the finite markers of being human]. Procreation is linked to finitude such that choosing to procreate may be a way of reckoning with such a futural projection of being-towards-death (though not the only way). It is all the while more important that we are all given the choice to reproduce, not just those who adhere to a heteronormative order based on a “natural” foundation of sexual difference. Creating criteria for who is an acceptable progenitor is a type of violence. Single women, trans persons, lesbians, and gay couples who hear, “it’s quality not quantity” experience a “chip, chip, chip”, a hammering away at their being.

*Protest poster
that plays off
the French
motto “Liberty,
Equality,
Fraternity” with
“Liberty,
Equality,
Paternity”. The
sign
announces a
demonstration
that opposes
ART without
fathers and
surrogacy.*

Let’s return to Ahmed’s article. Germaine Greer has claimed that accusations of transphobia work to silence her, yet Ahmed remarks that such claims do not hold up, because Greer did speak, she was allowed to speak at the referenced event. In Agacinski’s case, she did not speak, because the event was cancelled. However, one week after its cancellation, we learn that it will be **rescheduled**. In addition to reextending her invitation to the university, another event is being planned titled, “*Peut-on parler de tout à l’université*” [*Can we speak about everything at the university?*]. Accusations of silencing Agacinski via fascist techniques actually work to silence her opposition. Even if the conference were not rescheduled, she would have been given another platform; she speaks at powerful places, such as the National Assembly. And though I hate to discuss her in relation to men, the fact that she is the wife of France’s former prime minister Lionel Jospin, gives her a position of privilege not enjoyed by those who “silence” her, if we can use the word “silence”, since articles regarding her philosophy are proliferating in all the popular French newspapers right now. Perhaps I am giving her an audience she would not have had otherwise. Or, perhaps in philosophizing with an affinity of hammers, we can take this tool to build new familial frames, ones that don’t limit procreative freedom.

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